

Uniform Land Sales Practices Act (Subdivision) Frequently Asked Questions

Do I have a right to cancel my purchase contract?

Yes. Purchasers have a 7-day period after signing a contract to rescind the contract at no penalty.

Are there exceptions?

Yes. If the offer or disposition of the subdivision is exempt pursuant to HRS §484-3, the 7-day rescission right does not apply.

Can the Department of Commerce and Consumer Affairs help with homeowner association issues?

HRS Chapter 484 does not regulate homeowner associations. Therefore, the Department cannot get involved with these types of issues. Owners should look to the subdivision documents (e.g. Declaration of Covenants, Conditions and Restrictions; Association By-laws) for guidance.

Where can I get a copy of my deed?

Deeds are recorded at the Bureau of Conveyances. For more information about the Bureau of Conveyances, please visit their website at <http://dlnr.hawaii.gov/boc/>.

Are all subdivisions required to be registered?

No. Pursuant to HRS §484-3, certain offers or dispositions are exempt from Chapter 484. If a subdivision is exempt, the Subdivider is not required to provide a public offering statement nor provide the 7-day rescission right.

Can subdivisions that do not have final subdivision approval from the county still be offered for sale?

Yes. Pursuant to HRS §484-8.5, if the subdivision has preliminary subdivision approval from the county, a Subdivider may apply for a Preliminary Order of Registration with the DCCA. The Subdivider may then enter into binding sales contracts (subject to the 7-day cancellation right), but may not close the sale until a Final Order of Registration is issued.

What are the required fees to register a subdivision?

Current application and registration fees can be found under Hawaii Administrative Rules, §16-53-40.8. In addition to the application and registration fees, the Subdivider is responsible for the cost of a consultant review of the application.