

FEB 12 2021

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# SENATE 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

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

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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

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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

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28           WHEREAS, although the Real Estate Commission has two  
29 commissioners designated as representatives of the public, they  
30 are not accessible to condominium unit owners and owners who  
31 have attended Real Estate Commission meetings report that they



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1 have been told that they are not allowed to have direct  
2 communication with these public commissioners, but rather must  
3 address the Real Estate Commission as a whole; and  
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5 WHEREAS, it is necessary to determine why condominium unit  
6 owners are not considered stakeholders by the Real Estate  
7 Commission and to determine the criteria for them to become a  
8 stakeholder in order to recognize the importance of condominium  
9 unit owners' participation in decisions that affect their  
10 residences and lives; now, therefore,  
11

12 BE IT RESOLVED by the Senate of the Thirty-first  
13 Legislature of the State of Hawaii, Regular Session of 2021,  
14 that the Department of Commerce and Consumer Affairs is  
15 requested to convene a task force to determine the reason that  
16 condominium unit owners are not considered to be stakeholders by  
17 the Real Estate Commission and to recommend laws and regulations  
18 providing for the representation and involvement of condominium  
19 unit owners in Real Estate Commission meetings and hearings; and  
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21 BE IT FURTHER RESOLVED that the task force is requested to  
22 include the following:  
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24 (1) The Chairperson of the Real Estate Commission, or the  
25 Chairperson's designee, who is additionally requested  
26 to serve as the chairperson of the task force;  
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28 (2) A representative from an organization that advocates  
29 for condominium unit owners, as selected by the  
30 chairperson;  
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32 (3) A member of the Senate to be appointed by the Senate  
33 President; and  
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35 (4) A member of the House of Representatives to be  
36 appointed by the Speaker of the House of  
37 Representatives; and  
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39 BE IT FURTHER RESOLVED that the initial meeting of the task  
40 force be convened no later than July 1, 2021; and  
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1 BE IT FURTHER RESOLVED that the task force is requested to  
2 submit a report of its findings and recommendations, including  
3 any proposed legislation, to the Legislature no later than  
4 twenty days prior to the convening of the Regular Session of  
5 2022; and

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7 BE IT FURTHER RESOLVED that the task force be dissolved on  
8 June 30, 2022; and

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

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

