

BENJAMIN J. CAYETANO
GOVERNOR

MAZIE K. HIRONO
LIEUTENANT GOVERNOR



KATHRYN S. MATAYOSHI
DIRECTOR

Jan Yamane
Acting LICENSING ADMINISTRATOR

STATE OF HAWAII
REAL ESTATE BRANCH
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
250 SOUTH KING STREET, ROOM 702
HONOLULU, HAWAII 95813
<http://www.hawaii.gov/hirec>

MEMO

To: Condominium Developers, Attorneys, and Interested Parties

From: Real Estate Commission (REC)

Date: November 30, 2000

Subject:: Non binding informal Real Estate Commission decisions affecting the registration of condominium projects

The Real Estate Commission's (REC) Condominium Consultants held a workshop on October 3, 2000, which resulted in a number of recommendations to the REC relating to condominium development and project registration. At the REC's November 30, 2000 monthly meeting, the REC, after a review of the recommendations, decided to issue the following non-binding informal decisions relating to condominium development and project registration for informational and explanatory purposes only:

1. **Road easements.** Road easements not noted on the title report as "legal easements" but depicted on the condominium map should, where appropriate, be designated as "common elements" in the appropriate documents, together with the appropriate disclosures.
2. **Condominium map.** Developers shall be required to deliver a copy of the condominium map to the REC. The condominium map includes floor plans, and elevations of the buildings, and may also include a site plan.
3. **Site plans;** Site plans shall indicate access or exit to a public street or highway or to a common element or elements leading to a public street or highway.
4. **Architect's or engineer's statement.** An architect's or engineer's statement submitted pursuant to §514A-12, HRS shall specify the total number of sheets or pages constituting the plans or portions of the plans being certified; and when there are amendments,

the statement should specify which specific sheet or page is being amended.

5. **Metes and bounds.** The developer shall provide the metes and bounds description of land areas of the project which are designated as limited common element areas.
6. **Cease processing, abandoned project registration, destruction of project registration file.** Within 45 days of the receipt of a written request from a REC's condominium consultant for information, clarifications, or documents that a consultant deems necessary for completing a project review, the developer must take affirmative action to satisfy the request. Should the developer fail to take any affirmative action within a reasonable time, a consultant shall have the option to cease the review and return the files to the REC. REC staff will then inform the developer of the consultant's action and earmark the condominium project registration as an abandoned project registration earmarked for destruction.
7. **Possible legislation; incomplete, abandoned condominium project registration.** REC will consider proposing legislation that a condominium project registration application shall be deemed abandoned if it has not been completed and the required documents and other information are not submitted to the REC within 45 days from the last date documents or information were requested by the REC or its delegate; provided that the REC may extend the time for a "good cause".
8. **Project registration record.** The official condominium project registration record retained by REC may be limited to the following:
 - a. Documents and information as required by chapter 514A, HRS, the rules relating thereto, and as prescribed by the REC.
 - b. The original and one copy of the original of the developer's public report (preliminary, contingent, final, supplementary) for which the Commission issued an effective date.
 - c. Any other supporting documents and information as requested by the REC or as recommended by a condominium consultant and adopted by the REC.

The State of Hawaii general records and PVL record retention policies and procedures shall apply where applicable.