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# A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 508D-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "disclosure statement" to  
3 read as follows:

4 "Disclosure statement" means a written statement prepared  
5 by the seller, or at the seller's direction, that purports to  
6 fully and accurately disclose all material facts relating to the  
7 residential real property being offered for sale that:

- 8 (1) Are within the knowledge or control of the seller;  
9 (2) Can be observed from visible, accessible areas; or  
10 (3) Are required to be disclosed under sections [~~508D-15~~]  
11 508D-4.5 and [~~508D-4.5~~] 508D-15.

12 If the residential real property being offered for sale is in a  
13 planned community, "disclosure statement" includes the planned  
14 community declaration and association documents as those terms  
15 are defined in section 421J-2. Except for the disclosures  
16 required under section 508D-15, no seller shall have any duty to  
17 examine any public records when preparing a disclosure  
18 statement."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2006.



HB 1935 HD1  
SD1 CD1

**Report Title:**

Planned Community Associations; Mandatory Seller Disclosures

**Description:**

In real estate contracts to purchase an interest in a planned community, requires the mandatory seller disclosure statement to include the planned community declaration and association documents. Effective July 1, 2006. (HB1935 CD1)

