



Condominium Project Registration

Reminders Real Estate Commission Memorandum 2017-3 (11/15/17)

The information provided here is intended to provide developers, including where applicable their attorneys and agents, as well as interested others with supplemental information in the form of reminders about the condominium project registration process.*

- At the September 13, 2017 Condominium Review Committee meeting, the Committee heard a request for informal, non-binding interpretation from the Hawaii Real Estate Commission regarding whether the re-registration under Chapter 514B of a previously registered Chapter 514A project provides a right of rescission, whether the owner occupant requirements are relieved by re-registration, and whether obtaining a developer's public report under Chapter 514B satisfies the requirements of obtaining a final report prior to the expiration of a contingent final report under Chapter 514A.

The Commission issued an informal, non-binding interpretation that under Act 244, SLH 2007, and Act 93, SLH 200, re-registration does not, by itself, provide a right of rescission where there has been no material change.

The Commission also issued informal, non-binding interpretations that re-registration under Chapter 514B would relieve the Chapter 514A owner-occupant compliant developer of owner-occupant requirements under Chapter 514B and that a developer would not be required to file a final public report if the developer obtained a 514B developer's public report prior to the expiration of a contingent report.

Please be aware that should you as a developer or your client as a developer wish to take advantage of the transition under Act 244, SLH 2007, and Act 93, SLH 2005, please submit a complete application by August 2018 to ensure sufficient processing and review time. A key transition process required in Act 244 will be repealed on January 1, 2019, thus removing a developer's ability to transition to Chapter 514B.

Should you have any further questions, please contact the Real Estate Branch at (808) 586-2643 or your attorney.

*** The provided information is unofficial, informal, and non-binding on the Real Estate Commission and is being provided pursuant to §16-201-92, Hawaii Administrative Rules. Please contact the Real Estate Commission at (808) 586-2643 between 7:45 AM and 4:30 PM, Monday through Friday and your attorney for more information.**