
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 96, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§96- Real estate commission; certain matters. (a)
5 With respect to the investigation of any complaint against the
6 real estate commission regarding the commission's duties under
7 section 467-4(9), the ombudsman's findings shall be issued no
8 later than days after the filing of the complaint with the
9 ombudsman.

10 (b) This section shall not be construed to establish the
11 ombudsman as an authority to which any party may file an appeal
12 in any matter relating to the real estate commission."

13 SECTION 2. Section 467-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§467-4 Powers and duties of commission.** In addition to
16 any other powers and duties authorized by law, the real estate
17 commission shall:



- 1 (1) Grant licenses, registrations, and certificates
2 pursuant to this chapter;
- 3 (2) Adopt, amend, or repeal rules as it may deem proper to
4 effectuate this chapter and carry out its purpose,
5 which is the protection of the general public in its
6 real estate transactions. All rules shall be approved
7 by the governor and director of commerce and consumer
8 affairs, and when adopted pursuant to chapter 91 shall
9 have the force and effect of law. The rules may
10 forbid acts or practices deemed by the commission to
11 be detrimental to the accomplishment of the purpose of
12 this chapter, and the rules may require real estate
13 brokers and salespersons to complete educational
14 courses or to make reports to the commission
15 containing items of information [~~as~~] that will better
16 enable the commission to enforce this chapter and the
17 rules, or [~~as~~] that will better enable the commission
18 from time to time to amend the rules to more fully
19 effect the purpose of this chapter, and, further, the
20 rules may require real estate brokers and salespersons
21 to furnish reports to their clients containing matters



1 of information [as] that the commission deems
2 necessary to promote the purpose of this chapter.
3 This enumeration of specific matters that may properly
4 be made the subject of rules shall not be construed to
5 limit the commission's broad general power to make all
6 rules necessary to fully effectuate the purpose of
7 this chapter;

8 (3) Enforce this chapter and rules adopted pursuant
9 thereto;

10 (4) Suspend, fine, terminate, or revoke any license,
11 registration, or certificate for any cause prescribed
12 by this chapter, or for any violation of the rules,
13 and may require additional education or reexamination,
14 and refuse to grant any license, registration, or
15 certificate for any cause that would be a ground for
16 suspension, fine, termination, or revocation of a
17 license, registration, or certificate;

18 (5) Report to the governor and legislature relevant
19 information that shall include but not be limited to a
20 summary of the programs and financial information
21 about the trust funds, including balances and budgets,



- 1 through the director of commerce and consumer affairs
2 annually, before the convening of each regular
3 session, and at other times and in other manners as
4 the governor or [~~the~~] legislature may require
5 concerning its activities;
- 6 (6) Publish and distribute pamphlets and circulars,
7 produce seminars and workshops, hold meetings in all
8 counties, and require other education regarding any
9 information as is proper to further the accomplishment
10 of the purpose of this chapter;
- 11 (7) Enter into a contract or contracts with qualified
12 persons to assist the commission in effectuating the
13 purpose of this chapter;
- 14 (8) Develop a curriculum for leadership training for
15 condominium boards of directors, including pertinent
16 provisions of chapter 514B, association governing
17 documents, and the fiduciary duties of board members;
18 [and]
- 19 (9) Receive and investigate complaints by condominium unit
20 owners against associations that are subject to
21 chapter 514B; and



1 [~~(9)~~] (10) Establish standing committees to assist in
2 effectuating this chapter and carry out its purpose,
3 which shall meet no less than ten times annually, and
4 shall from time to time meet in each of the counties."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Condominiums; Real Estate Commission; Unit Owners; Associations;
Ombudsman

Description:

Requires the Real Estate Commission (Commission) to receive and investigate complaints by condominium unit owners against associations that are subject to condominium laws. Requires the Ombudsman to issue findings within an unspecified number of days after a complaint is filed with the Ombudsman against the Commission regarding the Commission's foregoing duties. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

