

JAN 18 2008

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-4.5
11 and 508D-15.

12 If the residential real property being offered for sale is in a
13 planned community[7] as defined under chapter 421J, "disclosure
14 statement" includes the planned community declaration and
15 association documents as those terms are defined in section
16 421J-2. Section 508D-15(c) to the contrary notwithstanding, if
17 the property is otherwise subject to restrictions or conditions
18 on use, either because of covenants contained in the deed for



1 the property or because of another recorded document, the
 2 "disclosure statement" shall include all documentation relating
 3 to such restrictions or conditions, including but not limited to
 4 any unrecorded rules or guidelines that may have been issued by
 5 any entity responsible for enforcing those restrictions or
 6 conditions. Except for the disclosures required under section
 7 508D-15, no seller shall have any duty to examine any public
 8 records when preparing a disclosure statement."

9 SECTION 2. This Act does not affect rights and duties that
 10 matured, penalties that were incurred, and proceedings that were
 11 begun, before its effective date.

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 Statutory material to be repealed is bracketed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

14 SECTION 4. This Act shall take effect on November 1, 2008.

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INTRODUCED BY: *[Signature]*
By Repet

Report Title:

Planned Community Associations

Description:

Requires the inclusion of property restrictions or conditions of use in a seller's disclosure statement.

