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## A BILL FOR AN ACT

RELATING TO REAL PROPERTY DISCLOSURES.

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

1           SECTION 1. The purpose of this Act is to require the  
2 seller of a residential home to disclose to the buyer any zoning  
3 violations, inconsistencies or nonconformities with zoning laws  
4 or general plans, and the existence or absence of any variances.

5           SECTION 2. Chapter 508D, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§508D-       Disclosure of violations, inconsistencies, or  
9 nonconformities in zoning. Any violations of zoning laws,  
10 inconsistencies or nonconformities with zoning laws or general  
11 plans, and the existence or absence of any variances shall be  
12 provided on the disclosure statement."

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

16           ""Disclosure statement" means a written statement prepared  
17 by the seller, or at the seller's direction, that purports to



1 fully and accurately disclose all material facts relating to the  
2 residential real property being offered for sale that:

- 3 (1) Are within the knowledge or control of the seller;
- 4 (2) Can be observed from visible, accessible areas; or
- 5 (3) Are required to be disclosed under sections 508D-4.5,  
6 508D-\_\_\_\_\_, and 508D-15.

7 If the residential real property being offered for sale is in a  
8 planned community as defined in section 421J-2, "disclosure  
9 statement" includes the planned community declaration and  
10 association documents as those terms are defined in section  
11 421J-2, and if the property is otherwise subject to restrictions  
12 or conditions on use, either because of covenants contained in  
13 the deed for the property or because of another recorded  
14 document, the disclosure statement shall also include all  
15 documentation relating to any restrictions or conditions,  
16 including but not limited to any unrecorded rules or guidelines  
17 that may have been issued by any entity responsible for  
18 enforcing those restrictions or conditions. Except for the  
19 disclosures required under section 508D-15 and this definition,  
20 no seller shall have any duty to examine any public records when  
21 preparing a disclosure statement."

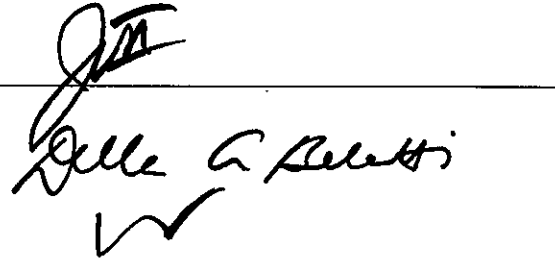
22 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
\_\_\_\_\_

JAN 27 2010



**Report Title:**

Real Property Disclosure

**Description:**

Requires the seller of a residential home to disclose to a buyer any violations, inconsistencies, or nonconformities with zoning laws or general plans, as well as the existence or absence of any variances.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

