



## WHAT IS MEDIATION?

Mediation is an informal, inexpensive, and confidential process for resolving disputes quickly. The mediator acts as an impartial third party who assists the parties in face-to-face meetings to work out a mutually acceptable solution.

There are two types of mediation available: 1) facilitative; and 2) evaluative. In facilitative mediation, trained mediators facilitate discussions between parties and assist participants in memorializing perspectives. Evaluative mediation is a form of mediation conducted by trained mediators who possess subject matter expertise in the Hawaii condominium law and have extensive experience mediating disputes. The mediators have knowledge of the relevant case law and apply it to the facts of the mediation, providing candid and informed assessments of each party's position. The mediators facilitate discussion and assist in the parties' attempts to reach agreement by giving objective feedback and suggestions on options for resolution.

## ARE THERE ADVANTAGES IN MEDIATION?

- Inexpensive;
- Expedient;
- Parties control the solutions;
- Solutions are tailored to needs of parties;
- Confidential process by mediators with knowledge of the condominium law;
- Scheduled at convenience of parties;
- Even if dispute is not completely resolved, mediation often defuses hostilities, clarifies issues, and expands options; and
- Small Claims Court, arbitration, and litigation are still options if unable to resolve dispute through mediation.



## IS MEDIATION MANDATORY?

Section 514B-161, HRS, **requires** mediation if a condominium owner or the board of directors requests mediation of a dispute involving the interpretation or enforcement of an association's declaration, bylaws or house rules.



## IS THERE A COST FOR MEDIATION?

There is a nominal fee. The Real Estate Commission (Commission) established a trust fund, the Condominium Education Trust Fund, which is used for educational purposes, including mediation. Subject to availability of these monies, subsidized mediation services are available through the mediation providers listed in this brochure for **eligible parties and eligible issues**.

## WHO IS ELIGIBLE TO FILE FOR MEDIATION?

Owners or boards of directors of condominium associations registered with the Commission.

## WHAT IS CONSIDERED AN ELIGIBLE ISSUE?

Disputes involving:

- The declaration of a registered condominium association;
- The bylaws of a registered condominium association; and
- The house rules of a registered condominium association.
- Foreclosures, assessments, penalties, fines, and fees.

## ARE THERE INELIGIBLE ISSUES?

- Parties and issues involving Chapter 521, HRS, Residential Landlord-Tenant Code

- Condominium developers and construction issues
- Timeshare owners/associations and timeshare issues
- Issues concerning employees of registered condominium associations and labor law issues

## WHAT IS THE PROCEDURE IN REQUESTING - SUBSIDIZED MEDIATION?

You may contact any of the Commission's mediation providers listed in this brochure. The mediation providers will explain their procedures and cost. The Commission does not conduct mediations.

## MEDIATION PROVIDERS

Contact the following facilitative mediation providers directly about the procedures and cost, and arranging mediation (check [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) for a current list of mediation centers):

**Oahu:** Mediation Center of the Pacific, Inc.  
245 N. Kukui Street, #206  
Honolulu, HI 96817  
Tel: (808) 521-6767  
Fax: (808) 538-1454  
Email: [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org)

**Maui:** Mediation Services of Maui, Inc.  
95 Mahalani Street, Suite 25  
Wailuku, HI 96793  
Tel: (808) 244-5744  
Fax: (808) 249-0905  
Email: [info@mauimmediation.org](mailto:info@mauimmediation.org)

**W. Hawaii:** West Hawaii Mediation Center  
65-1291 Kawaihae Road, #103B  
Kamuela, HI 96743  
Tel: (808) 885-5525  
Fax: (808) 887-0525  
Email: [info@whmediation.org](mailto:info@whmediation.org)

*(Mediation Providers continued on back)*

## MEDIATION PROVIDERS - CONTINUED

**E. Hawaii:** Ku'ikahi Mediation Center  
101 Aupuni St. Ste. 1014 B-2  
Hilo, HI 96720  
Tel: (808) 935-7844  
Fax: (808) 961-9727  
Email: [info@hawaiiemediation.org](mailto:info@hawaiiemediation.org)

**Kauai:** Kauai Economic Opportunity, Inc.  
2804 Wehe Road  
Lihue, HI 96766  
Tel: (808) 245-4077 Ext. 229 or 237  
Fax: (808) 245-7476  
Email: [keo@keoinc.org](mailto:keo@keoinc.org)

## EVALUATIVE MEDIATION PROVIDERS

**Lou Chang, A Law Corporation**  
Mediator, Arbitrator, Attorney  
Member, National Academy of Arbitrators  
P.O. Box 61188, Honolulu, Hawaii 96839  
Tel: (808) 384-2468  
Email: [louchang@hula.net](mailto:louchang@hula.net)  
Website: [www.louchang.com](http://www.louchang.com)

**Charles W. Crumpton**  
Crumpton Collaborative Solutions LLLC  
TOPA Financial Center, Suite 702  
745 Fort Street, Honolulu, Hawaii 96813  
Tel: (808) 439-8600  
Email: [crumpton@chjustice.com](mailto:crumpton@chjustice.com)  
Websites: [www.acctm.org](http://www.acctm.org); [www.nadn.org](http://www.nadn.org);  
[www.accord3.com](http://www.accord3.com); and [www.mediate.com](http://www.mediate.com)

**Mediation Center of the Pacific, Inc.**  
245 N. Kukui Street # 206  
Honolulu, HI 96817  
Tel: (808) 521-6767  
Email: [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org)

**Dispute Prevention and Resolution**  
1003 Bishop Street, Suite 1155  
Honolulu, HI 96813  
Tel: (808) 523-1234  
Website: <http://www.dprhawaii.com/>

## USEFUL INFORMATION SOURCES

**Department of Commerce and Consumer Affairs (DCCA) website:**

<http://cca.hawaii.gov/>

Chapters 514A and 514B, HRS, and Chapter 107, HAR, regarding Condominium Property Regimes, are available online. Please refer to the following sites:

Website to access unofficial copy of laws:  
[www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)  
<http://cca.hawaii.gov/hawaii-revised-statutes/>

Website to access rules:  
<http://cca.hawaii.gov/hawaii-administrative-rules/>

**STATE TOLL-FREE NUMBERS**  
From the neighbor islands:

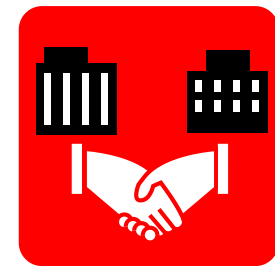
**Hawaii** 974-4000 ext 62643  
**Kauai** 274-3141, ext. 62643  
**Maui** 984-2400, ext. 62643  
**Molokai & Lanai** 1-800-468-4644, ext. 62643

**Real Estate Branch Website:**  
[www.hawaii.gov/hirec](http://www.hawaii.gov/hirec)

## REAL ESTATE COMMISSION

STATE OF HAWAII

# MEDIATION OF CONDOMINIUM DISPUTES



**Department of Commerce & Consumer Affairs**

**Real Estate Branch  
Professional & Vocational Licensing Division  
335 Merchant Street, Room 333  
Honolulu, HI 96813  
Telephone: (808) 586-2643**

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This printed material can be made available for individuals with special needs. Please submit your request to the Senior Condominium Specialist at (808) 586-2643.  
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