

THE CONDOMINIUM
DISPUTE RESOLUTION
PILOT PROGRAM

**Report to the
2006 Legislature**

Submitted by

**The Department of Commerce & Consumer Affairs
State of Hawai'i**

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I. INTRODUCTION

Pursuant to Act 164, 2004 Session Laws of Hawai'i, the Office of Administrative Hearings (OAH), Department of Commerce and Consumer Affairs, State of Hawai'i was given the responsibility of conducting the Condominium Dispute Resolution Pilot Program ("CDR Pilot Program"), as of July 1, 2004.

Subsequently, Act 92, 2005 Session Laws of Hawai'i, removed the jurisdictional limitations of the CDR Pilot Program as of July 1, 2005.

The *CDR Pilot Program Report to the 2006 Legislature* covers the period of January 1, 2005, through November 30, 2005.

II. OVERVIEW

A. Utilization of the CDR Pilot Program

From January 1, 2005, to November 30, 2005, the CDR Pilot Program has received five (5) requests for informational materials regarding the CDR Pilot Program.

In October 2005, the CDR Pilot Program received two (2) requests for hearing. Both cases were scheduled for hearing: one case has completed the hearings process and is pending the issuance of a Hearings Officer's decision; and one case is in the processing of being resolved between the parties.

The issues involved in the two cases are:

- a. Access to Board/Association records; and
- b. Board procedures/scope of Board's authority.

B. CDR Pilot Program Informational Materials

The OAH web site has extensive information and materials regarding the CDR Pilot Program, and can be accessed at the following URL: http://www.hawaii.gov/dcca/areas/oah/condo_dispute/

III. RECOMMENDATIONS

Act 92, 2005 Session Laws of Hawai'i, removed the jurisdictional limitations of the CDR Pilot Program as of July 1, 2005, and consequently, any dispute that can be submitted to mediation, may be filed with the CDR Pilot Program if the mediation is unsuccessful.

However, with only two (2) requests for hearings filed with the CDR Pilot Program since its inception in July 2004, it would appear that there is not yet a significant demand for the kind of services provided by the CDR Pilot Program.