

MAR 18 2009

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# SENATE CONCURRENT RESOLUTION

URGING THE REAL ESTATE COMMISSION TO ALLOW DEVELOPERS AND  
ATTORNEYS TO SUBMIT CONDOMINIUM REGISTRATION FILINGS IN  
ELECTRONIC FORMAT.

1           WHEREAS, during the last two years, the Legislature has  
2 implemented "paperless" initiatives, with great success both in  
3 terms of reduction of paper usage and streamlining the  
4 legislative process; and

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6           WHEREAS, the public has access to many governmental  
7 services via the Internet, allowing individuals to file State  
8 income tax returns electronically, obtain Certificates of Good  
9 Standing for Hawaii businesses, register businesses, register to  
10 obtain a Hawaii state identification card, and perform many  
11 other tasks; and

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13           WHEREAS, similarly, other state and federal agencies have  
14 also initiated paperless filing procedures, such as electronic  
15 filing of income tax returns with the Internal Revenue Service,  
16 renewal of real estate licenses in various states, and  
17 submission of applications for many types of licenses; and

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19           WHEREAS, the federal judiciary, to a large extent, allows  
20 electronic filing of pleadings in federal courts, as over  
21 thirty-three million cases are on the federal case management  
22 systems, and more than four hundred thousand attorneys and  
23 others have filed documents over the Internet; and

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25           WHEREAS, the federal Department of Housing and Urban  
26 Development now permits a developer subject to the Interstate  
27 Land Sales Full Disclosure Act, 15 U.S.C. 1701 et seq., to  
28 submit subdivision registration documents via CD-ROM; and

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30           WHEREAS, even though the Real Estate Commission posts  
31 approved condominium public reports on its website in PDF  
32 format, it nonetheless still requires developers and their



1 attorneys to submit their condominium project registration  
2 materials in paper format; and

3  
4 WHEREAS, draft condominium public reports and supporting  
5 documentation can be several hundred pages long and can be  
6 expensive and cumbersome for the developer, its attorney, and  
7 the Real Estate Commission to produce and handle; and

8  
9 WHEREAS, upon receipt of the application documentation from  
10 a developer or its attorney, the Real Estate Commission must  
11 transmit the bulky materials to the private consultant retained  
12 by the Real Estate Commission via mail or courier or hold these  
13 materials for the consultant to pick up, which can unnecessarily  
14 delay processing of the condominium registration application;  
15 and

16  
17 WHEREAS, after the registration review process is  
18 completed, the supporting documents for each condominium project  
19 registration are held at the Real Estate Commission for a time  
20 and then are archived offsite, and retrieval for public or  
21 government agency viewing can be time-consuming; and

22  
23 WHEREAS, the Legislature believes that if the Real Estate  
24 Commission begins accepting application materials for  
25 condominium registration in electronic format, such as CD-ROM,  
26 this practice will: cut down on unnecessary delays if the Real  
27 Estate Commission sends application materials to its private  
28 consultants via electronic mail, as opposed to by regular mail  
29 or holding the materials for the consultants to pickup; save the  
30 cost and expense of reproducing and handling bulky submission  
31 materials; permit easy archiving of older condominium projects;  
32 and streamline the condominium registration process for the Real  
33 Estate Commission, its private consultants, and developers and  
34 their attorneys; now, therefore,

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36 BE IT RESOLVED by the Senate of the Twenty-fifth  
37 Legislature of the State of Hawaii, Regular Session of 2009, the  
38 House of Representatives concurring, that the Real Estate  
39 Commission is urged to accept filings for condominium  
40 registrations and supporting documents in CD-ROM or other  
41 electronic format compatible with chapter 489E, Hawaii Revised  
42 Statutes; and

43



# S.C.R. NO. 96

1 BE IT FURTHER RESOLVED that the Chair of the Real Estate  
2 Commission is requested to report on the measures taken by the  
3 Real Estate Commission to accept condominium registration  
4 filings in electronic format, to the Legislature twenty days  
5 before the convening of the Regular Session of 2010; and  
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7 BE IT FURTHER RESOLVED that certified copies of this  
8 Concurrent Resolution be transmitted to the Director of Commerce  
9 and Consumer Affairs and the Chair of the Real Estate  
10 Commission.  
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OFFERED BY: \_\_\_\_\_

