

FEB 12 2021

---

# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO  
CONVENE A TASK FORCE TO DEVELOP AND RECOMMEND LEGISLATION  
OR RULES TO INCREASE CONDOMINIUM UNIT OWNER ACCESS TO AND  
REPRESENTATION IN REAL ESTATE COMMISSION HEARINGS AND  
MEETINGS.

1 WHEREAS, one-third of Hawaii residents live in association-  
2 governed communities; and

3  
4 WHEREAS, the Real Estate Commission is responsible for  
5 administering the condominium management education fund, which  
6 includes education and research in the field of condominium  
7 management, improvement and more efficient administration of  
8 condominium associations, and the expeditious and inexpensive  
9 resolution of association-related disputes; and

10  
11 WHEREAS, the funds for the condominium education trust fund  
12 are contributed largely by condominium unit owners of state-  
13 registered condominiums; and

14  
15 WHEREAS, despite the financial contributions that  
16 condominium unit owners make to support the Real Estate  
17 Commission, they are not recognized as stakeholders by the Real  
18 Estate Commission and are thereby unable to participate in the  
19 Commission's meetings and hearings; and

20  
21 WHEREAS, it has been reported that the Real Estate  
22 Commission recognizes only those stakeholders with commercial  
23 interests, such as condominium managing agents, property  
24 managers, association legal counsel, and organizations that  
25 claim to represent the governing boards of associations, rather  
26 than the individual owner-members of condominium units; and

27  
28 WHEREAS, although the Real Estate Commission has two  
29 commissioners designated as representatives of the public, they



1 are not accessible to condominium unit owners and owners who  
2 have attended Real Estate Commission meetings report that they  
3 have been told that they are not allowed to have direct  
4 communication with these public commissioners, but rather must  
5 address the Real Estate Commission as a whole; and

6  
7 WHEREAS, it is necessary to determine why condominium unit  
8 owners are not considered stakeholders by the Real Estate  
9 Commission and to determine the criteria for them to become a  
10 stakeholder in order to recognize the importance of condominium  
11 unit owners' participation in decisions that affect their  
12 residences and lives; now, therefore,

13  
14 BE IT RESOLVED by the Senate of the Thirty-first  
15 Legislature of the State of Hawaii, Regular Session of 2021, the  
16 House of Representatives concurring, that the Department of  
17 Commerce and Consumer Affairs is requested to convene a task  
18 force to determine the reason that condominium unit owners are  
19 not considered to be stakeholders by the Real Estate Commission  
20 and to recommend laws and regulations providing for the  
21 representation and involvement of condominium unit owners in  
22 Real Estate Commission meetings and hearings; and

23  
24 BE IT FURTHER RESOLVED that the task force is requested to  
25 include the following:

- 26  
27 (1) The Chairperson of the Real Estate Commission, or the  
28 Chairperson's designee, who is additionally requested  
29 to serve as the chairperson of the task force;  
30  
31 (2) A representative from an organization that advocates  
32 for condominium unit owners, as selected by the  
33 chairperson;  
34  
35 (3) A member of the Senate to be appointed by the Senate  
36 President; and  
37  
38 (4) A member of the House of Representatives to be  
39 appointed by the Speaker of the House of  
40 Representatives; and  
41



# S.C.R. NO. 28

1 BE IT FURTHER RESOLVED that the initial meeting of the task  
2 force be convened no later than July 1, 2021; and

3  
4 BE IT FURTHER RESOLVED that the task force is requested to  
5 submit a report of its findings and recommendations, including  
6 any proposed legislation, to the Legislature no later than  
7 twenty days prior to the convening of the Regular Session of  
8 2022; and

9  
10 BE IT FURTHER RESOLVED that the task force be dissolved on  
11 June 30, 2022; and

12  
13 BE IT FURTHER RESOLVED that certified copies of this  
14 Concurrent Resolution be transmitted to the Director of the  
15 Department of Commerce and Consumer Affairs, Chairperson of the  
16 Real Estate Commission, President of the Senate, and Speaker of  
17 the House of Representatives.

18  
19  
20

OFFERED BY:  \_\_\_\_\_

