



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 for a current list of mediation centers):

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

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@hawaiimediation.org

(Mediation Providers continued on back)

EVALUATIVE MEDIATION PROVIDERS

Mediation Center of the Pacific, Inc.
1301 Young Street, 2nd Floor
Honolulu, HI 96814
Tel: (808) 521-6767
Email: 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/>

Chapter 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://cca.hawaii.gov/hawaii-revised-statutes/>

Website to access rules:

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

Real Estate Branch Website:

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 (Toll Free): 1-844-808-DCCA (3222)
Extension #1 then #8

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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) 1-844-808-3222, Ext 1, 8.
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