



Learn more about the Real Estate Branch (REB) of the Department of Commerce and Consumer Affairs

Check out the REB website www.hawaii.gov/hirec for more information and some frequently asked questions.

- What services does the REB provide to the condominium community?
- Where can I get help with association disputes?
- What laws apply to my condominium association?
- How do I get a copy of my association documents?
- How do I obtain a real estate license?
- What are the laws and rules for real estate licensees?

Real Estate Branch

About Us

The Real Estate Branch, as part of the Professional and Vocational Licensing Division, assists the Real Estate Commission in carrying out its responsibility for the education, licensure and discipline of real estate licensees; registration of condominium projects, condominium associations, condominium managing agents, and condominium hotel operators; and intervening in court cases involving the real estate recovery fund.

Subscribe

Receive emails on relevant condominium educational materials. Sign up now at <http://cca.hawaii.gov/reb/subscribe/>

Contact Us

Condominium Hotline: 808-586-2644
Hours: 9:00 AM – 3:00 PM
Email: hirec@dcca.hawaii.gov
Web: www.hawaii.gov/hirec

This brochure is for informational purposes only and not intended for the purpose of providing legal advice. Information provided is subject to change.



CONDOMINIUM: STEPS TO RESOLVING DISPUTES

Real Estate Branch
335 Merchant Street #333
Honolulu, HI 96813

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*Real Estate Branch
Department of Commerce and
Consumer Affairs*

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Steps to Resolving Disputes

While condominium living ideally would be problem free, conflict unfortunately occurs from time to time.

There are several steps that owners and boards may take in resolving conflicts.

Talk to the Board/Owner

A conversation between the parties in a conflict may help resolve problems. Rather than letting potential misunderstandings, or differing expectations of rights and responsibilities fester, continuing to openly discuss the issues may resolve the problems. Many conflicts in condominiums grow because neither party openly communicates.

Members in a dispute should try to suppress the emotional aspect of the dispute and focus on the facts of the conflict. Failure to do so has often resulted in expensive lawsuits that may have been resolved with a conversation.

All parties in the conflict should educate themselves about the rights and responsibilities of those involved to start on common ground.

Mediation

Mediation for owners within registered associations is subsidized by the Hawaii Real Estate Commission. Two types of mediation are available: facilitative and evaluative.

Facilitative mediation is a more relaxed, less costly discussion focused on getting both parties to participate in understanding each other's perspectives.

Evaluative mediation is run by mediators experienced in condominium law, often retired judges or lawyers. It is costlier, but with a greater level of expertise. Evaluative mediation may result in the mediator rendering a decision as to which party is more likely to prevail in arbitration or litigation.



Voluntary Binding Arbitration

Act 196, SLH 2018, expanded the use of subsidized funds to include arbitration. Unlike mediation, arbitration is binding upon both parties. Participants must have attempted evaluative mediation prior to using arbitration and participation is voluntary for both parties.



Civil Litigation or Arbitration

Should all other options fail to resolve the conflict, civil litigation via the court system and regular arbitration are available. These are often the costliest options, with cases sometimes taking years to come to trial or a conclusion.

Additional Information

Please review the Commission's Mediation brochures at www.hawaii.gov/hirec.