



Condominium Project Registration

Reminders Real Estate Commission Memorandum 2018-1 (6/30/18)

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*.

- The repeal of Chapter 514A, HRS, has substantially increased the number of developers who previously registered their projects with the Real Estate Commission (“Commission”) submitting updates to comply with Act 181, SLH 2017. Many of these developers formerly relied on agents to process their application paper work, but are now attempting to submit updated filings themselves, *pro se*. This memorandum seeks to clarify the general process for these *pro se* developers.

In the process of applying for an effective date for a Developer’s Public Report for either chapters 514A or 514B, HRS, the developer or their agent prepares the required Developer’s Public Report using the most recent form on the Commission’s website. These forms can be found under the tab “[Forms](#).” In addition to the Developer’s Public Report, all relevant exhibits and attachments must be included and bound in a paperback folder. The non-refundable filing fee is also required for processing. Please read the general information PDF also located in the forms section for a more detailed checklist of required documents.

Applications received by the Commission undergo a staff review for completeness. Should the application be incomplete, the developer or agent will be notified of any deficiencies or missing documents, incomplete documents, or signatures. Please maintain a copy of the developer’s public report to assist you in fixing any deficiencies. Short supplementary reports under chapter 514A, HRS, or amendments under chapter 514B, HRS, are limited to two material changes or five pertinent changes. Please see §514B-3, HRS, for additional information on material changes.

Once a completeness, and if relevant, material change review has been completed, projects are then assigned to the Commission’s consultants for review based on a Commission set rotation. **Developers are prohibited from choosing which Commission consultant reviews their project.** In the case of updates in the form of supplementary, amendments, or amended reports where the Commission’s consultant has reviewed a prior filing, the original consultant will generally be assigned the update. The Commission’s consultants perform an exhaustive review of all pertinent and material details of the project working with the developer or their agent.

In phased projects, phases are also subject to the same rotation system, but phases will be assigned to a limited number of consultants to balance consumer protection without requiring the developer to communicate with many Commission consultants.

Once the Commission's consultant and developer or developer's agent have finalized the changes necessary for disclosure on the Developer's Public Report, the Commission's consultant will then recommend the issuance of an effective date by the Commission. Should the required changes not occur within six months, the registration application may be terminated with no effective date granted. On the day that the Commission issues an effective date, a developer may then take money and engage in legal binding sales. Prior to the issuance of an effective date, a developer may only engage in pre-registration solicitation which prohibits them from taking money and legal binding sales.

Should you have any further questions, please contact the Real Estate Branch at (808) 586-2644 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.***