

CONDOMINIUM AND COMMUNITY ASSOCIATION LIVING

The majority of those residing in House District 42 are living within a planned community or condominium association and are to abide by their association's governing documents. This is where Berg's specialty comes in. Tom is known at the State Capitol as the *Condo Man*. He would often field calls from all over the state from those having problems with their association boards to solicit his expertise on Condominium Regime Law.

At times, other Legislators would even ask him to assist them on behalf of their own constituency in this field when seeking resolution to problems.

For some eight years now, Tom has been a member of the Hawaii Independent Condominium and Co-op Owners organization led by long-time community activist Mr. Richard Port who has always been there for the little guy taking on management to resolve disputes.

Many have seen Tom on numerous Olelo television shows over the years and know of his background seeking justice from management when management opts to act in noncompliance. Tom even had a mini-Olelo television series called, "Community Association Living" for a period of which was hosted by an owner of a local property management company.

Tom used to be the Resident Manager for the Sunrise A.O.A.O. and when he terminated his position to become the Office Manager for a State Representative in 2000, he was able to take that experience to the State Capitol and became directly involved in getting over eight laws enacted to provide the individual homeowner with the tools necessary to seek justice from those acting in noncompliance.

One of the most important tools available to the homeowner is the Condominium Dispute Resolution Pilot Program which will sunset in mid 2009. Here, disputes are settled without having to hire an attorney or go to court. Tom was the key proponent to get this dispute resolution pilot program started and was successful in getting it into statute. What needs to be done now is to make the program permanent. It made no sense to Tom that each condominium owner was paying a \$2 fee per year to be put into the Special Condominium Education Trust fund set up by the Legislature some two decades ago of which fund was suppose to provide for immediate and inexpensive relief when it came to resolving disputes. Yet, before the pilot program was started, no such relief above and beyond mediation was being made available- government just took the money.

In brief, this program, after unsuccessful mediation, for a \$25 filing fee, owners and management can have a Hearing Officer within the Department of Commerce and Consumer Affairs determine which party is in noncompliance and render a decision within 90 days. A person's home should be their own castle and when management wrongfully intrudes upon that space, justice needs to be swift and inexpensive.

The best part of making the Condominium Dispute Resolution Pilot Program permanent in statute is that no new expansion of government is needed since the program uses the current resources within the Office of Administration Hearings under the Department of Commerce and Consumer Affairs.

This win-win dispute resolution program should be made available to associations like West Loch Estate and Ewa Villages and even our Ewa by Gentry Planned Community Association's single family residences- that is at this time, not of party to the program's operations.

It will be Tom's pledge if elected to office to fight for the inclusion of those currently left out of the program to have access to this ***Homeowner Rights*** feature that offers inexpensive and expedient dispute resolution as a tool when needed.