



Free Education
Program for
Condominium
Owners

Hawaii Real Estate Commission

CONDORAMA XIII

Presented by CAI Hawaii

Saturday, November 9th

9:00 am - 11:00 am



CONDORAMA XIII



AGENDA

09:00 – 09:05 a.m. **Melanie Oyama** - Welcome & Introductions

09:05 – 09:45 a.m. **Marcus Kawatachi** – Types of Claims and Tips to Avoid Complaints

09:45 – 10:55 a.m. **Jeff Owens** – Dealing with Violence In Associations

10:50 – 11:00 a.m. **Melanie Oyama** - Closing



Mahalo

Wes Brum

Insurance Associates



Milton Motooka

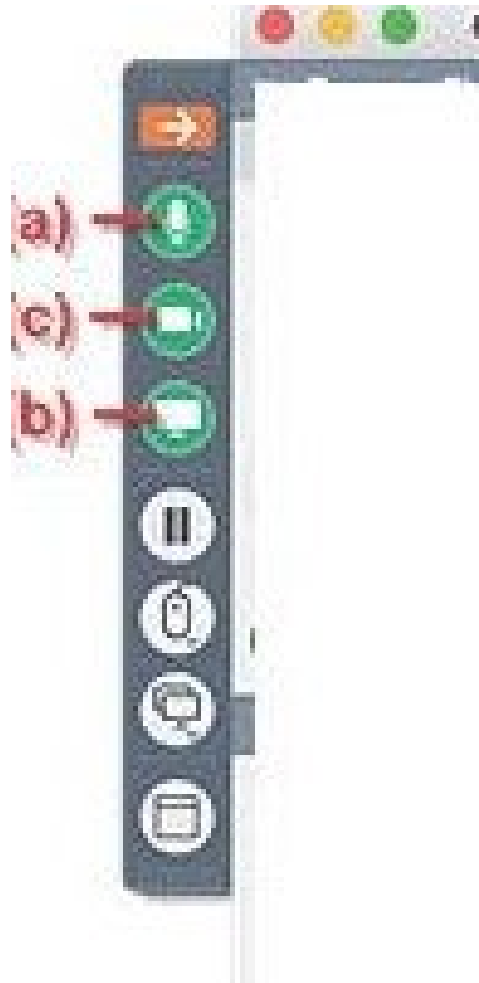
Motooka Rosenberg Lau & Oyama



Richard Ma

Presentation Resources





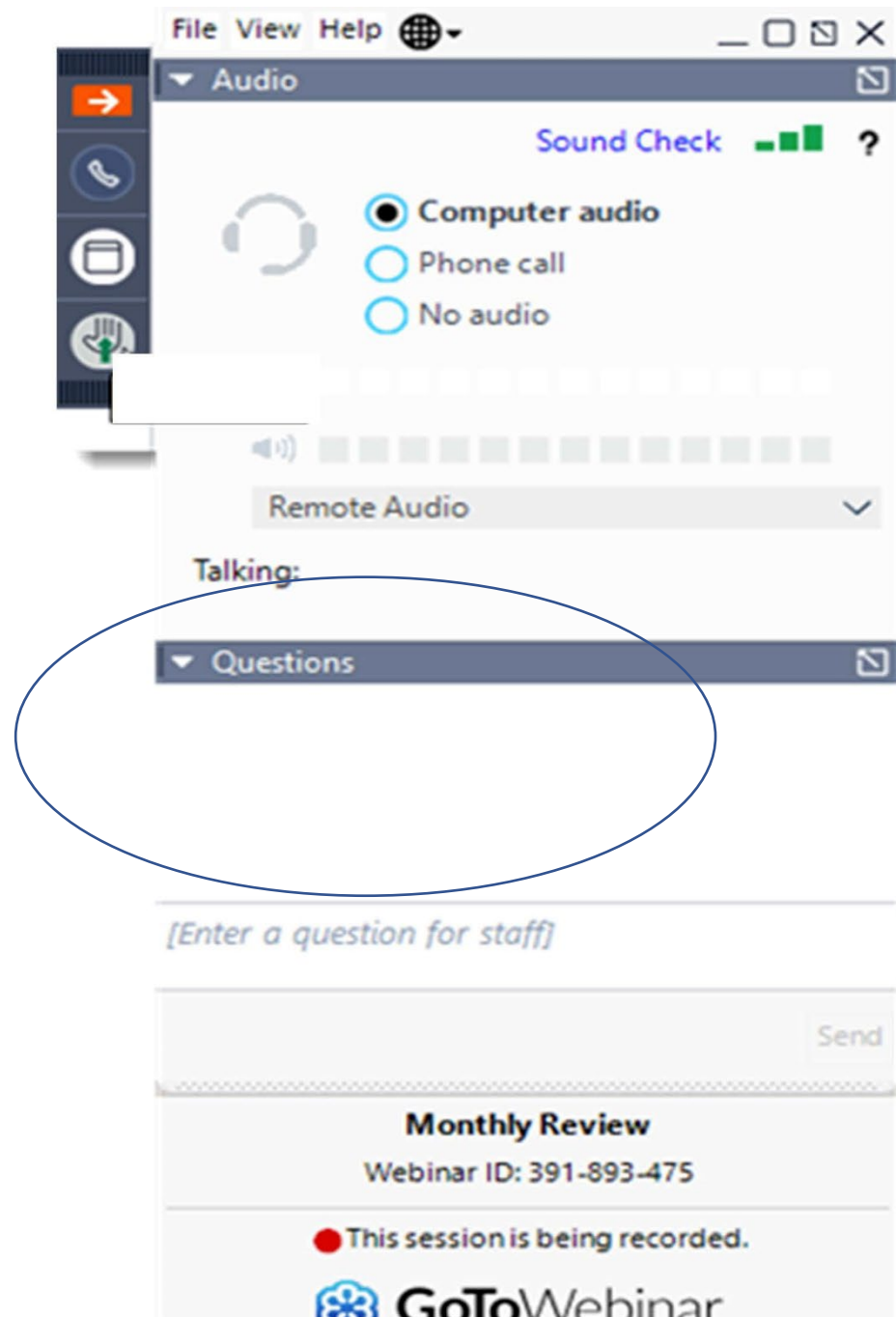
Top Right Hand Corner of Screen



Near the bottom of menu in control panel – one handout – pdf file

QUESTIONS

Submit them using the
GoToWebinar Tool
“Questions”





The materials and information provided in this educational effort is intended to provide general education and information and is not a substitute for obtaining legal advice or other competent professional assistance to address specific circumstances. The information contained in this presentation is not an official or binding interpretation, opinion or decision of the Hawaii Real Estate Commission (Commission) or the Department of Commerce and Consumer Affairs

Additionally, the Commission's CETF funding of this educational effort shall not be construed to constitute the Commission's approval or disapproval of the information and materials discussed in this educational effort; the Commission's warrant or representation of the accuracy, adequacy, completeness, and appropriateness for any particular purpose of the information and or of any forms included in this educational effort; or the Commission's judgment of the value or merits of this educational effort.



This webinar is pending approval by the Community Association Managers International Certification Board (CAMICB) for 2 credit hours to fulfill continuing education requirements for CMCA[®] certification.

CED@CAIHAWAII.ORG

Our Speakers

Marcus Kawatachi

Hawai'i Civil Rights Commission



Jeffrey Owens

CTM, CSP, CVP, Major, HPD-Ret.



Our Speakers



Marcus Kawatachi is the Deputy Executive Director of the Hawai'i Civil Rights Commission, the state agency tasked with enforcing anti-discrimination laws in the areas of employment, housing, public accommodations, and access to state and state-funded services.

Mr. Kawatachi began his employment at the HCRC in 1996 and has held the positions of Law Clerk, Investigator, and Investigator Supervisor. In 2011 he was appointed Deputy Executive Director, a position in which he provides direct supervision to all HCRC investigators and attorneys.

Born and raised in Hawai'i, Mr. Kawatachi received his B.A. from Princeton University and his law degree from the William S. Richardson School of Law.

Our Speakers



Jeffrey Owens, CTM, CSP, CVP, Major, HPD-Ret.

Jeffrey Owens leverages his extensive experience to help audiences navigate negative conflict, enhancing safety and reducing risks. His approach focuses on guiding participants through a journey of discovery that fosters success.

As a former police hostage negotiator with the Honolulu Police Department, Jeff specializes in conflict prevention and crisis communication. He was a founding member of the department's first Hostage Negotiation team, handling scenarios from challenging interactions to life-or-death situations.

Retiring as a Major in 2002, Jeff transitioned to consulting and professional speaking. He earned the Certified Threat Manager (CTM) designation in 2015 and the Certified Professional Speaker (CSP) designation in 2022.

Jeff has presented widely on conflict management, workplace violence, and negotiation skills, providing actionable insights for professional and personal success. He is a Professional Member of the National Speakers Association and an inductee into the Hawaii Speakers Hall of Fame.

HAWAI'I CIVIL RIGHTS COMMISSION COMPLAINTS:

AN EXPLANATION OF THE PROCESS AND TIPS TO AVOID COMPLAINTS

By Marcus Kawatachi

Executive Director, Hawai'i Civil Rights Commission

November 9, 2024

Legal Disclaimer

This presentation is provided by the Hawai'i Civil Rights Commission for general information and educational purposes only. Nothing in this presentation may be considered or deemed to constitute legal advice.

Due to the rapidly changing nature of the law, information in the presentation may become outdated. Thus, the information presented should not be utilized by lawyers as a substitute for independent research or by non-lawyers as a substitute for legal or other advice.

Hawai'i Civil Rights Commission

Enforces State Laws Prohibiting Discrimination in:

- Employment (Hawai'i Revised Statutes, Chapter 378)
- Public Accommodations (Hawai'i Revised Statutes, Chapter 489)
- State & State Funded Services (Hawai'i Revised Statutes, Chapter 368)
- Housing (Hawai'i Revised Statutes, Chapter 515; Hawai'i Administrative Rules §§ 12-46-301 to 318)

Hawai'i Civil Rights Commission

Powers to:

- Initiate complaints (complainant driven, as well as Executive Director inquiries and complaints)
- Investigate complaints (including holding fact-finding conferences)
- Issue subpoenas
- Hold hearings

State Protected Classes

REAL ESTATE TRANSACTIONS (HOUSING)

Race

Sex (including Gender Identity
and Expression)

Ancestry/National Origin

Color

Religion

Familial Status

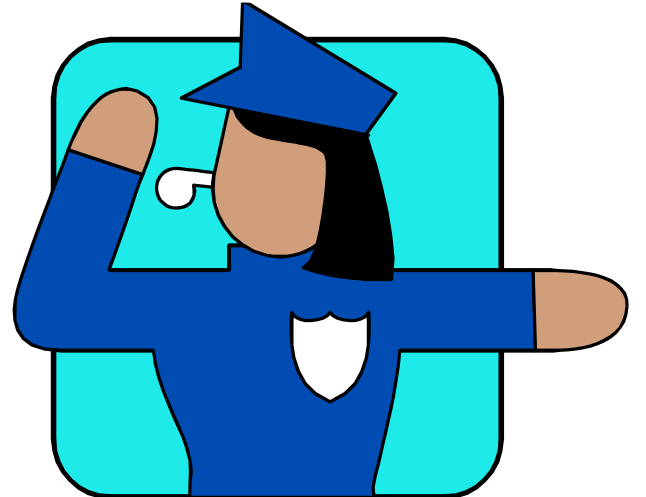
Sexual Orientation

Disability

Marital Status

Age

HIV Infection



State Protected Classes

EMPLOYMENT



Sex (including Gender Identity
and Expression)

Disability

Age

Race

Ancestry/National Origin

Religion

Color

Marital Status

Sexual Orientation

Assignment of Income for Child
Support Obligations

Arrest & Court Record

National Guard Participation

Breastfeeding

Credit History or Credit Report

Victim of Domestic Violence or
Sexual Violence

Reproductive Health Decisions

Other State Protected Classes

PUBLIC ACCOMMODATIONS:

Race

Sex (including Gender Identity
and Expression)

Color

Religion

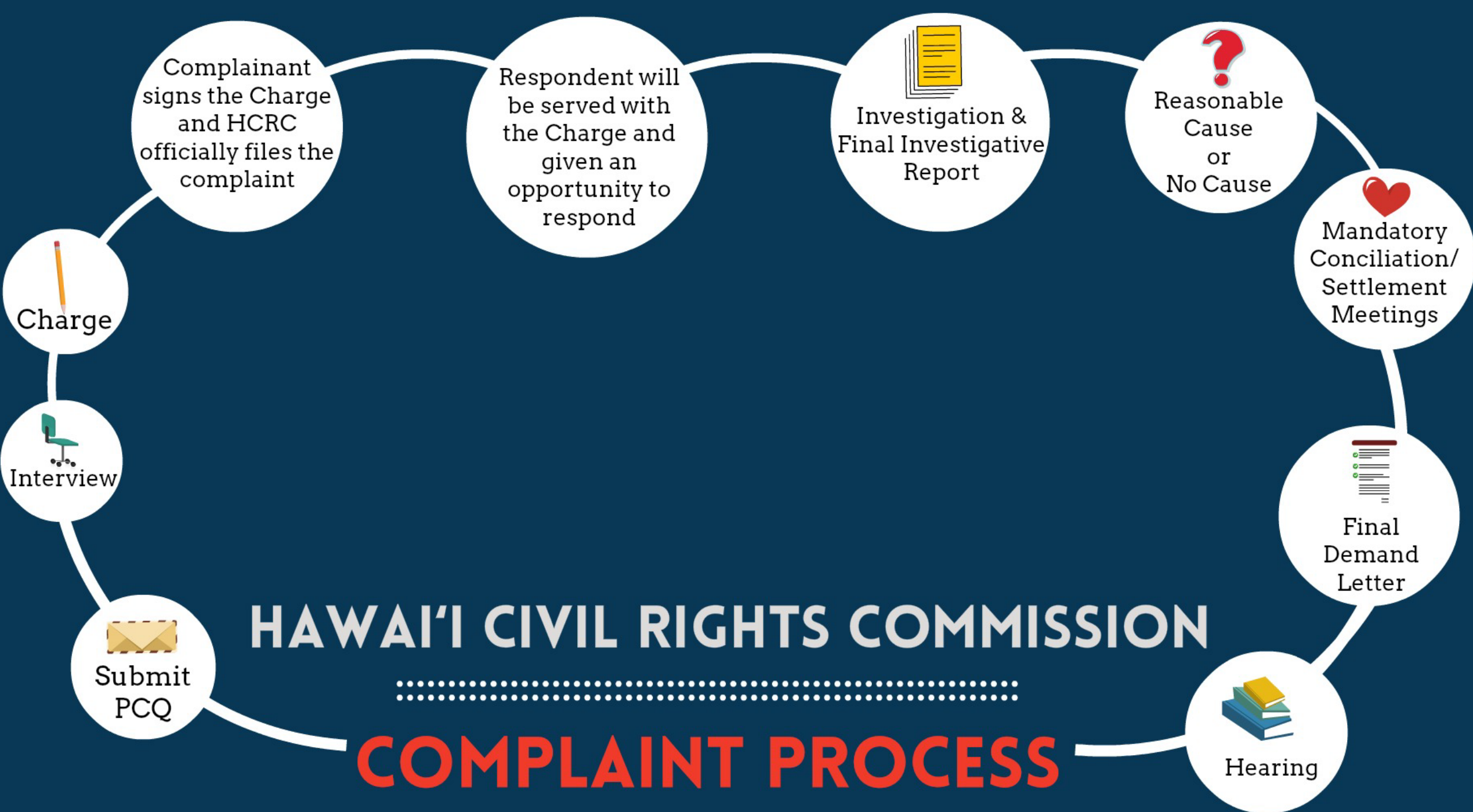
Ancestry

Disability

Sexual Orientation

STATE & STATE-FUNDED SERVICES:

Disability



Who Can Be Sued?

Who Can Be Named in a Complaint?

Anyone who is alleged to have been involved in a discriminatory housing act:

- Some examples - clerical staff, maintenance staff, landscapers, vendors, neighbors, tenants, landlords, owners, managers, real estate agents, brokers, newspapers, insurance companies, mortgage companies, banks, lenders, architects, developers, homeowners associations, government agencies, police departments, etc.



Housing Discrimination Can Take Many Forms

Some Examples ...



- Denial of housing because of a potential resident's religion, sexual orientation, marital status, etc.
- Unequal treatment in a potential resident's application process (e.g., criminal background check) because of his or her race, sex, age, etc.
- Resident manager enforces house rules unequally because a household has minor children or a person with a disability
- Refusing to allow a resident with a disability-related need for an assistance animal to house that animal because the building's rules do not allow pets

More Housing Discrimination Examples

- Office staff hangs up on a resident or refuses to return a phone call because of the person's limited English proficiency
- Board of directors of a homeowners' association unequally subjects an owner to fines or fees because he or she has complained about alleged housing discrimination
- Security staff subjects a resident to sexual advances, racial slurs, or other harassing conduct, and corrective action not taken



Retaliation



- It is illegal to subject a person to adverse treatment because the person:
 - Exercised any rights granted by fair housing laws,
 - Opposed a discriminatory practice, or
 - Filed a fair housing complaint or assisted in filing a complaint.

* This is a stand-alone legal claim and the most common basis for filing housing discrimination claims.

Retaliation Examples

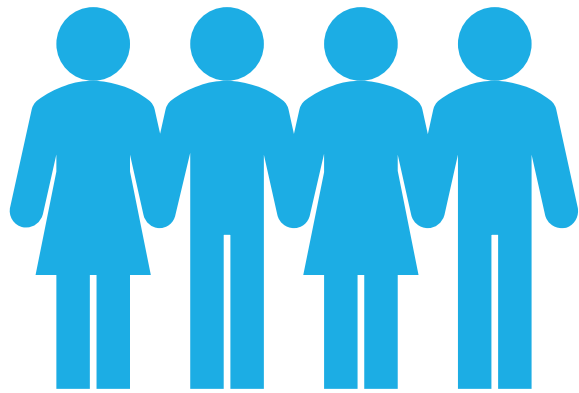
- Evicting a tenant for reporting discrimination to the landlord or filing a discrimination complaint with HUD or HCRC
- Vandalism or violence directed against an individual for participating in a HUD or HCRC investigation
- Raising a tenant's rent or program fee for refusing an owner's sexual advances
- Charging a resident who files a complaint of discrimination for the cost of responding to that complaint



Responding to a Hawai'i Civil Rights Commission Complaint

- Opportunity to tell your side of the story and provide evidence in support
 - Initial jurisdiction to file established, but no assessment of the merits yet
 - Position statement
 - Answers to supplemental questions
 - Additional evidence
 - Deadlines to respond
- Contact assigned investigator for questions or clarifications
- Options to engage in *Mediation* and *Pre-Determination Settlement*
 - High success rate of housing mediations
 - May pend the requirement to respond to the complaint

General Tips to Help Reduce Complaints

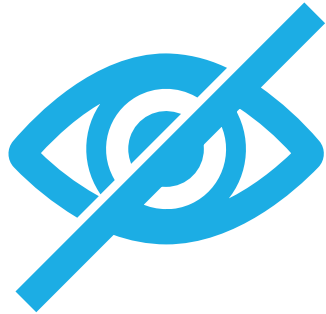


- ❖ Create a culture of non-discrimination on property, with policies, procedures, and regular periodic training of staff. Set clear limits.
- ❖ Be consistent in applying rules, policies, and procedures, especially when taking any adverse action against residents.
- ❖ Do not stop fulfilling legal obligations (e.g., responding to reasonable accommodation requests) once a complaint is filed.

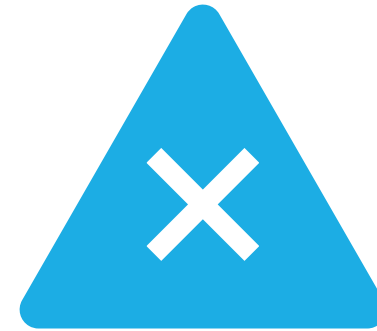
General Tips to Help Reduce Complaints

- ❖ Do not ignore or trivialize a complaint of discrimination.
- ❖ Do not procrastinate on the investigation or cut corners.
- ❖ Investigate complaints promptly and take appropriate corrective action.
- ❖ Be sure to convey the results of the investigation to the person who made the complaint.

General Tips to Help Reduce Complaints



Do not single out or target a resident for special scrutiny, enforcement, or documentation.



Pay special attention to any action that might be perceived as retaliation.

Ensure that Rules are Not Discriminatory

Real Examples:

On their Face

- Children and persons with disabilities may not be on lanai without supervision.
- Wheelchair users must enter/exit through rear.
- No dogs. No kids. No exceptions.

Disparate Impact

- One heartbeat per bedroom.
- Income must come from employment.
- Playing anywhere on the property is strictly prohibited.

Reasonable Accommodations

When a person requests a reasonable accommodation:

Do: Verify non-obvious disabilities, if that is your normal practice

Do: Engage in the “interactive process”

Do: Respond to the request within a reasonable time

Do: Consider provisionally granting a request while the interactive process is ongoing

Don't: Refuse because you didn't know what to do

Don't: Refuse because it's “inconvenient”

Don't: Treat assistance animals as pets

Don't: Impose unequal terms or conditions

- Example 1: Increase deposit
- Example 2: Require liability insurance

Recordkeeping

*“Documentation
is your friend.”*

Tips:

- § Document everything! Accurate and complete records may be your best defense.
- § Diligently maintain tenant files – include requests, lease, violation notices, complaints, etc.
- § Do not lose or “accidentally” shred records after a complaint has been filed.
- § Do not dispose of records relating to a housing discrimination complaint or lawsuit until there is a final disposition of the matter. Under HAR §§ 12-46-304, an adverse inference can be made if such records are not retained.



WHY – WHAT - HOW

DEALING WITH VIOLENCE IN ASSOCIATIONS

Jeffrey B. Owens CTM, CSP, CVP

Transcend Inc.

808-367-3201

Info@TranscendRM.com



IF PHYSICAL VIOLENCE IS IMMINENT OR OCCURRING

Be reasonable in dealing with potentially or active physically violent situations. You are not required or expected to unreasonably place yourself at risk of personal injury or harm. In conditions of imminent or active physical threat the following may be used as a general guide.

- **Get Away!** – If you are in a condition of danger, get away from the danger. If you find yourself in a condition of threat or danger the intelligent and professional thing to do is to remove yourself from imminent harm.
- **Get Safe!** – Get to a condition of safety. Move from the condition of danger to the condition of safety from which you can more effectively deal with the situation.
- **Get Help!** – Once safe summon appropriate help to assist with dealing with the person or situation in a manner that reduces the risk of harm to all concerned.

In evaluating an appropriate response in dealing with an aggressive person or an in potential or actively violent situations pay attention to the totality of the encounter, trust your sense of danger, remain calm, and don't hesitate to disengage if you feel there is a risk that the person may become actively violent.

THE BASIC CONCEPT OF RESPECT

NEVER allow yourself or anyone under your authority to embarrass, humiliate or attack the dignity of anyone.



TRANSCEND COMMUNICATION: ESSENTIAL

**Don't allow yourself to display anger,
use insults, or to speak
disrespectfully; even if they are angry,
insulting and disrespectful of you.**



THE KEY TO COMPOSURE

DON'T TAKE IT PERSONALLY



RESPECT

- **Yourself**

- Your Safety and Well Being
- Your Professional Obligations
- Your Personal Communication Style, Perceptions, and Responses

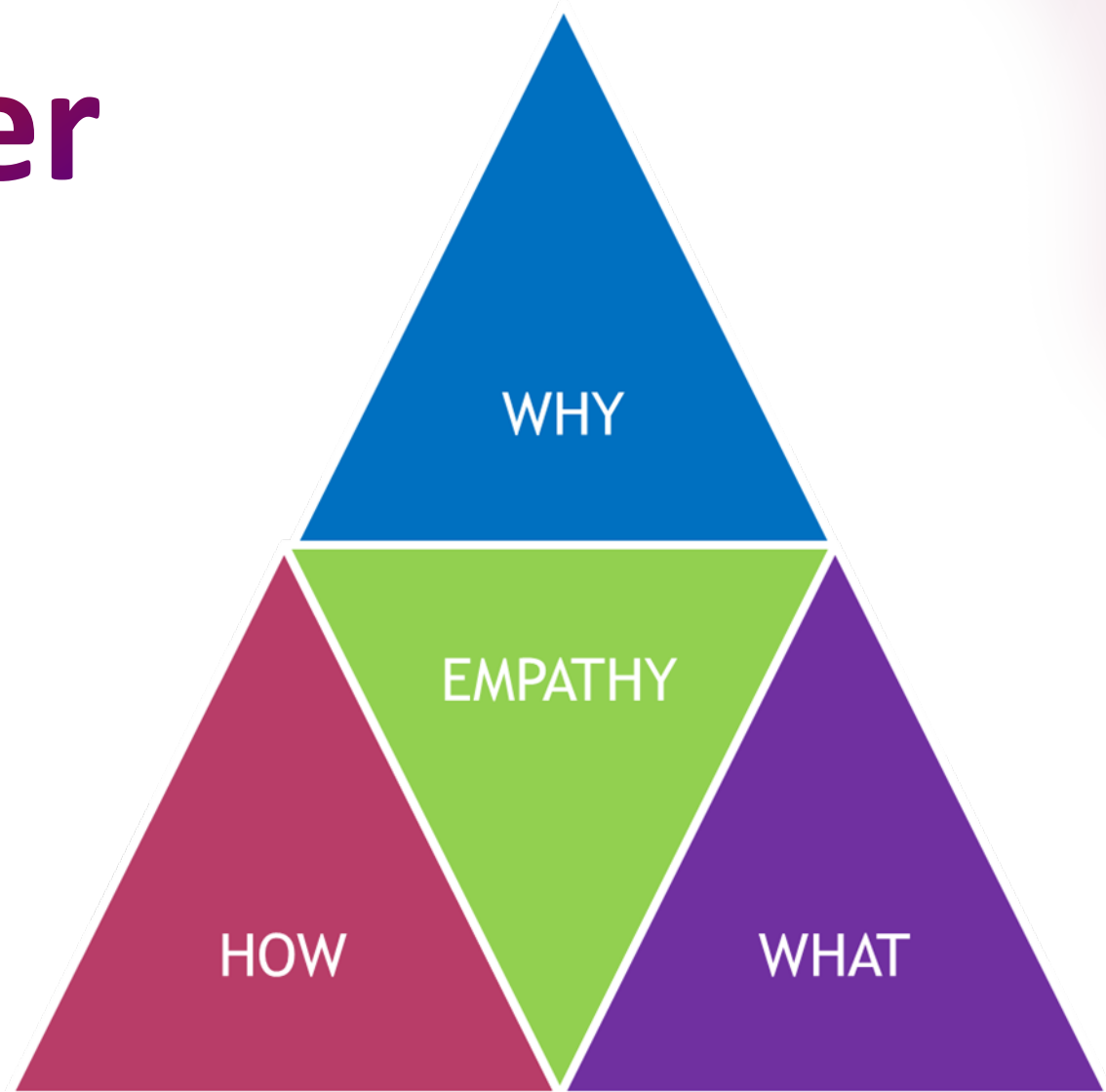
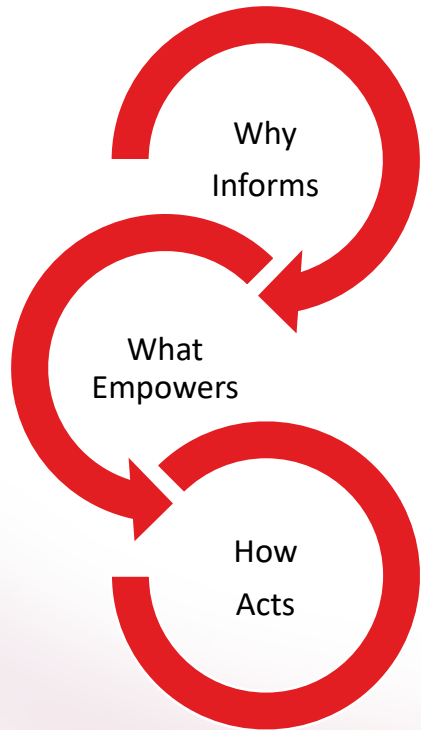
- **Other People**

- Not Everyone Responds or Communicates In The Same Way
- We All May Misunderstand, Make Mistakes, Bad Decisions

- **The Situation**

IT'S OKAY TO
DISAGREE,
IT'S OKAY TO
DISLIKE;
IT'S NOT OKAY TO
DISRESPECT!

Use The Power of Empathy



IT'S ALL ABOUT CONTROL

**AT ITS CORE
INTERPERSONAL
CONFLICT AND
VIOLENCE IS ABOUT
FEAR.**

TRANSCEND VERBAL DE-ESCALATION

Communication empowered
by **knowledge** and **respect**
to diffuse or diminish the
intensity of a non-physical
conflict situation.

THE PRIMARY GOAL OF INTERACTION



**Manage the
encounter to
increase safety.**

Reducing anxiety
increases effective
communication.

**Effective communication
increases safety**

REALITY CHECK



**YOU CANNOT REASON
WITH AN
UNREASONABLE
PERSON!**

**When a person is focused
on fear, overcome with
anger or intoxicated they
will not be reasonable.**

**DON'T DE-ESCALATE,
GET SAFE!**

GENERAL SAFETY CONCEPT IN DEALING WITH ANGRY PEOPLE

- IF VIOLENCE IS IMMINENT OR OCCURRING
 - **GET AWAY!**
 - **GET SAFE!**
 - **GET HELP!**
- **Pay attention**, trust your sense of danger
- **Remain calm**, don't argue or get emotional

DEALING WITH ANGRY PEOPLE

IF YOU MUST STAY ENGAGED...

- Pay attention,
- Remain calm,
- Stay issue focused,
- Sincerely listen
- Move to a “win-win” resolution
- LET THEM KEEP THEIR DIGNITY IN ENDING THE SITUATION !

THE KEY TO COMPOSURE ?

DON'T TAKE IT PERSONALLY !

(Even if they make it personal)



TRANSCEND COMMUNICATION ESSENTIAL

Don't allow yourself to display anger, use insults, or to speak disrespectfully; even if they are angry, insulting and disrespectful of you.

EFFECTIVE LISTENING TIPS

- **Do Not Argue! Even If They Are Wrong.**
- **Allow the person to express themselves.**

So long as not disruptive or inflammatory

Separate from the audience if performing

- **Focus the conversation on the issue, not the person.**
- **Use encouraging responses to support the positive**
- **Use paraphrasing and clarifying to build trust**
- **Use mirroring to build rapport**

Use Transcend Communication

**Don't Give Up
Slow Things Down
Adapt As The Encounter Changes
Move From Situation Management to
Problem Solving and Resolution.**

TO PREVENT AND MANAGE HOSTILE AND AGGRESSIVE ENCOUNTERS

**Treat all persons in all
encounters with the basic
dignity to which all people
are entitled**

IF IT GOES BAD!

- You are **NOT** required to accept abuse, threats or criminal conduct.
- Because it is their “home” does not entitle anyone to be abusive in language or conduct, violate Association rules, or State Laws.
- If you feel you are in danger **Do Not Hesitate** to call 911 for Police Assistance.

THE CONCEPT OF RESPECT

RESPECT acknowledges the
dignity and value of self and
others removing barriers to
sharing of **KNOWLEDGE** and
COMMUNICATION.

THE CONCEPT OF KNOWLEDGE

KNOWLEDGE provides
understanding, displaces fear,
reduces conflict, promotes
COMMUNICATION and
enhances **RESPECT**.

THE CONCEPT OF COMMUNICATION

COMMUNICATION imparts trust
and confidence, recognizes
individual importance,
increases **KNOWLEDGE** and
demonstrates **RESPECT**.



Aloha & Mahalo!

Jeffrey B. Owens

Transcend Inc.

808-367-3201

Jeff@JeffreyOwens.com

Info@TranscendRM.com

Mahalo and Aloha

Thank you to our speakers and to everyone who joined us today.



2024 Calendar of Events

January 24* – **Get your Act Together—Tips for a successful Annual and Board Meeting**

Season – Kanani Kaopua, Rachel Glanstein, Co-Chairs

March 7* – **Ask the Consultants and Contractors**—Milton Motooka, Bernie Briones, Co-Chairs

May 16* – **Association and Homeowner Insurance Policies Explained** — Josh German,, Mike Ayson, Co-Chairs

June 1* - **Condorama XII** – Krystyn Weeks, Milton Motooka, Co-Chairs

June 22, 29* – **Board Leadership Development Workshop** (two half day webinars covering the basics of board leadership responsibilities) – Melanie Oyama, Keven Whalen, Co-Chairs

July 18 – **Legislative Update** – presented by the Legislative Action Committee

August 22* – **Reserves and Budgets**—Jonathan Billings, Carol Rosenberg, Co-Chairs

September 26* – **Employment/Labor Law—Hiring, Firing, and Supervising** —Paul Ireland Koftinow, Melanie Oyama, Co-Chairs

October 24* – **Covenant Enforcement: Case Law Update** – Anne Anderson, Chair

November 1 – **Annual CAI Membership Meeting**

November 9* – **Condorama XIII** – a free program of the Hawaii Real Estate Commission -

**This seminar or educational presentation is entirely or partly funded by funds from the Condominium Education Trust Fund (CETF), for condominium unit owners whose associations are registered with the Real Estate Commission. The CETF is administered by the Real Estate Commission which is attached to the Department of Commerce and Consumer Affairs, State of Hawaii, through the Professional and Vocational Licensing Division.*



2025 Calendar of Events



February 12*: “Meetings, Meetings, and More Meetings, Oh My” – Kanani Kaopua & Nikki Sen

March 6*: “Major Project Management” – Sue Savio & Bernie Briones

May 8*: “Where’s the Money – Association Funding” – Anne Anderson & Melanie Oyama

June 14, 21*: “Board Leadership Development” – Keven Whalen & Melanie Oyama

July 17: “2025 Legislative Update” by **Legislative Action Committee** – Phil Nerney

August 21: “Mixed Plate” – Nikki Sen & Stephanie Poree

September 25: “Owner Rights, Board Rights, and **Association Rights**” – Chris Goodwin & Sue Savio

October 23: “EV, Fires, and Sprinklers” - Bernie Briones

November 7: Annual Meeting

**This seminar or educational presentation is entirely or partly funded by funds from the Condominium Education Trust Fund (CETF), for condominium unit owners whose associations are registered with the Real Estate Commission. The CETF is administered by the Real Estate Commission which is attached to the Department of Commerce and Consumer Affairs, State of Hawaii, through the Professional and Vocational Licensing Division.*