



STATE OF HAWAII  
REAL ESTATE BRANCH  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
250 SOUTH KING STREET, ROOM 702  
HONOLULU, HAWAII 96813

November 22, 1995

MEMORANDUM

TO: CONDOMINIUM PROJECT DEVELOPERS AND ATTORNEYS

FROM: REAL ESTATE COMMISSION

RE: MISLEADING "SUBDIVISION"-TYPE REFERENCES

After a review of information presented at its monthly meeting, the Real Estate Commission has clarified its position regarding the use of "subdivision"-type references in materials provided to the public.

Unless approved as a "subdivision" by the county government, all documents relating to condominium property regime public reports, advertising of condominium projects and any other document either provided to a prospective purchaser or made part of the public record shall not have references or illustrations that may imply representation that the condominium project is a "subdivision" or that the lots are subdivided lots. In addition, the following guidelines shall be utilized:

1. All terminology shall be consistent with Chapter 514A. Hawaii Revised Statutes;
2. The words "lot" and "parcel" shall not be used to describe any limited common element area;
3. The descriptive terms "single family", "home" or "residence" may be used to describe individual apartments as long as it is used in conjunction with the word "condominium", e.g., "condominium homes", or "single family condominium residences".
4. Any metes and bounds descriptions or square footage figures of land areas shall be clearly and specifically identified as the condominium project's total land area, its common element land area, or as the limited common element land area;
5. Solid lines shall not be utilized to delineate limited common elements or common elements: and
6. Where dotted or dashed lines are utilized in drawings, illustrations, maps or plans to delineate limited common elements or common elements, a disclosure shall appear on the page where the dotted or dashed lines appear. Such disclosure shall state that such lines do not represent subdivided lots and that they represent either a limited common element area or a common element area.