

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?

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.

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

Contact Us

Condominium Hotline: 808-586-2644
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CONDOMINIUM: 2018 LEGISLATIVE SESSION UPDATE

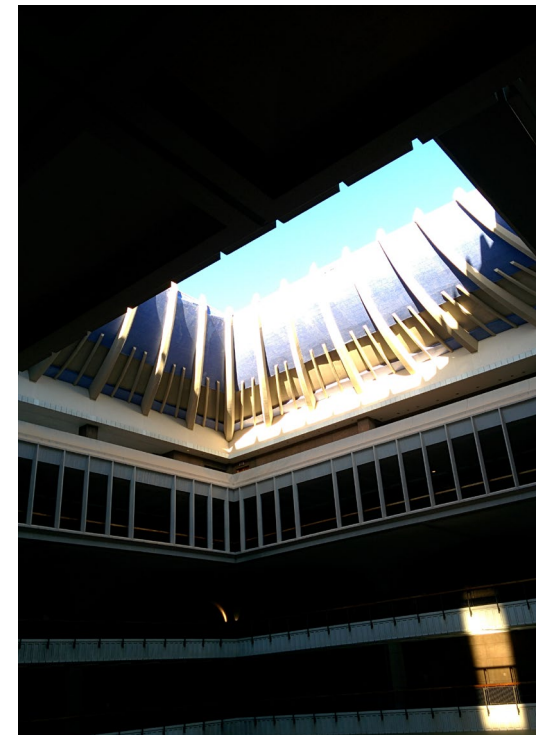
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CONDOMINIUM:

CONDOMINIUM 2018 LEGISLATIVE SESSION UPDATE

*Real Estate Branch
Department of Commerce and
Consumer Affairs*

July 2018



2018 Legislative Session Update

The 2018 legislative session adjourned with several condominium bills enacted into law. Please consult with legal professionals regarding these new laws. The following descriptions are summarizations of a few Acts meant to provide only general information.



House Bills:

[Act 195, SLH 2018](#) modified the foreclosure process for associations where there is an agreed upon payment plan. Act 195 also **prohibits** associations from deducting late fees, legal fees, fines, and interest from common expense payments **regardless** of any board policy. The new law ends a board's ability to set priority of payments. Owners may not withhold any common expense payments, but may dispute other payment requests **prior** to payment via mediation. Act 195 provides a detailed procedure for unit owners to contest attorneys' fees and



costs, penalties or fines, lien filing fees, or any other charges, except for common expense assessments in addition

to providing minimum and maximum deadlines to demand mediation.

The law also prohibits associations from attempting to collect any of the disputed charges until the association has participated in mediation. This law significantly changes how associations may collect on non-common expense assessments. This law is effective July 1, 2018, but sunsets on June 30, 2020.

[Act 196, SLH 2018](#)

expands the subsidized mediation program to include binding arbitration. The law also expands the scope of who can participate in mandatory mediation and the scope of what may be mediated.



Act 196 also explicitly allows parties to apply to the circuit court to compel mediation in certain circumstances and sets time deadlines. This law is effective January 2, 2019, but sunsets on June 30, 2023.

Senate Bills:

[Act 217, SLH 2018](#) makes it a fineable offense to knowingly misrepresent as a service animal any animal that does not

meet the definition under §347-2.5, HRS, effective January 1, 2019. While Act 217 is not explicitly condominium related, many condominiums have encountered difficulty with misrepresented service animals. For condominiums, the law must be read with the requirements of the Fair Housing Act and Hawaii Civil Rights Commission regarding therapy, assistance, and emotional support animals.

Legislative Process:

Are you interested in the legislative process? Check out the Hawaii State Legislature website here: <http://www.capitol.hawaii.gov/> for the legislative calendar, legislator contact information, citizen's guide to the legislative process, broadcasts of hearings, bill information, online bill testimony submission, and much more! The Public Access room, located on the fourth floor of the Capitol building, serves to help Hawaii residents understand and participate in the legislative process. Visit it here: <https://lrb.hawaii.gov/par/>

The legislative session starts in January, and closes in May annually. See the [legislative calendar](#) for more legislative deadlines and dates.