

School Files

Hawaii Real Estate Commission

January 2014

www.hawaii.gov/hirec

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CORE A and CORE B 2013-2014

At its Wednesday, December 11, 2013 monthly meeting, the Commission's Education Review Committee (ERC) voted to allow the offering of live classroom Core A and Core B (when released about June 2014) classes throughout the 2013-2014 biennium.

In 2009, to encourage licensees to take Core A during the first year of the biennium when that year's legislative update was offered, the Commission decided to limit the offering of live classroom Core classes, as it appeared, and still does now, that licensees prefer to attend a live class rather than an online class. During the past two biennia, the numbers of licensees taking Core A during the first year of the biennium, and Core B during the second year, have remained about the same. Licensees tend to procrastinate until the last couple of months before the renewal deadline of November 30th of the even-numbered year, and cram in Core A and Core B, as well as elective courses.

Core A, 2013-2014, will be available in both live and online formats throughout the current biennium. Core B, to be released about June 2014, will be available in both live and online formats throughout the remaining part of the biennium. Effective January 1, 2015, Core A and Core B 2013-2014 will be available only in an ONLINE format until May 31, 2015. At that point, both Core A and Core B will no longer be available, and licensees restoring or reactivating their license will need to take elective continuing education courses to make up for the core course credits (5 credits).

CORE COURSE 2015-2016

REMINDER: The mandatory core course hours will increase from the current 5 hours to 8 hours for the 2015-2016 biennium. This change was approved by the ERC at its monthly March 6, 2013 meeting. Licensees will be required to complete the 8 hours of the mandatory core course plus 12 continuing education elective hours.



NEW PRELICENSE ONLINE SYSTEM

The Commission will be launching its PRELICENSE ONLINE SYSTEM in early February 2014! Electronic registration for courses, class offerings/schedules, and electronic school completion certificates will be available. No more manual rosters or ordering and writing completion certificates.

The prelicense online system is modeled after the successful Continuing Education online system that was unveiled in 2008. The system has proven to be easy to understand and simple to use.

Training will be provided for prelicense principals and instructors. The date of the training will be Wednesday, January 29, 2014, 10:30 a.m. Training will be held at the DCCA, 3rd floor, room 324.

There will also be a review session for all Continuing Education Providers and their administrative staff on Wednesday, January 29, 2014, 9:30 a.m., in the same room. There are some important updates to the Continuing Education Online System which will affect all licensees. Each licensee will be creating their own, individual ACCOUNT, to access information. Individualized accounts will also be necessary to access the Prelicense Online System.

Information on the prelicense system will be emailed to all prelicense schools/principals. Updated information on the Continuing Education Online System will also be emailed to all Continuing Education Providers.

For the mainland-based Continuing Education Providers and Prelicense Schools, please contact David Grupen, Real Estate Specialist, (808) 586-2643, or email hirec@dcca.hawaii.gov or roster@dcca.hawaii.gov for specific questions, concerns and training.



PSI EXAM RATE INCREASE IN EFFECT

Effective January 1, 2014, the cost of taking a real estate licensing exam increased from \$63.00 to \$68.00. This applies to real estate salesperson, broker, and instructor test takers. This is the first exam fee increase in 5 years.



PROPOSED RULE-MAKING ON ADVERTISING

Of the MANY rule changes proposed for Chapter 99, Hawaii Administrative Rules, §16-99-11 has caused the most stir among the real estate community. Either licensees do not agree with the proposed change, or do not clearly understand the change being proposed. Most often, it is the latter – there appears to be confusion based on a misinterpretation or misunderstanding of the rule change.

In non-legalese, the existing rules in §16-99-11 that may be changed basically state that when advertising, a real estate licensee using his or her name as licensed by the Commission in the advertisement, shall include the name of the brokerage firm or a trade name (approved by the Commission) in the same advertisement.

The proposed change is this: when an advertisement includes the licensee’s name as licensed by the Commission, the name of his associating brokerage needs to be included in the ad, “prominently and conspicuously”. This proposed change is to address those advertisements where the name of the brokerage, while appearing somewhere in the advertisement, is included in such a small-sized font, that it may be easily overlooked by the consumer. The proposed change also includes language which requires the license number of the brokerage to appear. HOWEVER, the change goes on to state, “The license number of the brokerage shall not be required for all advertising and promotional materials that comply with paragraph (e).”

What does “paragraph (e)” state? “All advertising and promotional materials that refer to the individual licensee’s name, including but not limited to business cards, shall: . . . (3) Include the licensee’s license number as issued by the commission.”

DELETED from the proposed rule change is language that addressed the font size of the name of the brokerage being at least the same size as the font used for the licensee’s name. Again, this language is DELETED. GONE. NO MORE.

So, in a nutshell, if the proposed rule change is accepted, all real estate licensees, when advertising with their name as licensed by the commission, shall include their license number as issued by the commission. If the individual licensee’s license number is in the advertisement, as required, there is NO REQUIREMENT to include the license number of the brokerage in the advertisement.



ASSISTANCE ANIMALS AND THE LANDLORD TENANT CODE

BY SCOTT A. SHERLEY, BROKER

Act 206 of the 2013 Hawaii Legislative Session amends Chapter 521, Hawaii Revised Statutes, the Residential Landlord-Tenant Code, to allow the inclusion of an additional amount in the security deposit to cover damages caused by any pet animal, except for assistance animals, allowed to reside in the premises pursuant to the rental agreement.

This provision is effective for rental agreements entered into on or after November 1, 2013. One key to this legislation is the phrase, “except for assistance animals”, which means that landlords may not charge a security deposit for an assistance animal, nor can the landlord deny occupancy of a prospective tenant with an assistance animal.

Hawaii law is fairly liberal regarding this type of animal, but there is a need to clarify the differences since there are two Federal Laws that affect what this type of animal. Under the Americans with Disabilities Act (ADA, amended March 15th 2011), service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability.

Dogs whose sole function is to provide comfort or emotional support **do not qualify** as service animals under the ADA. The Department of Justice (DOJ) revised ADA regulations which allow miniature horses that have been individually trained to do work or perform tasks for people with disabilities. However, the ADA requirements apply to public accommodations such as restaurants, banks, real estate offices, etc. This does not change what is allowed as an assistance animal under the Federal Fair Housing laws which state that persons with a disability are allowed an “Emotional Support Animal”. The DOJ in their memo announcing the change to service animals clarified that the new rules under the ADA do not change the definitions of service animals under the Federal Fair Housing Act. If a prospective tenant has a valid Emotional Support Animal, they cannot be denied a rental because of the animal nor can the Landlord charge an additional security deposit as noted in ACT 206. If a situation occurs involving service animals and/or emotional support animals, care should be given on what you may or may not do.

You **MAY** ask:

- *Is this a service animal?*
- *What task does this service animal provide*

You **CANNOT** ask:

- *Require special identification for the animal*
- *Ask what the person’s disability is*
- *Charge additional fees*
- *Refuse admittance, isolate, segregate or treat less favorably.*

A person with a disability **CANNOT** be asked to remove the service animal **UNLESS**:

- *The animal is out of control and the owner does not take effective action to control it*
- *The animal poses a **direct threat** to the health and safety of others*

You may also request verification from the prospective tenant as to the assistance animal, such as a form completed by the prospective tenant’s medical provider. Make sure you have an office policy in the broker’s Policies and Procedures Manual, addressing how to handle these situations and request forms reviewed by your attorney. Handling the situation in the correct way, and keeping up with Federal and State laws will help keep you out of trouble.

About the Author: Scott A. Sherley, REALTOR®, is a continuing education provider and instructor specializing in Fair Housing, Americans with Disabilities Act and property management courses. He is also the current Real Estate Commissioner for the Big Island.



2014 REAL ESTATE COMMISSION MEETING SCHEDULE

Laws & Rules Review Committee – 9:00 a.m. Condominium Review Committee – Upon adjournment of the Laws & Rules Review Committee Meeting Education Review Committee – Upon adjournment of the Condominium Review Committee Meeting	Real Estate Commission 9:00 a.m.
Wednesday, January 8, 2014*	Friday, January 24, 2014
Wednesday, February 12, 2014	Friday, February 28, 2014
Wednesday, March 12, 2014	Friday, March 28, 2014
Wednesday, April 9, 2014	Friday, April 25, 2014
Wednesday, May 14, 2014	Friday, May 30, 2014
Wednesday, June 18, 2014	Friday, June 27, 2014
Wednesday, July 9, 2014	Friday, July 25, 2014
Wednesday, August 13, 2014	Friday, August 29, 2014
Wednesday, September 10, 2014	Friday, September 26, 2014
Wednesday, October 8, 2014	Friday, October 24, 2014
Wednesday, November 12, 2014	Wednesday, November 26, 2014
Wednesday, December 10, 2014	Friday, December 19, 2014

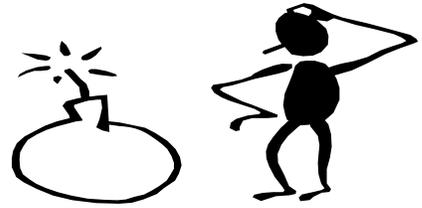
*The January 8, 2014 meeting will be held in Kahului, Maui

All meetings will be held in the Queen Liliuokalani Conference Room of the King Kalakaua Building, 335 Merchant Street, First Floor.**

**Meeting dates, locations and times are subject to change without notice. Please visit the Commission’s website at www.hawaii.gov/hirec or call the Real Estate Commission Office at (808) 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 (808) 586-2643 to submit your request.

AUTHOR/OWNER PERMISSION TO OFFER COURSE FORM

There is still a bit of CONFUSION out there regarding who fills out and submits the “Author/Owner Authorization to Offer Course” form.



WHO FILLS OUT THIS FORM?
HINT, HINT: LOOK AT THE TITLE OF THE FORM!

THE AUTHOR/OWNER OF THE COURSE COMPLETES THE FORM.

THE AUTHOR/OWNER OF THE COURSE
COMPLETES THE FORM.

What form are we referring to? SEE BELOW:


STATE OF HAWAII
REAL ESTATE BRANCH
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
KING KALAKAUA BUILDING
335 MERCHANT STREET, ROOM 333
HONOLULU, HI 96813

**COURSE AUTHOR/OWNER
AUTHORIZATION TO OFFER COURSE**

(Name - Course Author/Owner)

hereby authorizes

(Name - Continuing Education Provider)

to offer the following Real Estate Commission certified continuing education course(s).

Course Title	Specific Offering Date(s) or If for Remainder of Current Biennium Check Box
	<input type="checkbox"/>

Signature - Course Author/Owner

Date

CEOFFER03_2013

Please don't say you're still confused. If you are, call the Real Estate Branch, (808) 586-2643.

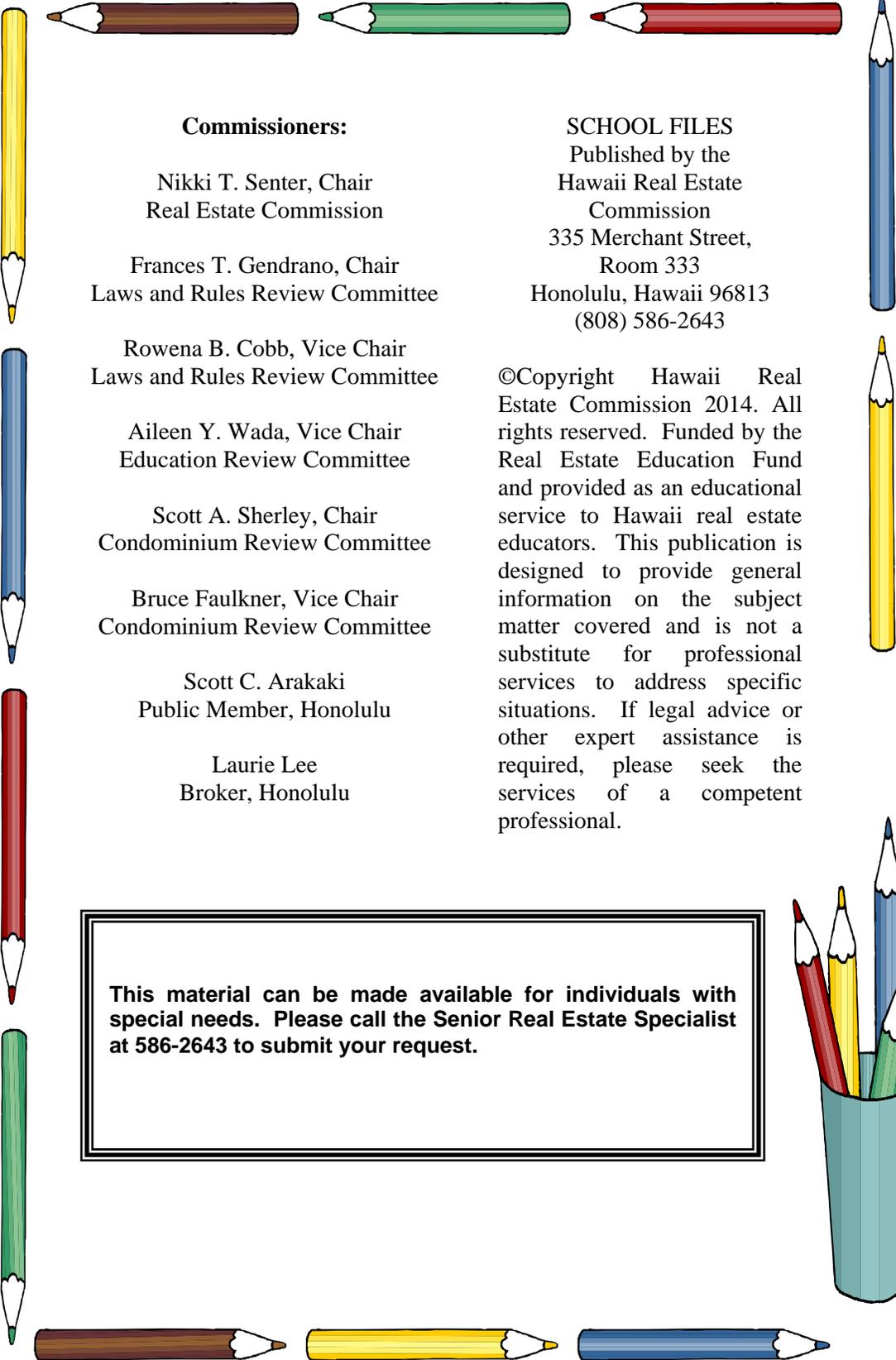
CONTINUING EDUCATION PROVIDERS

Abe Lee Seminars
Akahi Real Estate Network, LLC
Carol Ball School of Real Estate
Carol M. Egan, Attorney at Law
Charfen Institute dba Distressed Properties Institute LLC
Coldwell Banker Pacific Properties Real Estate School
Continuing Ed Express, LLC
Dower School of Real Estate
Eddie Flores Real Estate Continuing Education
Green Building, LLC
Hawaii Association of Realtors
Hawaii Business Training
Hawaii CCIM Chapter
Hawaii Institute of Real Estate, LLC
Hawaii Island Realtors
Honolulu Board of Realtors
Institute of Real Estate Management – Hawaii Chapter No. 34
Institute of Real Estate Management – Nat'l
Investment Property Exchange Services, Inc.
Kauai Board of Realtors
Key Realty School, LLC
Lorman Business Center, Inc. dba Lorman Education Services
McKissock, LP
OnCourse Learning Corporation dba Career WebSchool
Pacific Real Estate Institute
Property Merchants, Inc. dba All Islands Real Estate School
ProSchools, Inc.
Ralph Foulger's School of Real Estate
Real Class, Inc.
Realtors' Association of Maui, Inc
REMI School of Real Estate
Russ Goode Seminars
Shari S. Motooka-Higa
The CE Shop, Inc
The Seminar Group
TM Education Services
University of Hawaii Maui College – OCET Real Estate School
Vitousek Real Estate Schools, Inc.
West Hawaii Association of Realtors

PRELICENSE SCHOOLS

Abe Lee Seminars
Akahi Real Estate Network, LLC
Carol Ball School of Real Estate
Coldwell Banker Pacific Properties Real Estate School
Continuing Ed Express LLC
Dower School of Real Estate
Fahrni School of Real Estate
Hawaii Institute of Real Estate, LLC
Inet Realty
Property Merchants, Inc. dba All Islands Real Estate School
ProSchools, Inc.
Ralph Foulger's School of Real Estate
REMI School of Real Estate
Seiler School of Real Estate
University of Hawaii Maui College – OCET Real Estate School
Vitousek Real Estate Schools, Inc.





Commissioners:

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Real Estate Commission

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Laws and Rules Review Committee

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Laws and Rules Review Committee

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Condominium Review Committee

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Laurie Lee
Broker, Honolulu

SCHOOL FILES

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This material can be made available for individuals with special needs. Please call the Senior Real Estate Specialist at 586-2643 to submit your request.