



## Regulated Industries Complaints Office

235 S. Beretania Street, Ninth Floor

Honolulu, Hawaii 96813

[cca.hawaii.gov/rico](http://cca.hawaii.gov/rico)

### Resolution Tips

## Condominium Associations & Condo Owners

**What are condo associations?** Condominium Associations are designed to be, and operate as, self-governing entities. Condominium law is based on principles of (1) self-governance and (2) owner-enforcement, with little or no government intervention. In fact, the word “condominium” comes from Latin words meaning “common ownership and control.”

### What to do if you have problem:

#### 1. Get the Facts:

Start by studying the records for your association. This includes the declaration, by-laws, house rules, members' lists, financial documents, minutes of meetings, and the like.

These documents should tell you:

- What the condominium association is responsible for
- How members of the board are elected
- The powers and duties of board members
- How members of the board may be removed
- How the declaration or by-laws can be amended
- What remedies exist when a homeowner defaults on his/her obligations, such as not paying maintenance fees

All of the documents required by law to be provided to owners are listed in sections 514B-152, 153, and 154 of the Hawaii Revised Statutes (HRS).

The Regulated Industries Complaints Office (RICO) accepts complaints when an owner is refused access to association documents that are required by law to be provided to owners, and can discuss with you whether your complaint may fall within its jurisdiction.

#### 2. Do Your Homework:

The Real Estate Branch, through its condominium specialists, provides information and advice to condominium owners. Although a State condominium specialist cannot provide you with legal advice, he/she can answer general questions and refer you to helpful information.

To speak with a condominium specialist, Oahu residents call 586-2643. Neighbor island residents can call, toll-free, by dialing the following numbers, then 6-2643, followed by the # sign:

Kauai...274-3141

Maui... 984-2400

Hawaii.....974-4000

Lanai/Molokai... 1-800-468-4644

The Real Estate Branch provides great educational materials, including guides for board members and answers to questions most frequently asked by owners and board members. Publications listed below and more are available at [cca.hawaii.gov/hirec](http://cca.hawaii.gov/hirec) and [cca.hawaii.gov/rico/got-records](http://cca.hawaii.gov/rico/got-records).

- “An Introduction to Condominium Living in Hawaii”
- “So You Want to Go Condo”
- “Aging in Place: How to Cope”
- “Condominium Property Regimes: Owners Rights and Responsibilities”

### 3. Strength in Numbers:

See if there are other owners concerned about the same problem and organize. Remember, a basic principal of the condominium law is majority rule by the condominium owners.

### 4. First Approach:

If the board is not complying with the declaration or by-laws, point it out. Express that you expect the matter will be corrected. If a simple oral request fails, you can send a letter. Try to be factual and brief. Try to avoid being hostile. Keep copies of any letters you send.

### 5. Still Not Resolved?:

Mediation may be available through private providers contracted by Hawaii's Real Estate Commission.

Oahu: Mediation Center of the Pacific 521-6767

East Hawaii Island: Kuikahi Mediation Ctr. 935-7844

Maui: Mediation Services of Maui 244-5744

West Hawaii Island: West Hawaii Mediation Ctr. 885-5525

Kauai: Kauai Economic Opportunity Offices 245-4077

### 6. Other Options and Avenues:

There are a number of options, avenues, and resources a condominium owner may take, including mediation, and arbitration. The Real Estate Branch can point you to some good resources. And, don't forget, a condominium is a "mini-government," with the board being elected by unit owners. With enough votes, board members may be removed or replaced and the by-laws and/or rules changed.

### 7. Last Resorts:

Consider retaining an attorney. Many lawyers will attempt to resolve a matter through negotiation rather than litigation which can be costly and usually lengthy. Consider hiring someone with experience handling these types of cases.

To speak with a **condominium specialist**, with the **Real Estate Branch**, call **(808) 586-2643**. Helpful information and publications are available at **[cca.hawaii.gov/reb](http://cca.hawaii.gov/reb)** and **[cca.hawaii.gov/rico/got-records](http://cca.hawaii.gov/rico/got-records)**.

**RESOURCES** The Department of Commerce and Consumer Affairs (DCCA) and RICO offers tools, tips, and services you can use to check out an individual or business. Information is available by calling **(808) 587-4272** or online at **[cca.hawaii.gov/business\\_online](http://cca.hawaii.gov/business_online)**. For information about filing a complaint or to report unlicensed activity, call RICO's Consumer Resource Center (CRC) at **(808) 587-4272** or visit us online at **[cca.hawaii.gov/rico](http://cca.hawaii.gov/rico)**. To call Oahu-RICO, dial the following toll free numbers: Kauai 274-3141, ext. 74272; Maui 984-2400, ext. 74272; Big Island 974-4000, ext. 74272; Molokai and Lanai 1-800-468-4644, ext. 74272, followed by the # sign.

RICO is the enforcement arm for over 45 professional boards, commissions, and programs that are administratively attached to the DCCA. RICO receives complaints, conducts investigations, and prosecutes licensing law violations. RICO also prosecutes unlicensed activity through the issuance of citations and by filing civil lawsuits in the Circuit Courts. RICO works to resolve consumer complaints where appropriate and provides consumer education about various issues relating to licensing and consumer protection. RICO also administers the State Certified Arbitration Program (SCAP) for "lemon" motor vehicle claims.

*This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change. Printed material can be made available for individuals with special needs in Braille, large print or audio tape. Submit requests to the RICO Complaints and Enforcement Officer at (808) 586-2666.*