
A BILL FOR AN ACT

RELATING TO OWNER-BUILDERS.

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

1 SECTION 1. Section 444-2.5, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:

3 "(b) Proof of the sale or lease, or offering for sale or
4 lease, of the structure [~~not more than~~] within one year after
5 completion[~~, unless the sale or lease was caused by an eligible~~
6 ~~unforeseen hardship as determined by the board pursuant to~~
7 ~~subsection (c),~~] shall be prima facie evidence that the
8 construction or improvement of the structure was undertaken for
9 the purpose of sale or lease; provided that this subsection
10 shall not apply to:

11 (1) Residential properties sold or leased to employees of
12 the owner or lessee; [~~or~~]

13 (2) Construction or improvements performed pursuant to an
14 approved building permit where the estimated valuation
15 of work to be performed, as reflected in the building
16 permit, is less than \$10,000[~~-~~]; or



1 (3) Any sale or lease caused by an eligible unforeseen
2 hardship as determined by the board pursuant to
3 subsection (c).

4 (c) The board shall determine the eligibility of an
5 unforeseen hardship claimed by an owner under subsection (b);
6 provided that an alleged unforeseen hardship shall not be deemed
7 eligible if the board determines that the construction or
8 improvement of the structure was undertaken for the purpose of
9 sale or lease. An owner seeking a determination of eligibility
10 of an unforeseen hardship shall:

11 (1) Be in compliance with the requirements set forth in
12 the disclosure statement required to be provided under
13 section 444-9.1; and

14 (2) Apply in writing to the board at any time prior to
15 selling, leasing, or offering to sell or lease the
16 property.

17 The board shall communicate its determination to the owner in
18 writing within ninety days of receiving a completed application
19 under this subsection. For the purposes of this subsection, no
20 open permit issued under section 444-9.1 shall bar an
21 applicant's eligibility for the hardship exemption."



H.B. NO. 319

1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY: _____



JAN 21 2011



Report Title:

Contractors; Owner-Builders

Description:

Clarifies that owners with open permits are qualified for an exemption for the sale or lease of a property by an owner-builder in the event of hardship.

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