

LAWS AND RULES REVIEW COMMITTEE MEETING
REAL ESTATE COMMISSION
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AGENDA

Date: Wednesday, May 10, 2017
Time: 9:00 a.m.
Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, Hawaii

The Commission may move into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS, and to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

1. Call to Order, Public Notice, Quorum
2. Chair's Report
3. SEO's Report
 - a. Announcements, Introduction, Correspondence and Additional Distribution
 - b. Minutes of Previous Meeting
4. Program of Work, FY17
 - a. Legislative and Government Participation Report – see attached
 - b. Neighbor Island Outreach – June 14, 2017 Kona
5. ARELLO Boundaries – April 2017
 - a. Nebraska Implements Comprehensive Real Estate Team Rules
 - b. Texas Rules Clarify Prohibition Against Showings by Unlicensed Persons, and Permit Controlled Unescorted Access to Vacant Rentals
 - c. Scam Updates: Real Estate Schemes Continue to Target Consumers, Licensees
 - d. Minnesota Real Estate Licensee Fined for Referral Kickbacks
 - e. Federal Court: Real Estate Team's Unlicensed Assistant Can't Sue Brokerage
6. Budget and Finance Report - Real Estate Recovery Fund
7. Next Meeting: Wednesday, June 14, 2017
9:30 a.m.
West Hawaii Association of REALTORS®
75-5995 Kuakini Hwy., #221
Kailua-Kona, HI 96740
8. Adjournment

Individuals who require special needs accommodations are invited to call Neil Fujitani, Supervising Executive Officer, at 586-2643 at least **4 working days** in advance of the meeting.

HB165 HD1 SD2 CD1	RELATING TO PUBLIC MEETINGS.	Requires state and county boards to make meeting documents available to the public. Clarifies notice requirements. Accounts for electronic documents and notices. (HB165 CD1)	S 4/28/2017: 48 Hrs. Notice (as amended CD 1) 05-02-17.	NISHIMOTO
HB239 HD2 SD1 CD1	RELATING TO CONDOMINIUMS.	Clarifies that if a proxy is a standard proxy form authorized by a condominium association, and the proxy is returned with no box checked or more than one box checked, the proxy shall be counted for quorum purposes only. (HB239 CD1)	S 4/27/2017: 48 Hrs. Notice (as amended CD 1) 05-02-17.	MCKELVEY
HB832 HD1 SD1 CD1	RELATING TO CONDOMINIUMS.	Specifies that condominium boards may be in violation of fiduciary duty for violating the mediation and arbitration requirements of the condominium law. Allows association member participation in board meetings pursuant to rules established therefor. Requires board meeting notices to list items on the meeting agenda. Requires unapproved final drafts of meeting minutes to be available within 30 days after the meeting. (HB832 CD1)	H 5/1/2017: Transmitted to Governor.	KONG
HB852 HD2 SD1 CD1	RELATING TO ETHICS.	Authorizes the state ethics commission to post on its website for public inspection, the names of legislators, delegates to the constitutional convention, or certain employees who fail to file their financial disclosure statements by the statutory deadline. Allows the state ethics commission to use in-person service, electronic mail, or first-class mail to notify legislators, delegates to the constitutional convention, or certain employees who fail to timely file their financial disclosure statements. Increases the administrative fine and late penalty fee for failure to timely file financial disclosure statements. (HB852 CD1)	S 4/27/2017: 48 Hrs. Notice (as amended CD 1) 05-02-17.	NISHIMOTO
HB1009 HD3 SD1 CD1	RELATING TO THE LANDLORD TENANT CODE.	Exempts residence or occupancy in a structure or on a property directly controlled, owned, or managed by the Hawaii Public Housing Authority from the requirements of the Residential Landlord-Tenant Code. (HB1009 CD1)	S 4/27/2017: 48 Hrs. Notice (as amended CD 1) 05-02-17.	HASHEM
HB1033 HD1 SD1 CD1	RELATING TO ADMINISTRATIVE PROCEDURE.	Allows state and county agencies to participate in administrative procedures under chapter 91, Hawaii Revised Statutes, by including "agencies" within the definition of "persons" in section 91-1, Hawaii Revised Statutes. (HB1033 CD1)	S 4/27/2017: 48 Hrs. Notice (as amended CD 1) 05-02-17.	SOUKI (Introduced by request of another party)

HB1498 HD1 SD1 CD1	RELATING TO CONDOMINIUMS.	Part I: requires copies of contracts, written job descriptions, and compensation between the association and any person retained to manage the operation of the property on-site to be made available to any unit owner, and allows certain personal information to be redacted from the contracts. Part II: clarifies that in cases where the removal or replacement of a director elected by a class of unit owners is authorized, such removal or replacement may be by a majority of only the members of that class; and specifies that, for an election in a mixed-use condominium project where directors are elected by different classes of owners, an association may cast the vote or votes allocated to any nonresidential unit owned by the association where those eligible to vote in the election are limited to owners of one or more nonresidential units, including the nonresidential unit owned by the association. Part III: clarifies that tenants are prohibited from serving as board members of a condominium association. (HB1498 CD1)	S 4/27/2017: 48 Hrs. Notice (as amended CD 1) 05-02-17.	ICHIYAMA, MCKELVEY, OHNO
SB119 SD1 HD1 CD1	RELATING TO PAYMENT OF RENT.	Establishes a cap of eight per cent on late rent payment fees, applicable to all new rental agreements and rental agreement renewals entered into on or after the effective date of this measure. Effective 11/1/2017. (CD1)	H 4/27/2017: Forty-eight (48) hours notice Tuesday, 05-02-17.	K. RHOADS
SB292 SD1 HD1 CD1	RELATING TO CONDOMINIUMS.	Repeals chapter 514A, Hawaii Revised Statutes, relating to condominium property regimes, and ensures that all condominiums in the State are governed under chapter 514B, Hawaii Revised Statutes, relating to condominiums. Effective 1/1/2019. (CD1)	H 4/28/2017: Forty-eight (48) hours notice Tuesday, 05-02-17.	BAKER, IHARA, INOUE, KEITH-AGARAN, KIDANI, NISHIHARA, S. Chang, K. Rhoads, L. Thielen
SB369 SD1 HD1 CD1	RELATING TO CONDOMINIUMS.	Prohibits associations of apartment owners, boards of directors, managing agents, resident managers, unit owners, and persons acting on behalf of associations or unit owners from retaliating against a unit owner, board member, managing agent, resident manager, or association employee who files a complaint; acts in furtherance of a complaint, report, or investigation of an alleged violation of the State's condominium laws or a condominium's governing documents; or exercises or attempts to exercise any right as a unit owner. (CD1)	H 4/27/2017: Forty-eight (48) hours notice Tuesday, 05-02-17.	GALUTERIA, BAKER, ESPERO, GREEN, HARIMOTO, INOUE, KIDANI, NISHIHARA, K. RHOADS, RUDERMAN, SHIMABUKURO, S. Chang, Dela Cruz, Gabbard, Taniguchi
SB611 SD1 HD2 CD1	RELATING TO FIRE SPRINKLERS.	Extends the prohibition on county requirements for automatic sprinklers or sprinkler systems in one- and two-family detached dwelling units and non-residential agricultural and aquacultural structures located outside urban areas. (CD1)	H 4/27/2017: Forty-eight (48) hours notice Tuesday, 05-02-17.	NISHIHARA, KIDANI, Dela Cruz, K. Kahele, Wakai