
A BILL FOR AN ACT

RELATING TO RESIDENTIAL REAL PROPERTY.

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

1 SECTION 1. Section 508D-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§508D-4 Prohibitions on sales of residential real**
4 **property.** (a) Except as provided in section 508D-3, no seller
5 may sell residential real property unless:

6 (1) Prior to the sale of [~~such~~] the residential real
7 property, a disclosure statement is:

8 (A) Signed and dated by the seller within six months
9 before or ten calendar days after the acceptance
10 of a real estate purchase contract by the buyer;
11 and

12 (B) Delivered to the buyer as provided in section
13 508D-5;

14 (2) The buyer acknowledges receipt of the disclosure
15 statement on the real estate purchase contract or in
16 any addendum attached to the contract, or in a
17 separate document; and



1 (3) The buyer is afforded the opportunity to examine the
2 disclosure statement as provided in section 508D-5.

3 (b) Any deed restriction or other covenant running with
4 the land that is applicable to the sale of residential real
5 property is void and unenforceable; provided that the deed
6 restriction or covenant requires a transferee, the transferee's
7 heirs, successors, or assigns, to pay a declarant or other
8 person designated by a transferor any fees in connection with a
9 future transfer of the property. Any lien that either encumbers
10 or purports to encumber the real property to secure a right
11 under a deed restriction or covenant that applies to this
12 subsection shall be void and unenforceable.

13 This subsection shall not apply to a deed restriction or
14 other covenant running with the land that requires a fee
15 associated with the conveyance of property that is payable to a
16 government entity."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on November 1, 2009.

19

INTRODUCED BY:  _____

JAN 26 2009



Report Title:

Residential Real Property; Prohibition on Transfer Fees

Description:

Prohibits transfer fees required by a deed restriction or covenant. Effective 11/1/09.

