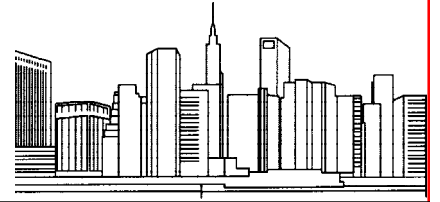
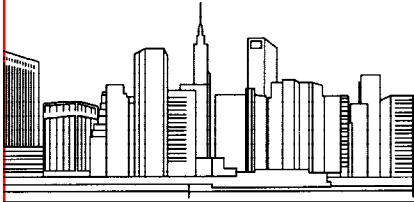


HAWAII CONDOMINIUM BULLETIN



VOLUME 9 NO. 1

OCTOBER 2000

Funded through the Condominium Education Fund

Nov. 30 is deadline for filing CMA and CHO re-registration applications

Condominium managing agent (CMA) and condominium hotel operator (CHO) re-registration application forms for the 2001/2002 biennial registration period were mailed around the middle of October 2000.

With the change in the law, CMA and CHO re-registration applications must be submitted by November 30, 2000, the filing deadline. This filing deadline is to ensure that registrants who submit complete re-registration applications by the filing deadline will be successfully re-registered prior to the registra-

See Filing Deadline pg. 6

Mediation services soon available for Kauai and the Big Island

Mediation is one of the cornerstones of self-governance. In its latest action, the Commission has decided to independently contract on the Big Island with West Hawaii Mediation Services and The Island of Hawaii YMCA; and on Kauai with Kauai Economic Opportunity Inc., to locally provide conciliation and mediation services to the condominium communities.

It is anticipated that subsidized mediation services for these islands will begin once the contract approval process

See Mediation pg. 7

Condominium apartment owners attend CEF Seminars

The Commission approved additional seminars as Condominium Education Fund (CEF) subsidized seminars since the last publication of the *Hawaii Condominium Bulletin*.

The CEF subsidy pays a portion of a condominium apartment owner's seminar registration fee and is limited to apartment owners who have contributed to the CEF.

The approved seminars are targeted to educate condominium apartment owners about condominium governance and management.

Independent contracted providers develop and administer the seminars. The Community Association Institute (CAI) Hawaii Chapter, is one of such providers, which independently develops certain seminars. Designated seminars are then selected for CEF subsidy requests.

CAI Hawaii reports that the already presented CEF subsidized seminars were designed to educate the condominium apartment owners, board members, managing agents, and interested others about:

- **Construction Defects: How to Avoid Costly Mistakes & Maximize Your Recovery** (June)—the importance of not allowing the statute of limitations to run out; critical steps to preserving a claim and maximizing recovery; anatomy of a construction defect case; pitfalls involved in construction defect litigation; psychology of construction defect lawsuit; importance and role of experts in evaluation and prosecuting claims; and low cost alternatives to construction litigation.

- **2000 Legislative Update** (July) —practical information on important new State legislation; Act 39 allowing associations to collect up to six months of maintenance fees in any foreclosure, traps that prevent an as-

See Seminars on pg. 6

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This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2644 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.



Letter from the Chair . . .

Dear Condominium Owners and Managing Agents:

For the past three years, I have been Vice Chair of the Condominium Review Committee (CRC). Now it is with pleasure that I serve as the Chair of the CRC. I am looking forward to shepherding the work of that Committee and keeping the condominium community informed about condominium governance and regulatory matters of import.

The Commission has undertaken an ambitious program of work for this fiscal year. The CRC program of work builds on the past efforts of the immediate past Chair of the CRC, Commissioner Alfredo Evangelista. A heartfelt thank you to Commissioner Alfredo Evangelista for his commitment to quality condominium living.

As reported in this bulletin, the Commission continues to expend monies from the condominium education fund (CEF) to subsidize a number of educational seminars for board members and apartment owners. As previously noted, the intent of the condominium law is self-governance. Thus, I am happy to report that the Commission has recently expended monies from the CEF to train and educate apartment owners about mediation – an important self help vehicle; and that the Commission will make mediation services directly available on the neighbor islands. The details of these programs are reported in this bulletin.

I am also pleased to report that the Commission is in the process of deciding on an attorney to assist the Commission with recodifying the condominium law, Chapter 514A, HRS. As previously reported, Act 213, passed last legislative session, requires the Commission to conduct a review of the condominium law (now over 39 years old), make findings, and formulate recommendations for recodification of the law to make it easier to understand and use. Also enclosed with this bulletin is an unofficial copy of the condominium law, Chapter 514A, Hawaii Revised Statutes. Legislation from the 2000 legislature enacted into law amending Chapter 514A, Hawaii Revised Statutes, is included in this unofficial copy of the condominium law. This publication should be kept in the Hawaii Condominium Bulletin binder for use by all apartment owners.

In closing, I would like to remind the condominium community of the Commission's standing open invitation to its monthly CRC meetings. The meeting schedule can be found on page 6 of this bulletin. On an ongoing basis, at these meetings, the Commission plans its program of work. Your input is important to the planning process. The Commission looks forward to your input at these meetings.

Sincerely,

Mitchell A. Imanaka

Mitchell A. Imanaka, Chair
Condominium Review Committee

Ask the Condominium Specialist

Q Our reserves are in excess of \$100,000. We have heard that the law requires an association to deposit the reserve monies in a local FDIC insured financial institution. Does the law limit the deposits to only the FDIC insured amount of \$100,000, which would require our association to make multiple deposits in different financial institutions up to \$100,000?

A The condominium law, section 514A-97(c) (1), Hawaii Revised Statutes, requires all funds collected by an association, or by a managing agent for any association to be deposited in a financial institution, including a federal or community credit union, located in the State whose *deposits* are insured by an agency of the United States government. Section 514A-97(c) (1), Hawaii Revised Statutes, does not specifically prohibit the deposit of condominium association funds in excess of \$100,000 as long as the institution deposits are insured by an agency of the United States government like the FDIC. However, the association board should establish written policies to document the reasonableness of its investment decisions including policies to protect the security of association funds and the reasonableness of depositing beyond the FDIC insured amount of \$100,000.

Additionally, under section 514A-82.4, Hawaii Revised Statutes, each director owes the association of apartment owners a fiduciary duty in the performance of the director's responsibilities. A director's fiduciary duty includes:

- Duty of Diligence: to act as a reasonably prudent person under similar circumstances.
- Duty of Good Faith: to act with honesty, fair dealing, in the best interest of the association and without ulterior motives.
- Duty of Loyalty: to act to benefit the association rather than oneself, the board or a particular owner, and to avoid conflicts of interest and the appearance of conflicts of interest.
- Duty of Obedience: to follow the law and the association governing documents, and not to exceed the director's authority.

A board is guided further by the "business judgment rule" in making investment decisions. The Hawaii Intermediate Court of Appeals has stated that the business judgment rule requires a director to prove that the director acted in good faith and in a manner that he/she reasonably believed to be in the best interests of the association, and exercised the care which an ordinarily careful person would use in a similar circumstance.

The Uniform Prudent Investor Act, H.R.S. Chapter 554C, also provides further guidance as to how an association board should manage association funds. However, the Commission does not have jurisdiction over H.R.S. Chapter 554C.

See Q&A pg. 7

Part 2 - continued from the June 2000 edition

A condominium association board of directors must decide when and how to act.

The first issue is detection. Without question, any report of mold growth on an interior wall should receive immediate attention. Occupants, and the contents of the unit, are in direct contact with mold spores. There is no reason, or excuse for failing to take action.

There is also a growing expectation, supported by a growing body of law, that building owners and condominium associations owe a duty to building occupants to detect interior mold growth.

There are several factors that would cause an association to reason to suspect mold growth.

A history of water intrusion into areas where there is dry-wall raises a higher likelihood that mold growth has occurred in interior wall cavities. This means that associations should promptly address reports of water intrusion and see that the cause is repaired as soon as possible.

Any building with an Exterior Finishing System (EFS) or Exterior Insulated Finishing System (EIFS) should be especially vigilant.

These newer systems are made to look like fake stucco. They have a history of water infiltration into the interior wall cavities of a building. An association with this type of exterior cladding should be constantly vigilant.

Even if there is no known water infiltration, an association should monitor reports of lingering health problems, particularly respiratory problems. Reports that the respiratory problems happen when the person is in the unit and disappear when they are not should receive undivided attention.

The detection of mold is not a time to begin a common element/apartment jurisdictional debate. The mold may, in fact, be growing on a partition wall that is part of an apartment. However, the association's response should not be to refuse action because the problem is within the apartment and the owner's responsibility. The likely cause of the mold is water infiltration through the condominium's common elements.

An association must take immediate action if an area of mold is located or suspected. The first course of action, to be taken within days of detection, is to take samples of the mold, using approved procedures, and have them sent to the qualified laboratory for analysis.

This is not as easy as it may seem. This is the first of many points in this process where a board of directors may have difficulty determining whether potential consultants are qualified to do the work. There are no simple answers to this question.

Currently, there are a number of people and companies that claim to have expertise in the area of indoor air quality. Many

have promotional materials that employ words that appear to show an expertise in the mold area. Some contact owners directly with promises of protecting them from the dangers of indoor air pollution. Many do not appear, upon examination, to have the qualifications necessary to give an association sound advice. The advice given by some is wrong.

There is no formula for selecting consultants. As with all consultants, it is prudent to examine credentials and references. Academic credentials are no guarantee of competence. However, if the association's selection process is examined at a later date, a board will appear to have acted more reasonably if a consultant had strong academic credentials.

Further, experience in mold and mold identification is essential. Associations should be looking for environmental toxicologists to supervise the taking of samples. An attorney experienced in construction defect litigation should be part of the team if there is any chance that a mold problem may lead to litigation.

Those consultants will assist the association in arranging for the mold tests, air quality tests and laboratory analysis.

The Association should direct its consultants to complete their work as soon as possible. Some tests require time to culture samples. The association can get more immediate information. The laboratory should be instructed to make a microscopic examination of the samples upon receipt. It can probably advise the association at that time, with a high degree of certainty, if the mold is toxic.

There are practical considerations at this point. Occupants of the sample units should, with the test notification, receive advance notice of why the samples are being taken and what to expect during the sampling.

The occupants will be asked to leave the area of mold sampling and the personnel removing the samples will be wearing HEPA respirators (face masks). These factors have a tendency to instill concern in the unit occupants. They will have immediate questions. To the greatest extent possible, someone should be present who is qualified to answer basic questions about the purpose of the sampling, why the sampling procedures are being followed and what will be done with the samples.

The occupants will also have "what if" questions such as "What if there is toxic mold, will it be safe to continue to live in our unit?" The answers to those questions, if they can be answered at that time, depend

a great deal on the existing conditions. The person answering these questions should be well versed in all of the association's considerations. These include legal duties. Occupants must be assured that they will receive timely notice of the test results.

An association must take immediate steps upon receipt of the laboratory test results. If the results show no toxic mold, the owners and occupants of the sample units should be notified as soon as possible. In all likelihood, they have been concerned since the samples were taken and those concerns must be allayed.

If the results show the existence of mold, the owners and occupants should also be notified immediately. Do not delay. Part of the health problems associated with mold result from continued exposure. Owners and occupants must know of the condition so that they can make decisions regarding how to protect their health.

The need to notify cannot be overstated. In the State of Texas, a District Attorney recently brought charges before a grand jury against an insurance adjuster.

The charges were brought under a Texas criminal statute involving the protection of persons under certain circumstances.

In that case, a family had filed a claim with its insurance company as a result of substantial mold in their home. The insurance adjuster knew of the mold, knew of the possibility of resulting health problems and failed to notify the owners of those problems until after they complained of symptoms.

The grand jury returned a true bill and the insurance adjuster will be tried in court on criminal charges.

There is nothing to suggest a similar result in Hawaii. However, it seems certain that a unit occupant, suffering from health problems resulting from mold in his or her unit, will look to the notice provided by an association to see if it was late and increase the amount of exposure to mold.

The nature of the response to a finding of mold depends on the severity of the test results. The level of mold may be high enough to warrant evacuation.

Special consideration should be given where the unit is occupied by young children and elder people as both tend to have lower immune protection and are more susceptible to the health problems associated with toxic mold.

The occupants should be notified in writing. All notice letters mentioned in this article should be viewed as a potential adverse exhibit in a trial. The content of the letter is extremely important. All such letters should be reviewed and approved by legal counsel before they are sent.

The letter should be delivered by more than one person as the association will want a witness to the delivery. It would be prudent to send a team of people that should include the association's mold expert and legal counsel.

The notice of evacuation will be extremely traumatic for the occupants. They will seek direction as to what to

do. It is possible that some or all of their belongings must remain in the unit. The occupants and owner will also have questions as to whether the condition can be remedied and, if so, how long that will take. If at all possible, they should be given some idea of the existing plan so that they know that there will be a response to their plight.

It is also important that the written notice and the oral presentation by the association urge the occupants and owners to independently seek information regarding the mold. This helps to place some responsibility on the owners and occupants to learn about the problem and react accordingly. An association does not want to be the sole source of information for an occupant making decisions about how to protect his or her health.

The association must still send owners and occupants a written notice letter, even if the test results do not show an immediate health threat. The letter should include the written test results as they were received from the laboratory.

The results will be difficult, or impossible to read. In providing a copy of the original results, the association will not be placed in the position of interpreting the results and facing a later claim of mis-communication.

The association should also provide basic information about the mold and the possible health repercussions. The association's mold consultant should be able to make a tentative evaluation of the existing health hazards. Here too, the occupants should be encouraged to seek independent assistance in evaluating the mold problem. The occupants and owner should be appraised of the association's current plan for dealing with the problem.

In all cases, there should be follow up communication with the unit occupant and owner. The situation will be frightening to them. They will want, and deserve, regular assurance that the problem is being dealt with quickly. Ignorance begets frustration which, in turn, begets lawsuits. It will help to involve them in the process where possible. Occupants and owners are less likely to complain later if they were actively involved in the process.

In general, however, this is an excellent time to show how well the association can respond to a serious problem.

Many associations hold off repairing design or construction defects. This is not wise in the case of mold damage. Without intervention, the factors causing mold to grow will continue and the mold growth will continue as well.

In short, the problem will only become worse and more expensive to repair. This does not mean that the association should rush into repair work that does not take into account other components in the building. The association does not want to trade one set of problems for another. Time must be taken to carefully consider a comprehensive plan. However, the association will not return to normal operations until the repairs to remove the mold and repair its cause are complete.

Toxic mold is a real problem that requires swift and sure action by associations. By learning basic information about the problem and how to respond to it, it is hoped that all associations can effectively deal with this challenge.

TABLES: HEALTH EFFECTS FROM MOLD EXPOSURE

TABLE 1. Common Health Effects Related to Mold Exposure

Allergic reactions (asthma, hypersensitivity pneumonitis, atopic dermatitis)
Skin rashes or irritation
Headaches or dizziness
Loss of appetite, nausea
Inability to sleep
Muscle or joint pain
Chronic sinusitis, itchy (and or runny) nose and itchy or sore throat
Itchy or irritated eyes
Chronic cough, sneezing or wheezing

TABLE 2. Reported Health Effects Related to Mold Exposure

Idiopathic pulmonary hemosiderosis (bleeding in the lungs in babies)
Cancer
Organ damage (especially the liver and kidneys)
Immunomodulation, especially immunosuppression
Severe skin irritation, including bleeding
Nose bleeds
Neurologic dysfunctions including memory loss, irritability and speech problems
Mold specific diseases such as Aspergillosis and Histoplasmosis

GLOSSARY

WORDS YOU NEED TO KNOW TO MEET THE MOLD CHALLENGE

1. **Mycotoxin** - a poison produced by a mold.
2. **Toxicogenic(ity)** (also "**Toxinogenic**") - the ability of an organism to produce a poison (toxin).
3. **Toxin** - a poison produced by a living organism.
4. **Allergen** (also "**Antigen**") - a substance that is capable of triggering an altered immune response. The reaction, or allergy, may take several forms, the most common of which are respiratory (like asthma) or dermal (related to the skin, like rashes or hives).
5. **Mycology** - the study of molds.

6. **Immunocompromised** (or "**Immunodeficient**")- a state in which the immune system is not functioning properly.

Most commonly this is a result of damage to or loss of white blood cells, for instance, as happens to chemotherapy patients during cancer treatment.

However, there are other subpopulations with immune system deficiencies, such as the very young and the very old, who are not technically immunocompromised, but may be as susceptible to certain health effects as immunocompromised individuals.

Importance of reporting changes to AOA registration information

The law requires that an AOA report immediately in writing to the Commission any changes to the information contained on the AOA registration or re-registration application, evidence of fidelity bond, or any other documents requested by the Commission.

Failure to do so may result in termination of registration and subject the AOA to initial registration again. Any terminated AOA loses its ability to maintain any action or proceeding in the courts of this State until it once again registers.

This may mean that the AOA may not be able to collect or to foreclose any lien for common expenses or other assessments.

Thus, all the apartment owners will then usually share in payment of any assessment shortfall.

Besides compliance with the law, it is important that the information on the Condominium Association Biennial Registration Application is correct.

In a number of instances, apartment owners, boards of directors, condominium managing agents, prospective purchasers, bond insurance underwriters, title companies, the mortgage industry, the Commission, tenants, legislators and the general public have used the information.

The Commission mails information and educational materials to registered Associations of Apartment Owners (AOAOs). Any additional mailings due to incorrect addresses are charged to the Condominium Education Fund. The Commission has made available for an AOA's use, a Condominium Association Information Update Form to report changes.

Any AOA may make a request for the form by calling the Commission at 586-2646 or by downloading, beginning in December 2000, the form from the Commission's WebPage at www.state.hi.us/hirec.

AOAOs should feel free to copy the form and use it for reporting any future changes.

Filing Deadline from pg. 1

tion expiration date and will receive their registration pocket card before the start of the new biennial registration period. This will ensure continuation of CMA and CHO activities without any termination of activities.

Moreover, a CMA and CHO re-registration is dependent on the timely renewal of the respective real estate broker license. Any deficiency on the real estate broker license renewal of the principals, namely the entity or principal broker, including insufficient payment, not corrected by the registration expiration date will directly affect a CMA and a CHO re-registration, including the termination of processing of the re-registration application. Should the re-registration application processing be terminated, a CMA and CHO applicant will be required to complete a new application for registration and cease all CMA and CHO activity.

To successfully re-register as a CMA or CHO, applicants are required to submit a completed re-registration application form, including fees and other required documents, no later than November 30, 2000. Incomplete submissions will not be accepted and will be returned.

If not successfully re-registered by the registration expiration date, a CMA or CHO will have to cease all CMA and CHO activity.

Re-registration applications, fees, and other required documents should be mailed to DCCA, PVL Licensing Branch, P.O. Box 3469, Honolulu, Hawaii 96801; or delivered to 1010 Richards Street, 1st Floor, Honolulu, Hawaii 96813.

REAL ESTATE COMMISSION MEETING

SCHEDULE 2000

Laws & Rules Review Committee - 9:00 a.m.
Education Review Committee - 10:00 a.m.
Condominium Review Committee - 11:00 a.m.

Wednesday, November 15, 2000

Thursday, December 14, 2000

Real Estate Commission--9:00 a.m

Thursday, November 30, 2000

Friday, December 15, 2000

All meetings (unless specifically noted) will be held in the *Kapuaiwa Room, Second Floor, HRH Princess Victoria Kamamalu Building, 1010 Richards Street, Honolulu, Hawaii.*

Meeting dates, locations and times are subject to change without notice. Please call the Real Estate Commission Office, at 586-2643, to confirm the dates, times and locations of the meetings. This material can be made available for individuals with special needs. Please call the Executive Officer at 586-2643 to submit your request.

Seminars from pg. 1

sociation from recovering the six months due; Act 22 requiring any board of director intending to use association funds to distribute proxies including the standard proxy form to post notice of its intent to distribute proxies at least thirty days prior to its distribution; Act 49 requiring an association to represent apartment lessees in lease rent renegotiations with the lessor, provided that the cost of lease rent renegotiations be charged only to the lessee apartment owners; Act 251 clarifying that projects created and established as condominium property regimes must conform to the provisions of the underlying county zoning ordinances and development requirements; Act 210 streamlining existing procedures for the sale of condominium apartments to owner occupants in new condominium projects; Act 213 appropriating funds out of the condominium management education fund to conduct a comprehensive review of the condominium law, Chapter 514A, Hawaii Revised Statutes; requiring the Commission to have a final report and draft legislation by the 2003 legislative session; bills being considered by the City and County of Honolulu, involving property taxes, fire sprinklers, and rubbish pickup.

- **Covering Your Assets** (August) – thefts of community association funds and steps that can be taken to prevent it; audits of community associations and what auditors can and cannot detect when they perform an annual audit; fidelity bonds, how it works and what is and is not covered under the bond.

In addition, the Commission fully subsidized with funds from the CEF four training seminars for condominium board members, apartment owners, managing agents and resident managers about resolving condominium disputes.

The training seminars were developed and administered by the Mediation Center of the Pacific, Inc. at four different locations on Oahu.

The two-hour training provided an overview of how mediation works, when mediation is appropriate, why mediation works for resolving condominium issues, who should mediate, where mediation is available, and how to prepare for mediation.

Subject to the availability of CEF funds and budgetary concerns, the Commission intends to continue subsidizing approved seminars and training.

Condominium owners and board members should be on the look out for more flyers and other advertisements announcing the offering of these approved subsidized seminars and training.

The subsidized seminars and training are designated as such on the back page of this Bulletin as a regular feature of the Education Calendar which also appears on the Commission's home page at www.state.hi.us/hirec.

Be sure to look for future seminars and training opportunities. Education is one of the many keys to successful self-governance of the association.

See last page of this bulletin for more details.

Mediation from pg. 1

has been completed. Funds from the Condominium Education Fund (CEF) pay for these services. Previously, arrangements for such services were made through the Mediation Center of the Pacific, Inc., which physically operates from the island of Oahu.

In mediation, two disputing parties with the help of an independent third party individualize a resolution that all parties can live with. The contracted mediation services are available to registered associations of apartment owners, their boards, owners, tenants (excludes Residential Landlord Tenant Code issues), officers, employees, and registered condominium managing agents where there is a dispute between any of the parties relating to the provisions of the condominium laws and rules, declaration, by-laws, or house rules of a condominium. When disputes seem to be at an impasse, an independent third party has proved helpful in moving the parties to a resolution.

The Commission urges the condominium community to utilize the service of these mediation organizations early in a dispute. Except for mandatory mediation of assessment amounts that have been paid, mediation is voluntary. Nevertheless, the early use of mediation can reduce the time, energy, emotional stress, and costs associated with lawsuits, or the inevitable later use of mediation.

MEDIATION CASE SUMMARIES

- BOD = board of directors
- RICO= Regulated Industries Complaints Office
- MCP= Mediation Center of the Pacific, Inc.
- MSM= Mediation Services of Maui, Inc.
- CMA=condominium managing agent

Cases handled by MCP (Period ending 8/31/00)

<i>Complainant vs. Respondent</i>	<i>Complaint</i>	<i>Disposition</i>
Apartment owners vs. BOD	Water Damage	Mediation declined; case closed

Cases handled by MSM (Period ending 8/31/00)

<i>Complainant vs. Respondent</i>	<i>Complaint</i>	<i>Disposition</i>
Apartment owner vs. BOD & CMA	Tiki Torches on common elements and health problems	Mediation declined; BOD & CMA retained attorney to follow up

Cases handled by RICO (Period ending 8/31/00) None reported.

Note: Mediation is recommended and preferred, however, in some instances there may be some legitimate reasons for de-

clining mediation.

Subsidized mediation may be obtained through the following:

Mediation Center of the Pacific, Inc. (“MCP”), 200 N. Vineyard Blvd., Suite 320, Honolulu, Hawaii 96817, telephone (808) 521-6767

Mediation Services of Maui, Inc. (“MSM”), Cameron Center 95 Mahalani Street, Wailuku, Maui 96793, telephone (808) 244-5744

Q&A from pg. 2

www.capitol.hawaii.gov is a website where an unofficial copy of the laws discussed here may be reviewed.

Finally, the Real Estate Commission cannot and does not provide legal advice or investment advice. It is recommended that you consult with licensed professionals familiar with condominium and investment law.

Q I am a board member of an association that is 100% owned by absentee owners. I understand that Act 22 (SLH 2000) requires a board of directors intending to use association funds to distribute proxies, to post notice of its intent to distribute proxies in prominent locations in the condominium, 30 days prior to the distribution of proxies. Since the greater portion of our absentee owners will not be on site thirty days prior to the mailing of the proxies, do we need to follow the Act?

A The legislative intent of Chapter 514A (“condominium law”), Hawaii Revised Statutes, is based on the overriding principles of self-governance by the Association of Apartment Owners (“AOAO”), owner enforcement, majority rule, use of mediation, mandatory arbitration of disputes, and very limited involvement by the government.

The Commission is responsible only for minimal oversight and enforcement of the limited statutory provisions pertaining to the management and governance of AOAOs.

Act 22 amends Sections 514A-82(b) and 514A-83.2 of the Hawaii Revised Statutes, and was not introduced by the Commission. Unfortunately, the Commission does not have authority over these sections of the condominium law, and is unable to provide formal interpretation.

In reviewing the intent of the legislation and its language, there appears no exception to the posting of the notice. Although Act 22 does not require the board to send a copy of the posted notice to absentee owners, some boards have reported that they send the posted notice to absentee owners in keeping with the spirit of the law.

Condominium Education Calendar

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
11/09/00	11:30 am	Membership Meeting "Property Tax Decrease, To Be, or Not To Be"	Hale Koa Hotel	HCAAO
11/11/00*	8:30 - Noon	Almost Free Legal Advice	Maui, Hawaii	CAI-H
11/17/00	5:00 pm	CAI Annual Meeting	Hale Koa Hotel	CAI-H
01/24/01	8:30 - 1:30	HSBA Conveyance Seminar	Japanese Cultural Center	HSBA
02/17/01	TBA	Physical Plant	Hale Koa Hotel	CAI-H

**Seminar has been approved by the REC for CEF subsidy. Registration fees for condominium apartment owners whose AOAO are currently registered with the REC are being subsidized with funds from the Condominium Education Fund.*

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	879-5266	P.O. Box 647 Kihei, HI 96753
HAC	Oahu Arm Committee	523-6096	1571 Piikoi St, #506 Honolulu, HI 96822
HCAAO	Hawaii Council of Associations of Apartment Owners	533-2528	677 Ala Moana Blvd. #401 Honolulu, HI 96813
HSAP	Hawaii State Association of Parliamentarians	839-4437	
HSBA-CLE	Hawaii State Bar Association - Continuing Legal Educ.	537-1868	1132 Bishop Street, Ste 906 Honolulu, HI 96813
HICLE	Hawaii Institute For Continuing Legal Education	537-1868	1136 Union Mall, PH 1 Honolulu, HI 96813
IREM	Institute of Real Estate Management Hawaii Chapter No. 34	733-7060 ext. 106	1136 12th Ave, Ste 220 Honolulu, HI 96816
UH-SPP	Special & Professional Programs, College of Continuing Education, University of Hawaii	956-8244	2530 Dole Street Honolulu, HI 96822

Real Estate Branch and Real Estate Commission's web page at: <http://www.state.hi.us/hirec>
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