



# Hawaii Condominium Bulletin

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## contents

The Health Effects of Secondhand Emissions from Cannabis and Tobacco Products in Housing page 1

Message from the Chair page 2

Legislative Session 2024 page 3

Mediation Case Summaries page 4

Ask the Condominium Specialist page 5

THE AKAMAI BUYER Even More Things to Consider Before You Buy a Condo page 5

2024 Real Estate Commission Meeting Schedule page 6

## The Health Effects of Secondhand Emissions from Cannabis and Tobacco Products in Housing from Hawai'i Public Health Institute/Coalition for a Tobacco-Free Hawai'i



People often compare cannabis smoke to tobacco cigarette smoke and wonder if one is more harmful than the other. Additionally, with the rapid rise in electronic smoking device (ESD) use among youth and young adults, there are also many questions about how the aerosols emitted from the products affect bystanders. The bottom line is that all of these products pose health risks and prohibiting their use in multi-unit housing (MUH) is the only way to fully protect residents from exposure.

According to the Centers for Disease Control and Prevention (CDC), fine particles, also called PM2.5 (i.e. particulate matter with particles that are 2.5 micrometers or less in diameter), are dangerous because they can get deep into your lungs—or even your blood. A recent study found that the PM2.5 emission rate of pre-rolled marijuana joints was found to be 3.5 times the average emission rate of one brand of tobacco cigarettes. The health impact of exposure to particulate matter has been linked with eye irritation, lung and throat irritation, trouble breathing, lung cancer, and low birth weight in babies. If someone has heart disease, breathing in particle pollution can cause a heart attack or other serious conditions. ESD aerosol is also comprised of a high concentration of fine particles similar in size to tobacco cigarette smoke. Some of the chemicals identified in ESDs are known carcinogens or reproductive toxins. Metals such as chromium, nickel and tin were also found in ESDs.

With regard to tobacco, the Surgeon General declared that there is no safe level of secondhand smoke (SHS). Exposure to tobacco SHS increases risk in nonsmokers for coronary heart disease, stroke, and lung cancer by 20-30%. For women of childbearing age, exposure to SHS has been linked with increased risk of health complications and risk for having a newborn with lower birth weight. Children and babies exposed to SHS also have increased risk of death from sudden infant death syndrome (SIDS), or other health problems such as pneumonia, bronchitis, ear infections, and more frequent or severe asthma.

Unfortunately, involuntary exposure to cannabis or tobacco smoke can be a problem for those who live in condos, apartments or townhomes. Visit the Hawai'i Public Health Institute's website on Smoke-Free Multi-Unit Housing for more information and talk to your condo board or property manager about instituting smoke-free protections for your building.

The Coalition for a Tobacco-Free Hawai'i, a program of Hawai'i Public Health Institute, is a national trailblazer in reducing tobacco use through education, policy, and advocacy. Hawai'i Public Health Institute works to advance the health and wellness of the people and islands of Hawai'i. Learn more at [hiphi.org](http://hiphi.org).

Funded through the Condominium Education Trust Fund

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2644 to submit your request.

# Message from the Chair

Aloha,

Winter is ending in Hawaii with Spring shortly on its way. Spring is often a time to focus on one's health and in this edition of our Condominium Bulletin, we'd like to focus on the health effects of secondhand emissions from cannabis and tobacco products in housings such as condominiums. Thanks to the Coalition for a Tobacco-Free Hawai'i for bringing this issue to our attention and for contributing this piece.

Inside you'll also find our Legislative Update for the current 2024 Hawai'i session, our suggestions for prospective purchasers in our Akamai Buyer article pertaining to restrictions on home businesses, condominium mediation case summaries, and questions to our Ask the Condo Specialist.

Keep up with the current condo news, issues, legislative action affecting condos, and educational events being held for the condo community by signing up for the Commission's quarterly email subscription service. Sign up is available at the following link: <http://cca.hawaii.gov/reb/subscribe>. By signing up you'll get the latest news for the condo community emailed directly to your inbox. The emails are also posted at the Real Estate Branch website.

To view any of our short and informative educational videos on various aspects of condo living, click the link here <https://cca.hawaii.gov/reb/hawaii-condo-living-guide/>.

Plan to join our upcoming Commission meeting on March 22, 2024. A calendar of our meetings for 2024 is also included inside. All are welcome and encouraged to attend any of the monthly meetings which are now held in-person at the Queen Liliuokalani Conference Room of the King Kalakaua Building, 335 Merchant Street, First Floor. Click the link here [https://cca.hawaii.gov/reb/agendas\\_minutes/](https://cca.hawaii.gov/reb/agendas_minutes/) to visit our website to get the upcoming agenda and to review the minutes from prior meetings.

John R. Love  
Chair, Condominium Review Committee





The 2024 legislative session opened with over 50 condominium related bills. The following descriptions are summarizations of a few bills that survived decking, a major filing deadline. This list is only meant to provide general information.

## House Bills:

**HB 1814** requires that the Legislative Reference Bureau conduct a wide-ranging study as to how other states manage condominiums in relation to an ombudsman, licensing of managing agents, alternative dispute resolution, governmental regulation, owner education, and owner access to documents.

**HB 2315** clarifies the procedure for electronic, machine, or mail voting. Allows for electronic meetings to occur outside of a declared state of emergency.

**HB 2318** exempts planned community associations and condominium associations from the quorum and voting requirements under the Hawai'i Nonprofit Corporations Act.

**HB 2316** clarifies that cumulative voting rights apply to all candidates in condominium elections.

**HB 2686** amends the laws relating to the Hawaii Hurricane Relief Fund and Hawaii Property Insurance Association to attempt to stabilize the state's insurance market. Has specific language to address condominiums with four or more stories and registered associations.

## Senate Bills:

**SB 2404** removes from proxies the option to assign proxies to the board as a whole but retains other proxy options.

**SB 2600** authorizes the use of email to deliver certain documents during the initial sale of a condominium by a developer.

**SB 2727** allows condominiums to be eligible for commercial property assessed financing. This bill enables certain condominiums to take advantage of commercial lending to lengthen the time periods for repayment of loans for capital improvements. The loan payments would be structured into the common area maintenance or as special assessments.

## Legislative Process:

Are you interested in the legislative process? Visit the Hawaii State Legislature website (<https://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 legislative session runs until early May. Pay close attention to the bill deadlines on the session calendar (<https://www.capitol.hawaii.gov/docs/sessioncalendar.pdf>) and contact your legislators to make your voices heard.

# Mediation Case Summaries

From December of 2023 through February of 2024, the following condominium mediations or arbitrations were conducted pursuant to Hawai'i Revised Statutes §§ 514B-161 and 514B-162.5 and subsidized by the Real Estate Commission for registered condominium associations. The Mediation Center of the Pacific conducted additional condominium mediations through the District Courts while mediation providers conducted community outreach in their respective communities.

## Dispute Prevention and Resolution, Inc.

Owner vs AOUO	Dispute over the interpretation of governing documents and existing rules	Mediated, no agreement
Owner vs AOUO	Dispute over common elements	Arbitration with an agreement of all parties reached
Owner vs AOUO	Dispute over common elements and repairs	Mediated, no agreement
Owner vs AOUO	Dispute over board resolutions, declaration and bylaws regarding guest fees	Mediated, no agreement
Owner vs AOUO	Dispute over the governing documents and board obligations	Mediated, no agreement
Owner vs AOUO	Dispute over common elements and repairs	Mediated to an agreement
Owner vs AOUO	Dispute over lanai common element expense	Mediated to an agreement
Owner vs AOUO	Dispute over the interpretation of declaration and bylaws regarding water damage	Mediated, no agreement

## Mediation Center of the Pacific

Owner vs AOUO	Dispute over the interpretation and violation of the declaration and bylaws	No mediation, AOUO attorney failed to schedule
Owner vs AOUO	Dispute over the interpretation and violation of bylaws and house rule	Mediated, no agreement
Owner vs AOUO	Dispute over the interpretation of house rules related to pets	No mediation, AOUO declined
Owner vs AOUO	Dispute over the interpretation of bylaws related to alternative living arrangements	No mediation, owner failed to schedule

*To consult with any of our subsidized private mediation services, contact one of the following providers:*

### **Oahu**

#### **Mediation Center of the Pacific, Inc.**

1301 Young Street, 2nd Floor

Honolulu, HI 96814

Tel: (808) 521-6767

Fax: (808) 538-1454

Email: [mcp@mediatehawaii.org](mailto:mcp@mediatehawaii.org)

### **East 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@hawaii-mediation.org](mailto:info@hawaii-mediation.org)

### **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)

### **Maui**

#### **Mediation Services of Maui, Inc.**

95 Mahalani Street, Suite 25

Wailuku, HI 96793

Tel: (808) 244-5744

Fax: (808) 249-0905

Email: [info@mauimediation.org](mailto:info@mauimediation.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)

### **Charles W. Crumpton**

Crumpton Collaborative Solutions LLLC

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)

### **West Hawaii**

#### **West Hawaii Mediation Center**

65-1291 Kawaihae Road, #103B

Kamuela, HI 96743

Tel: (808) 885-5525 (Kamuela)

Tel: (808) 326-2666 (Kona)

Fax: (808) 887-0525

Email: [info@whmediation.org](mailto:info@whmediation.org)

### **Dispute Prevention and Resolution**

1003 Bishop Street, Suite 1155

Honolulu, HI 96813

Tel: 523-1234

Website: <http://www.dprhawaii.com/>

# Ask the Condominium Specialist

**Q:** How can I easily determine if my maintenance fees are reasonable and how are they calculated?

**A:** Condominium maintenance fees are the fees owners pay monthly to cover operating costs such as managing agents, common area electricity, security, insurance, window washing, and landscaping. They also consist of money for regular scheduled maintenance such as elevator and pool servicing and to contribute to the reserve fund for future major repairs such as concrete spalling, painting, road, and pipe replacement.

These fees include the total monthly costs, plus the reserve fund contribution and then usually multiplied by each unit's common interest. Thus, if the total monthly budget is \$16,000 and you own 1/16th of the common interest, your maintenance is \$1,000 a month. Management, labor, and security can contribute sizable expenses based on the level of service that is contracted for.

The reserve fund contribution is calculated on the reserve study, which reviews the costs for common area repairs and replacements over a thirty-year period. Each condominium will differ based on their age, amenities, elevators, and size. These studies must be reviewed at least every three years by an independent reserve study preparer.

While every condominium will be different, a quick and simple method of determining if the maintenance fee is reasonable is to compare similar sized and aged condominiums.

A condominium that has a pool, many elevators, a gym, tennis courts, full-service management, multipurpose rooms, theater, and other amenities should have substantially higher maintenance fees than a similar sized condominium that has little more than a lobby and a few elevators. With more to maintain, repair, and replace over time, both the fixed costs and the reserve fund contributions for these amenities will result in substantially higher expenses.

If a condominium with many amenities has an average maintenance fee per unit that is similar or less than a similar sized condominium with no amenities, it can be cause for concern that not enough money is being put away for long term repairs and replacement. These maintenance fees can regularly be found on various real estate listings of condominiums. It is prudent to ask, "if those condominiums with few to no amenities are paying the same as we are, are we undercharging despite our many luxury features?"

Sometimes maintenance fees will be low because the condominium project has other sources of revenue, such as parking rentals or hosting telecommunication equipment on the building's roof. Boards that fail to account for future expenses of many amenities will find themselves with no choice but to [special assess owners](#).

The information provided herein is informal and intended for general informational purposes only. Consult with an attorney familiar with the Hawai'i condominium law for specific legal advice regarding your situation.

## THE AKAMAI BUYER

### Even More Things to Consider Before You Buy a Condo

Before you make the leap and purchase a condominium unit, check to see if a home business is allowed. Certain condominium projects in their governing documents prohibit owners from engaging in commercial activities run out of their residential units. Some of these restrictions prohibit all commercial activities, where others only forbid clients from visiting the unit. While governing documents can be changed, it is often a difficult process, and you may want to find another place to live should you be facing significant restrictions on your home business. Also, the property may not be in a county zoning area that permits certain business activity.

Knowledge and information are the best tools that a potential buyer can have.

# 2024 Real Estate Commission Meeting Schedule

## Real Estate Commission – 9:00 a.m.

Friday, March 22, 2024  
Friday, April 26, 2024  
Friday, May 24, 2024  
Friday, June 28, 2024  
Friday, July 26, 2024  
Friday, August 23, 2024  
Friday, September 27, 2024  
Friday, October 25, 2024  
Friday, November 22, 2024  
Friday, December 20, 2024

All Real Estate Committee Meeting items will be discussed at the Real Estate Commission Meetings until further notice. Real Estate Commission Meetings will be held in-person 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](http://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.

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