
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 and 508D-4.5.

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 Statutory material to be repealed is bracketed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 upon its approval
7 and shall apply starting December 31, 2006.



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 12/31/06. (SD1)

