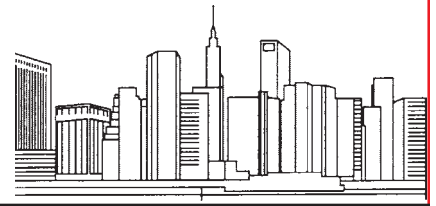
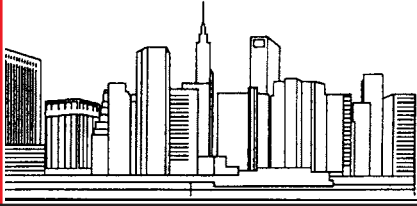


# HAWAII CONDOMINIUM BULLETIN



VOLUME 11, NO. 4

FEBRUARY 2004

Funded through the Condominium Education Fund

## Recodification of Chapter 514A, Hawaii Revised Statutes *THE FINAL REPORT IS READY FOR THE LEGISLATURE*

This issue of the Condominium Bulletin is entirely dedicated to reporting on the Recodification of Chapter 514A, Hawaii Revised Statutes (Condominium Property Regimes).

In July 2000, the Legislature directed the Real Estate Commission of the State of Hawaii (Commission) to conduct a review of Hawaii's condominium property regimes law.

What follows are excerpts from the report.

\* \* \*

### Recodification of HRS Chapter 514A, Briefing Sheet

#### 1. Purpose:

The 2000 Legislature recognized that “[Hawaii’s] condominium property regimes law is unorganized, inconsistent, and obsolete in some areas, and micromanages condominium associations . . . [t]he law is also overly regulatory, hinders develop-

ment, and ignores technological changes and the present day development process.” Consequently, the Legislature directed the Real Estate Commission of the State of Hawaii (Commission) to conduct a review of Hawaii’s condominium

*Continued on pg 2*



### *Letter from the Chair . . .*

We are pleased to present the final report on the Hawaii Real Estate Commission’s efforts to recodify Hawaii’s condominium law.

Act 213, Session Laws of Hawaii (SLH) 2000, and Act 131, SLH 2003, required the Commission to conduct a review of Hawaii’s condominium property regimes law (Chapter 514A, Hawaii Revised Statutes), make findings and recommendations for recodification of the law, and develop draft legislation consistent with its review and recommendations for submission to the 2004 Legislature.

Our report includes, among other things, the Commission’s findings and recommendations, proposed legislation, and reference lists of recodification research materials.

Pursuant to Act 231, SLH 2001, the report may be viewed electronically at: <http://www.hawaii.gov/dcca/reports>. The report and related materials are also available on the Commission’s website at: <http://www.hawaii.gov/hirec>. This gives readers easy access to “point and click” hyperlinks to relevant laws and

other resources. The Commission appreciates the commitment of time, interest, and energy that many people and organizations have put into this important effort. In particular, the Commission thanks the volunteers of the Blue Ribbon Recodification Advisory Committee for the hundreds, perhaps thousands, of hours they have spent on this project. The Commission is also grateful for the Administration’s and the Legislature’s continued support and commitment to its condominium programs.

With everyone’s help and cooperation, we look forward to the passage of a condominium property law that we can all live and work with for at least the next 40 years!

Sincerely,

*John Ohama*

John Ohama, Chair  
Real Estate Commission

*Mitchell A. Imanaka*

Mitchell A. Imanaka, Chair  
Condominium Review Committee

**This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.**

The Hawaii Condominium Bulletin is funded by the Condominium Education Fund, Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii.

## Briefing Sheet from pg 1

property regimes law, and to submit draft legislation to the 2003 Legislature that will “update, clarify, organize, deregulate, and provide for consistency and ease of use of the condominium property regimes law.”

### 2. Status:

Act 213 (SLH 2000), which set the Commission’s recodification in motion, is the result of the Commission’s 1995 study and report in response to Act 185, Section 4 (SLH 1995) – “A Plan to Recodify Chapter 514A, Hawaii Revised Statutes, Condominium Property Regime.”

This past Legislative session, Act 213 (SLH 2000) was extended to June 30, 2004, to refine the discussion draft (available for review on the Commission’s website) with a broader representation of the condominium community. From September 16, 2003 through October 7, 2003, the Commission held public hearings in each county. This was followed by additional meetings of the Blue Ribbon Recodification Advisory Committee and many refinements of the recodification.

### 3. Accomplishments and Issues:

- Updated, clarified, and organized Hawaii’s con-

dominium law.

- Simplified the disclosure to purchasers (i.e., public report) process.
- To the extent practicable and consistent with adequate consumer protection, avoided “one-size fits all” requirements in consumer protection and condominium management provisions.
- Organized condominium management provisions.
- Made changes, clarifications, and additions to support the fair and efficient functioning of Hawaii’s condominium communities.
- Added new provisions dealing with “aging-in-place” issues, including a provision suggested by the Act 185 (SLH 2003) working group.
- Developed a process for receiving feedback to the various drafts and suggestions for improvement of Hawaii’s condominium law that has been as important as the substance of what is in the recodification.
- Developed a structure for the Commission’s recodification document – with both proposed statutory language and commentary explaining how the Commission chose to address particular problems (as well as rejected approaches in appropriate instances) – that easily allows for all stakeholders to have their views reflected in the recodification, even if those views

## Recodifying Hawaii’s Condominium Law

In January 2001, the Hawaii Real Estate Commission (“Commission”) embarked on an ambitious effort to rewrite Hawaii’s Condominium Property Act.<sup>1</sup> House Bill No. 1817 and Senate Bill No. 2210—the culmination of three years of work by the Commission “updating, clarifying, organizing, deregulating, and providing for consistency and ease of use of the condominium property regimes law”<sup>2</sup>—is now being considered for passage by the Legislature.

### What is the problem we’re trying to fix?

In 1961, Hawaii became the first state to pass a law enabling the creation of condominiums.<sup>3</sup>

The 1961 “Horizontal Property Regime” law consisted of 33 sections covering a little more than 3 pages in the Revised Laws of Hawaii. Since that time, the law has been amended constantly. Entering the 2004 legislative session, Hawaii’s “Condominium Property Regime” law consists of 122 sections taking up over 100 pages in the Hawaii Revised Statutes. As noted by the 2000 Legislature, “[t]he present law is the result of numerous amendments enacted over the years made in piecemeal fashion and with little regard to the law as a whole.”<sup>4</sup>

The 2000 Legislature recognized that “[Hawaii’s] condominium property regimes law is unorganized, inconsis-

tent, and obsolete in some areas, and micromanages condominium associations. . . . [t]he law is also overly regulatory, hinders development, and ignores technological changes and the present day development process.”<sup>5</sup> Consequently, the Legislature directed the Commission to conduct a review of Hawaii’s condominium property regimes law and to submit draft legislation to the 2003 Legislature.<sup>6</sup> The 2003 Legislature extended Act 213 (SLH 2000) to June, 2004, to further refine the discussion draft with a broader representation of the condominium community.<sup>7</sup>

### Why should people care?

#### 1. Prevalence of condominium ownership in Hawaii.

25% of Hawaii’s housing units are held in condominium ownership. For decades, Hawaii has had the highest percentage of condominium housing units in the United States of America.<sup>8</sup> This alone makes the recodification project extremely important for the citizens of Hawaii.

#### 2. Importance to more efficient use of Hawaii’s limited land resources.

As a very flexible form of real estate ownership, condominiums (especially traditional ones going up rather than out), have helped policymakers to discourage sprawl while still providing home ownership opportunities for many in our urban areas. Consistent with State and local government land use policies, the

condominium form of ownership is a valuable tool in helping to develop higher density/lower per-unit cost homeownership opportunities (i.e., creating more affordable housing). Of course, condominiums encompass the entire spectrum of homeownership opportunities—from affordable to luxury units. All of this is important for an island state with limited land area.

### **3. Importance to Hawaii's housing stock and growth policies (e.g., private provision of "public" facilities and services).**

The rapid growth of common interest ownership communities (condominiums, cooperatives, and planned communities) since 1960 goes hand in hand with government policy for much of the past 30-40 years dictating that new development "pay its own way." Condominiums and other common interest ownership communities (with their regimes of privately enforceable use restrictions and financial obligations paying for formerly "public facilities" such as roads, trash collection and recreational areas) have become a critical part of our land use fabric. Indeed, virtually all new development in Hawaii consists of common interest ownership communities.

Given the importance of condominiums to the quality of life of Hawaii's people, it is important that we recodify our condominium law in ways that improve life for those who build, sell, buy, manage, and live in condominiums.

### **What are the condominium law's basic concepts?**

Preliminarily, it is useful to understand exactly what a "condominium property regimes law" is—and what it isn't. A condominium property regimes law is a land *ownership* law, a *consumer protection* law, and a *community governance* law. It is not a land *use* law (i.e., it does not govern what structures may be built on real property; separate state and county land use laws control—or should control—land use matters).

A condominium property regimes law is essentially an *enabling* law, allowing people to:

- Own real estate under the condominium form of property ownership (i.e., a form of real property ownership where each individual member holds title to a specific unit and an undivided interest as a "tenant-in-common" with other unit owners in common elements such as the exterior of buildings, structural components, grounds, amenities, and internal roads and infrastructure);

- Protect purchasers through adequate disclosures; and
- Manage the ongoing affairs of the condominium community.

The ability to build, sell, buy, borrow/lend money, insure title, insure property, and more are all part of real property ownership and, therefore, part of condominium law.

### **How did the Commission go about recodifying Hawaii's condominium law?**

From the start, the Commission created and employed an open, accessible, transparent, and inclusive process and structure for recodifying Hawaii's condominium law. The Commission:

- Met with hundreds of interested individuals and spoke to dozens of groups regarding the condominium law recodification;

- Generated national interest in Hawaii's recodification efforts through the Commission's work with local and national members of the Community Associations Institute;

- Generated three discussion drafts of the recodification (with commentary), the first based on the Uniform Condominium Act, and the second and third, because of feedback received from stakeholders, based on a combination of HRS Chapter 514A, the Uniform Condominium Act, the Restatement of the Law, Third, Property (Services), and various other sources; and

- Convened a Blue Ribbon Recodification Advisory Committee that contributed hundreds, perhaps thousands, of volunteer hours on the recodification project. [Note: The advisory committee was a working group initially made up of attorneys whose practices, combined, cover the full spectrum of condominium law. These initial members revised the Commission's first draft of the recodification. Once that was completed, the advisory committee was expanded to include representatives of the Hawaii Council of Associations of Apartment Owners, Hawaii Independent Condominium and Cooperative Owners, Community Association Institute—Hawaii Chapter, Hawaii Association of Realtors®, and the Condominium Council of Maui.]

In addition, from September 16, 2003 through October 7, 2003, the Commission held public hearings in each county. This was followed by additional meetings of the Commission's Blue Ribbon Recodification Advisory Committee and many refinements of the proposed recodification of Hawaii's condominium law.

The Commission's recodification report—with both proposed statutory language and commentary explaining how the Commission chose to address particular problems (as well as rejected approaches in appropriate instances)—easily allowed for all stakeholders to have their views reflected in the recodification, even if those views ended up being rejected.

### **What are some of the recodification project's accomplishments?**

The Commission's condominium law recodification project accomplishments include, among many things:

- An updated, clarified, organized, and deregulated Hawaii condominium law;

- Statutory provisions reflecting the principle that adequate disclosure to prospective condominium purchasers is the foundation of consumer protection in the condominium law;

- A simplified disclosure process for purchasers and developers;

- Additional disclosures for condominium projects on agriculturally designated lands;

- Clarifying when project common elements may undergo change in use;
- Correlating risk to purchasers' funds with the rights and obligations of developers;
- Clarifying the one-time "cooling off period" purchasers' right to cancel and statutory rescission rights provisions;
- To the extent practicable and consistent with adequate consumer protection, a condominium law that avoids the "one-size fits all" requirements of current HRS Chapter 514A consumer protection and condominium management provisions;
- Repeal of HRS Chapter 514A Part VI (owner-occupant presale notice requirement);
- Significantly better organized condominium management provisions;
- Changes, clarifications, and additions to support the fair and efficient functioning of Hawaii's condominium communities;
- New provisions dealing with "aging-in-place" issues, including additional disclosures for projects containing assisted living facility units and a "limitation on liability" provision suggested by the Act 185 (SLH 2003) working group;
- Clarifying the powers, duties, and limitations of associations and boards;
- Broadening conflict of interest provisions to include board members, managing agents, resident managers, and employees of the association;
- Allowing judicial excuse of compliance with governing documents in certain situations;
- Improved notice and proxy provisions (e.g., specifically allowing mail-in and Internet voting by directed proxy);
- Improved executive session provisions (e.g., allowing executive session when necessary to protect the interest of the association while negotiating contracts, leases, and other commercial transactions);
- Improved insurance provisions (e.g., distinguishing between attached and detached unit condominiums);
- Allowing associations, through their boards, to require maintenance of high risk components (e.g., washing machine hoses and water heaters);
- Continuation of assessment liens' limited priority over mortgage liens consistent with Act 80, SLH 2003;
- Requiring that association records be stored on the island on which the association's project is located (except if original records, such as invoices, are required to be sent off-island, in which case copies of such records are o.k.);
- Allowing any party to request mediation (not just owners or the board); and
- A recommendation that the Legislature direct the Legislative Reference Bureau to study ways to improve dis-

pute resolution in condominium communities, including, but not limited to, considering the establishment of a condominium court.

### **When would the new condominium law become effective?**

As recommended by the Commission, House Bill No. 1817 and Senate Bill No. 2210 contain delayed effective dates of July 1, 2005.<sup>9</sup> The vast majority of the public does not pay close attention to potential legislation until it is adopted. Considering the scope of the recodified Hawaii condominium law and the number of people, businesses, and agencies affected by the law, it makes sense to have a delayed effective date to give people (many of whom will not have followed the proposed legislation) a chance to become educated about the new law. It will also be possible to consider recommendations received during this educational period and to fine-tune the law in the 2005 legislative session.

### **Where can I get more information on the recodification?**

The Commission's final draft of the proposed recodification, along with background information, research reference lists, commentary on the proposed law, and findings and recommendations of the Commission, is included in the Commission's Final Report to the Legislature—Recodification of Chapter 514A, Hawaii Revised Statutes (Condominium Property Regimes) in Response to Act 213, Section 4 (SLH 2000), dated December 31, 2003. This report is available for public review on the Commission's website at: <http://www.hawaii.gov/hirec>.

### **Footnotes**

<sup>1</sup> Hawaii Revised Statutes ("HRS") Chapter 514A. The recodification workplan is available on the Commission's website—<http://www.hawaii.gov/hirec/>—along with a comparison of the 1994 Uniform Common Interest Ownership Act (UCIOA), 1980 Uniform Condominium Act (UCA), and HRS Chapter 514A, drafts of the recodified condominium law, and other recodification materials.

<sup>2</sup> Act 213, Session Laws of Hawaii ("SLH") 2000.

<sup>3</sup> Kerr, William; "Condominium—Statutory Implementation," 38 St. John's L. Rev. 1 (1963) (hereinafter, "Kerr"), at page 5. *See also*, Act 180, Session Laws of Hawaii (SLH) 1961; codified as Chapter 170A, Revised Laws of Hawaii (RLH). In 1968, RLH Chapter 170A was redesignated Chapter 514, Hawaii Revised Statutes (HRS) (Act 16, SLH 1968). In 1977, HRS Chapter 514 was re-enacted as a restatement without substantive change and redesignated HRS Chapter 514A (Act 98, SLH 1977).

<sup>4</sup> Act 213, SLH 2000.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Act 131, SLH 2003.

<sup>8</sup> Community Associations Factbook, by Clifford J. Treese (1999) (hereinafter, "CAI Factbook"), at page 18.

<sup>9</sup> § -146 (Association fiscal matters; lien for assessments) of HB 1817/SB 2210, which incorporates the provisions of HRS §514A-90, should, however, retain its December 31, 2007 repeal and reenactment date as set forth in Act 80 (SLH, 2003).

## Blue Ribbon Advisory Committee

### Chair

Mitchell A. Imanaka, Esq.  
Imanaka Kudo & Fujimoto

### Members

Richard T. Asato, Jr., Esq.  
Imanaka Kudo & Fujimoto

Gail O. Ayabe, Esq.  
Goodsill Anderson Quinn & Stifel

Randy Brooks, Esq.  
Brooks Tom Porter & Quitiquit

Andy Bunn, Esq.  
Chun Kerr Dodd Beaman & Wong

Robert Miskae  
Condominium Council of Maui

Deb Chun, Esq.  
Oshima Chun Fong & Chung

Steve Glanstein, PRP  
Community Associations Institute—  
Hawaii Chapter

Hawaii Association of Realtors®

Lorrin B. Hirano, Esq.  
Title Guaranty of Hawaii, Inc.

Len Kacher, PCAM  
Realty Management Corporation

Rick Kiefer, Esq.

Bernice Littman, Esq.  
Cades Schutte Fleming & Wright

John A. Morris, Esq.  
Ashford & Wriston

Milton Motooka, Esq.  
Motooka Yamamoto & Revere

Joyce Y. Neeley, Esq.  
Neeley & Anderson

Richard J. Port  
HICCO

Jane Sugimura, Esq.  
HCAAO

Ted Walkey, PCAM  
Hawaiiana Management Co., Ltd.

### Senior Advisors

Ray Iwamoto, Esq.  
Goodsill Anderson Quinn & Stifel

Hiroshi Sakai, Esq.

### Land Use Advisor

David Callies, Esq.  
William S. Richardson  
School of Law

### Condominium Consultant Advisor

Kenneth Chong

### Commission Staff Members

Calvin T. Kimura, SEO  
Cynthia M.L. Yee, SCS  
Real Estate Commission

### Recodification Project Attorney

Gordon M. Arakaki  
Real Estate Commission



### THE REAL ESTATE BRANCH HAS MOVED

In November 2003, the Real Estate Branch and the offices of the Department of Commerce and Consumer Affairs that were once located in the Princess Kamamalu Building relocated to the King Kalakaua Building commonly referred to as the "Post Office Building" at 335 Merchant Street, ocean side of the Iolani Palace.

The Real Estate Branch is located on the third floor in Room 333, and our only telephone number is (808) 586-2643.

## 2004 LEGISLATIVE UPDATE

Currently, the Legislature is considering several issues of interest to condominium owners. A brief summary is provided. Some of the bills may become law, and some may not. This article summarizes selected bills.

The summaries are not intended to be an exhaustive list or to cover all provisions of a bill.

Interested readers may access the legislature's web site: <http://www.capitol.hawaii.gov>, for listing of bills, to follow the status of the bills as it goes through the process, or to read the full text of the bills.

If and when the bills become acts, a more detailed summary of the legislation will be placed on the Commission's web site at: [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec).

The following are pending bills requested by citizens except where noted:

**HB 45** Removes the sunset date for Act 39, which allows for the continued assessment of purchasers of delinquent condominium units for unpaid common expenses by the homeowners association.

**HB 406** Prohibits landlords from preventing senior citizens and disabled from having an animal in a housing unit condominium, co-op, Planned Urban Development with 6 or more units privately owned or rented if rented or purchased by a senior citizen or disabled person.

**HB 444** Adds trash chutes and elevator telephones to list of common elements. Redefines limited common element.

**HB 582** Provides that proxies given to the board of an AOA or planned community association may not be used for an election of board members.

**HB 583** Requires minutes of AOA or planned community association board of directors meetings and agenda for the next meeting be mailed to any member who requests to be on the mailing list.

**HB 593** Defines "de minimis structure position discrepancies," and clarifies that the tolerance used to determine whether or not an encroachment falls within the statute is determined by the use of the affected abutting lot, when the unclassified property is owned or leased in common by owner's association.

**HB 641** Criminal history record checks where an applicant is to provide personal identifying information.

**HB 642** Requires certification of condominium association managers by the Real Estate Commission and sets forth certification process which includes an examination.

**HB 929** Establishes the time in which a non-judicial foreclosure of a condominium apartment is effective for the purposes of having the new owner pay the owner's share of common assessments and expenses.

**HB 1072** Expands the start date for the transfer of a condominium unit that triggers ownership and liability for

the unit's share of common expenses and assessments to include recordation of the mortgagee's affidavit of non-judicial foreclosure.

**HB 1339** Extends the sunset date for Act 39 (SLH 2000), which provides that subsequent purchasers of a condominium apartment responsible for any delinquent common assessments. Allows notification of the amount, instead of a lien for the amount to be provided.

**HB 1511** Exempts AOAOs from the liability for the purchase of, conveyance of, and allocation of expenses for the AOAO's leased fee interest prior to June 25, 2002, if the AOAO had a good faith belief that the purchase or conveyance was valid.

**HB 1580** Requires all real estate transactions by real estate licensees through an escrow depository. Requires escrow depositories to collect the general excise tax (GET) owed by real estate licensees at the closing of the transaction. Lowers the GET rate for real estate licensees to 3.92%. This bill will impact condominium managing agents and condominium hotel operators' and their operation.

**HB 1608** Similar to **HB 583**. Requires minutes of a condominium or planned community association board of directors meeting and agenda for the next meetings be mailed to any member who requests to be on a mailing list.

**HB 1659** Establishes a fair market value standard in determining the value of the leased fee interest for condominiums and co-ops that must be used (1) for leases executed after the effective date of the Act and (2) for pre-existing leases that do not specify an appraisal standard.

**HB 1671** Changes the definition for "assisted living facility" to clarify that it should not apply to private residences or condominiums.

**HB 1729** Amends the condominium law establishing procedures for the alteration or change in use of common elements, by referencing the exemption for those procedures in §514A-13.4, HRS, for the installation of telecommunications equipment.

**HB 1782** Establishes a graduated schedule of reasonable attorney's fees for cases pertaining to an AOAO's collection of delinquent assessments, foreclosure of liens, and enforcement of the Condominium Property Act and related rules and regulations.

**HB 1817** Repeals condominium property regimes law; recodifies condominium law; makes conforming amendments to existing Hawaii Revised Statutes sections.

**HB 2417** Allows the Real Estate Commission to enter into formal license recognition agreements with other states and jurisdictions nationally recognized by the Association of Real Estate License Law Officials.

**HB 2623** Allows condominium apartment owners to bring an action against their condominium association in small claims court regardless of the amount in dispute. Defers payment of association's cost and expense for arbitration filings when an

appeal is completed. Requires immediate payment of an apartment owner's expenses.

**HB 2692** Gives co-owner or co-lessor the right of first refusal if another co-owner or co-lessor wants to sell lease fee interest.

**HB 2773** Allows licensed amateur radio operators living in condominium property regimes to install antennas on their apartment units.

**HB 2894** Requires a seller to disclose to a buyer the existence, if any, of legal or traditional access whenever a piece of real property is up for sale.

**SB 293** Makes Act 39 (SLH 2000) permanent, which allows the continued assessment of purchasers of delinquent condominium units for unpaid common expenses by the homeowner's association.

**SB 374** Similar to HB 593.

**SB 1087** Extends the deadline for the Real Estate Commission's last progress report and final report on its review of the condominium property regime law to 2004.

**SB 1191** Similar to HB 1608, HB 3583.

**SB 1192** Provides that proxies given to the board of an AOA or planned community association may not be used for the election of board members.

**SB 1454** Requires certification of condominium association managers by the Real Estate Commission and sets forth certification process which includes examination.

**SB 1577** Similar to HB 1608, HB 583, SB 1191.

**SB 1589** Authorizes nonprofit corporations to adopt amendments to articles and bylaws to terminate, redeem, or cancel memberships. Authorizes members of nonprofit corporations to resign at any time, except for members of condominium associations and planned community associations. Authorizes nonprofit corporations to indemnify officers and directors and to advance funds for reimbursement of expenses.

**SB 1650** Similar to HB 1511.

**SB 2009** Clarifies that a condo board may lease or change the use of common elements without obtaining the requisite owner approval, if acting under its authority to install, or change or abandon the use of telecommunications equipment.

**SB 2105** Requires the Real Estate Commission to appoint a hearings officer to hear filed complaints filed by any person relating to condominium management.

**SB 2210** Similar to HB 1817, Recodification bill.

**SB 2329** Imposes an anti-speculation tax of 20% on profits from sale or residential properties within two (2) years of purchase, to be deposited into the state low income housing revolving fund.

**SB 2675** Includes discrimination against individuals who live with an animal as discriminatory practice in real property transactions.

**SB 2697** Requires bylaws and apartment owners to allow individuals who are over 55 years of age or disabled and who have written certification from a doctor to have pets in an apartment. Allows the apartment owner or AOA to retain a deposit and assess fees and fines.

**SB 2704** Requires disclosure of any release or waiver of liability for a construction defect.

**SB 2798** Exempts housing cooperatives, planned community associations, and condominium associations from civil liability arising out of the tortuous acts of underage drinkers.

**SB 2892** Similar to HB 2417.

**SB 2893** Similar to HB 2418.

**SB 3023** Restricts a director of a condominium association board to serving no more than six (6) years in a nine (9) year period.

**SB 3123** Authorizes the conversion of residential condominium leasehold interests to fee under the State's power of eminent domain.

**SB 3160** Authorizes the Department of Health to establish permissible mold exposure limits and other standards for indoor environments. Establishes toxic mold advisory board. Establishes requirements for disclosure of mold and related conditions in commercial and residential real property and public buildings.

**SB 3176** Requires inclusion in disclosure statements in residential real property sales of former existence of methamphetamine manufacturing operation on the property; requires operator of meth labs to pay costs of cleanup; makes it a felony to illegally dispose of meth waste.

If you wish to testify, please refer to the website instructions.

---

## Real Estate Commission Meeting Schedule

**Laws & Rules Review Committee—9 a.m.**

**Education Review Committee—Upon adjournment of the Laws & Rules Review Committee meeting.**

**Condominium Review Committee—Upon adjournment of the Education Review Committee meeting.**

Wednesday, March 10, 2004

Wednesday, April 14, 2004

Tuesday, May 11, 2004

Monday, June 7, 2004

**Real Estate Commission—9 a.m.**

Thursday, March 25, 2004

Friday, April 30, 2004

Friday, May 28, 2004

Friday, June 25, 2004

All meetings will be held in the Queen Liliuokalani Conference Room, King Kalakaua Building, 335 Merchant Street, First Floor, Honolulu, Hawaii. Meeting dates, locations, and times are subject to change without notice. Please visit the Commission's website at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) or call the Real Estate Commission's Office at 586-2643 to confirm the dates, times, and locations of the meetings. This material can be made available to individuals with special needs. Please contact the Executive Officer at 586-2643 to submit your request.

## Condominium Education Calendar 2003

This calendar lists upcoming educational events of interest to the condominium community. The publishers express **no opinion** about the quality or content of any event they do not sponsor. This listing should not be construed as an endorsement or sponsorship of any event, unless expressly indicated. Events may be subject to change; please check directly with the provider to confirm each event.

Date	Time	Event Title	Location	Provider
03/20/04	8:00 a.m.	*Dealing with Difficult Owners	Hale Koa Hotel	CAI-H
04/17/04	8:00 a.m.	*Landscape Issues	Hale Koa Hotel	CAI-H
05/13/04	11:30 a.m.	*Aging in Place, Aging with Grace, The Next Frontier	Hale Koa Hotel	CAI-H
06/17/04	11:30 a.m.	*Legislative Update & Recodification of Ch. 514A	Hale Koa Hotel	CAI-H
09/16/04	11:30 a.m.	*Ask the Experts	Hale Koa Hotel	CAI-H
10/21/04	11:30 a.m.	*Owner Rights and Wrongs	Hale Koa Hotel	CAI-H

*\*The seminar is partly funded by funds from the Condominium Education Fund, Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii for condominium apartment owners whose AOA is currently registered with the Real Estate Commission.*

*For full information on the above-listed courses, please call the provider.*

	Provider	Phone	Address
CAI	Community Associations Institute (National)	(703) 548-8600	225 Reinekers Ln #300 Alexandria, VA 22314
CAI-H	Community Associations Institute - Hawaii Chapter	488-1133	P.O. Box 976 Honolulu, HI 96808
CCM	Condominium Council of Maui Email: cmmaui@hotmail.com	573-4231	PO Box 1362 Kihei, HI 96753
HCAAO	Hawaii Council of Associations of Apartment Owners	533-2528	677 Ala Moana Blvd, #401 Honolulu, HI 96813
HSAP	Hawaii State Association of Parliamentarians	488-2489	
HSBA-CLE	Hawaii State Bar Association - Continuing Legal Educ.	537-1868	1132 Bishop Street, Ste 906 Honolulu, HI 96813
IREM	Institute of Real Estate Management Hawaii Chapter No. 34	733-7060	1136 12 <sup>th</sup> Ave, Ste 220 Honolulu, HI 96816
ARM	Accredited Residential Manager	733-7060 x119	1136 12 <sup>th</sup> Ave., Ste. 220 Honolulu, HI 96816
UH-OC	Noncredit Programs, Outreach College, University of Hawaii	956-8244	2530 Dole Street Honolulu, HI 96822

Real Estate Branch and Real Estate Commission's web page at: <http://www.hawaii.gov/hirec>  
Address: 335 Merchant Street, Room 333, Honolulu, HI 96813; Phone: (808) 586-2643  
February 2004

HAWAII CONDOMINIUM BULLETIN, FEBRUARY 2004 © Hawaii Real Estate Commission. All rights reserved. This Bulletin, or any part thereof, may not be reproduced without the written permission of the Hawaii Real Estate Commission, except permission is granted to registered Hawaii condominium associations to reproduce and distribute copies of this entire publication, but not for profit, as an educational service. This publication is intended to provide general information and is not a substitute for obtaining legal advice or other competent professional assistance to address specific circumstances. The information contained in this Bulletin is made pursuant to Hawaii Administrative Rules Section 16-201-92 and is not an official or binding interpretation, opinion or decision of the Hawaii Real Estate Commission or the Department of Commerce and Consumer Affairs. The Hawaii Condominium Bulletin is funded by the Condominium Education Fund, Real Estate Commission, Professional and Vocational Licensing Division, Department of Commerce and Consumer Affairs, State of Hawaii.