

ACT 135

S.B. NO. 17

A Bill for an Act Relating to Real Estate Seller Disclosure.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to clarify that the required disclosure of documents by a seller for residential real property that is subject to restrictions or conditions on use applies to documents relating to restrictions or conditions in a manner consistent with and subject to the seller's duty of good faith as provided for under section 508D-9, Hawaii Revised Statutes.

SECTION 2. Section 508D-3.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If the residential real property is otherwise subject to restrictions or conditions on use, either because of covenants contained in the deed for the property or because of another recorded document, the disclosure shall also include all documentation relating to any restrictions or conditions, including but not limited to any unrecorded rules or guidelines that may have been issued by any entity responsible for enforcing those restrictions or guidelines[-] in a manner consistent with and subject to the seller's duty of good faith as provided for under section 508D-9.”

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 Statutory material to be repealed is bracketed and stricken.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

SECTION 4. This Act shall take effect on November 1, 2015.

(Approved June 19, 2015.)