

MAR 10 2017

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE  
FEASIBILITY OF ESTABLISHING A CONDOMINIUM OMBUDSMAN.

1           WHEREAS, pursuant to sections 514A-7 and 514B-63, Hawaii  
2 Revised Statutes, the Director of Commerce and Consumer Affairs  
3 may appoint condominium specialists to assist consumers with  
4 information, advice, and referral on any matter relating to  
5 condominium associations or otherwise concerning condominiums;  
6 and

7  
8           WHEREAS, the Real Estate Commission has been required since  
9 2013 to use the condominium education trust fund to support  
10 mediation of condominium-related disputes pursuant to section  
11 514B-71(a)(4), Hawaii Revised Statutes; and

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13           WHEREAS, this particular use of the condominium education  
14 trust fund is subsidized by an additional increase in the annual  
15 condominium education trust fund fee pursuant to section 514B-  
16 72(a)(2), Hawaii Revised Statutes; and

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18           WHEREAS, since 2013, the Real Estate Commission has started  
19 to use an evaluative mediation service as a means of dispute  
20 resolution; and

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22           WHEREAS, evaluative mediation is a style of mediation that  
23 employs trained mediators who possess subject matter expertise  
24 in various areas of the law; and

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26           WHEREAS, the establishment of a condominium ombudsman has  
27 been proposed as an additional option for the resolution of  
28 condominium-related disputes; now, therefore,

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30           BE IT RESOLVED by the Senate of the Twenty-ninth  
31 Legislature of the State of Hawaii, Regular Session of 2017, the  
32 House of Representatives concurring, that the Legislative



# S.C.R. NO. 83

1 Reference Bureau is requested to study the feasibility of  
2 establishing a condominium ombudsman to resolve grievances  
3 brought by residents against their condominium associations  
4 without resorting to litigation; and  
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6 BE IT FURTHER RESOLVED that the Legislative Reference  
7 Bureau is requested to consider issues such as the public need  
8 for the creation of an ombudsman position, the suitability of  
9 establishing a government entity to intervene in private  
10 condominium-related disputes, the proper scope of duties of the  
11 position, staffing and funding needs, and the appropriate source  
12 of such funding; and  
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14 BE IT FURTHER RESOLVED that the Real Estate Commission  
15 provide any assistance and information requested by the  
16 Legislative Reference Bureau so that it may complete this study  
17 in a timely manner; and  
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19 BE IT FURTHER RESOLVED that the Legislative Reference  
20 Bureau is requested to submit findings and recommendations,  
21 including any proposed legislation, to the Legislature not later  
22 than twenty days prior to the convening of the Regular Session  
23 of 2018; and  
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25 BE IT FURTHER RESOLVED that certified copies of this  
26 Concurrent Resolution be transmitted to the Director of the  
27 Legislative Reference Bureau, the Chairperson of the Real Estate  
28 Commission, and the Director of Commerce and Consumer Affairs.  
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OFFERED BY: \_\_\_\_\_

