

Report Title:

Condominium Dispute Resolution Pilot Program; Scope

Description:

Repeals limitation on issues that may be considered in administrative hearing of condominium dispute and allows any issue considered in preceding mediation to be adjudicated. (SD1)

THE SENATE

TWENTY-THIRD LEGISLATURE, 2005

STATE OF HAWAII

S.B. NO. 1345
S.D. 1

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 514A-121.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If a dispute is not resolved by mediation as provided in subsection (a), in addition to any other legal remedies that may be available, any party that participated in the mediation may file a request for a hearing with the office of administrative hearings, department of commerce and consumer affairs, as follows:

(1) The party requesting the hearing must be a board of directors of a duly registered association of apartment owners, or an apartment owner that is a member of a duly registered association pursuant to section 514A-95.1;

(2) The request for hearing must be filed within thirty days from the final day of mediation;

(3) The request for hearing must name one or more

parties that participated in the mediation as an adverse party and identify the statutory provisions in dispute; and

(4) [~~No dispute arising out of section 514A-82(b)(1) to (13), section 514A-82.3, section 514A-82.5, section 514A-82.6, section 514A-83.1(b), section 514A-83.4(c), or relating to the interpretation or application of any association of owners' declaration, bylaws, or house rules may be the subject of any request for hearing under this section.~~] The subject matter of the hearing before the hearing officer may include any matter that was the subject of the mediation pursuant to subsection (a)."

SECTION 2. This Act shall not apply to any claims arising prior to its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2005.