DOCUMENT CHECKLIST FOR ISSUANCE OF AN EFFECTIVE DATE FOR
CHAPTER 514B, HRS
DEVELOPER'S PUBLIC REPORT
(Not A Complete List)

PROJECT NAME _____

ATTORNEY/AGENT _____

DEVELOPER(S) _____

Reviewed by: _____

Registration Number: _____

(For Official Use Only)

_____ ☐ This is the first public report for this Project.

_____ ☐ A prior public report was issued for this Project.

_____ ☐ This is an amendment to the prior public report.

_____ ☐ This is an amended public report to replace the prior public report.

☐ All documents are in a bound pressboard folder. No three ring binders or loose papers will be processed

☐ Documents Checklist - Submit this completed checklist with the Developer's Public Report

☐ Application and project questionnaire [§§514B-52 and 514B-54(a)(10), HRS]

- ☐ Executed/Signed
- ☐ Original of application, Original of questionnaire

☐ Filing Fee [§§514B-52(a)(1) and 514B-54(a)(1), HRS]

- ☐ $250 (filing fee) + $1,500 (consultant's fee) + $10 per unit CETF [§514B-72, HRS]

  _____ units x $10 = $ _____
- ☐ $75 (amendment fee) + $150 (consultant review fee for an amendment to a Developer's Public Report)
- ☐ $75 (amendment fee) + $1,500 (consultant review fee for an amended Developer's Public Report)
- ☐ $2,000* consultant's subsequent review (*up to)
- ☐ Payable to Commerce and Consumer Affairs
- ☐ Date current (6 months for checks, unless otherwise stated)
- ☐ Amount in numbers = Amount in words
- ☐ Signed

☐ Developer's Public Report Draft [§514B-54(a)(2), HRS] (original)

- ☐ Signed by all developer(s) or developer(s)' duly authorized signatory, one signature per page

_____ ☐ Declaration of Condominium Property Regime [§§514B-31, 514B-32, and 514B-54(a)(4), HRS] (copy)

- ☐ Signed by **all** fee owners and **all** developers
- ☐ Signed by any persons having rights subordinated to Declaration
- ☐ Persons having rights have not subordinated to Declaration
- ☐ Recorded ☐ Unrecorded (Not allowable under §514B-92(b)(2), HRS)

_____ ☐ Bylaws of the Association of Unit Owners [§514B-54(a)(4), 514B-108, HRS] (copy)

- ☐ Signed by **all** fee owners and **all** developers.
- ☐ Signed by any persons having rights subordinated to Bylaws
- ☐ Persons having rights have not subordinated to Bylaws
- ☐ Recorded ☐ Unrecorded (Not allowable under §514B-92(b)(2), HRS)

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.

☐ Condominium Map [§§514B-32, 514B-33, 514B-34, and 514B-54(a)(4), HRS] (copy)

- ☐ If buildings not built, statement by licensed architect, engineer, or surveyor certifying that map is "consistent with the plans of the condominium's building or buildings filed or to be filed" with county
- ☐ If all units are to be sold as spatial, then certification statement is not required, only the stamp and signature
- ☐ If buildings built, statement certifying that to the best of architect's, engineer's, or surveyor's knowledge, map depicts the layout, location, dimensions, and numbers of the units "substantially as built" ***and*** "consistent with the plans of the condominium's building or buildings filed or to be filed"
- ☐ If a conversion and the county is unable to locate original permitted construction plans, certification need only state that map depicts the layout, location, boundaries, dimensions, and numbers of units substantially "as built"
- ☐ If buildings are completed after map is recorded, amendment of declaration recorded within 30 days after completion of construction, with certification that map fully and accurately depicts layout location boundaries, dimensions and numbers of units substantially as built ***and*** "consistent with the plans of the condominium's building or buildings filed or to be filed"

_____ ☐ House Rules [§§514B-104(a)(1) and 514B-105(b), HRS]

- ☐ Proposed
- ☐ Adopted
- ☐ Neither proposed nor adopted

_____ ☐ Escrow Agreement [§§514B-54(a)(6), 514B-91, 514B-92, and 514B-93, HRS]

- ☐ Executed/Signed by escrow company
- ☐ Executed/Signed by developer(s)
- ☐ Provides for use of purchaser deposits to pay for construction costs or repairs
- ☐ Provides for release of all blanket mortgages and liens prior to disbursing purchaser's deposits at closing

_____ ☐ Summary of escrow agreement

_____ ☐ Specimen (Sample) Sales Contract for proposed sale of units [§514B-54(a)(5), HRS]

- ☐ Summary of sales contracts provisions, including any rights reserved by developer
- ☐ Completion deadline included and in Developer's Public Report

_____ ☐ Specimen (Sample) Unit Conveyance [§514B-54(a)(10), HRS]

_____ ☐ Management Contract [§§514B-54(a)(10) and 514B-134, HRS]

- ☐ Executed/Signed by management company
- ☐ Executed/Signed by developer(s)

OR

- ☐ Self-managed by Association

_____ ☐ Schedule of annual maintenance fees and monthly estimated maintenance fees for each unit [§514B-83(a)(3), HRS]

- ☐ Certified to be based on generally accepted accounting principles
- ☐ If no maintenance fees, statement explaining the lack of maintenance fees
- ☐ Statement regarding when a purchaser becomes obligated to start paying maintenance fees

_____ ☐ Title Report [§514B-54(a)(10), HRS] (dated not more than 60 days prior to date of filing)

_____ ☐ Recorded deed, master lease, agreement of sale, or contract evidencing that either developer owns fee or leasehold or has right to acquire the property [§514B-54(a)(3), HRS] (copies)

_____ ☐ Letter to county transmitting Application and other documents required by county, except for City and County of Honolulu [§514B-54(a)(10), HRS]

_____ ☐ Owner-Occupant Sales [§514B-95, HRS]

- ☐ Applicable - (if applicable, documentation required) [§514B-96, HRS]
- ☐ Not applicable - see exemptions below

Exemption Claimed

- ☐ Project does not contain residential units [§514B-95, HRS]
- ☐ Project built pursuant to sections cited in §514B-99.5(a)(1), HRS
  - ☐ Notification statement related to §514B-99.5(a)(1), HRS [§514B-99.5(b), HRS]
- ☐ All units will be conveyed to a spouse or family members of developer [§514B-99.5(a)(2), HRS]
- ☐ Project consists of 2 or fewer units [§514B-99.5(a)(3), HRS]
- ☐ Project units are designed and constructed for hotel/resort use on land county zoned for hotel/resort use [§514B-95, HRS]

Other

- ☐ Owner-Occupant Affidavit form [§§514B-96.5 and 514B-97, HRS] (Commission does not review)
- ☐ Chronological system to be used
- ☐ Lottery system to be used
- ☐ Conversion: First offered for sale to existing individuals occupying the unit pursuant to §514B-98(b), HRS

_____ ☐ Organizational Documents (if developer is not an individual) [§514B-54(a)(10), HRS]

- ☐ Articles of Incorporation, Partnership Statement, Certificate of Limited Liability Partnership (LLP), Articles of Organization of Limited Liability Company (LLC), etc.
- ☐ Entity Registration Statement
- ☐ Certificate of Good Standing from DCCA
- ☐ Evidence of authorized person signing the public report

_____ ☐ Sales/Broker Listing Agreement [§514B-54(a)(10), HRS]

- ☐ Executed by real estate broker
- ☐ Executed by developer

OR

- ☐ None selected

_____ ☐ Purchaser Deposits to be used [§§514B-92 and 514B-93, HRS] ☐ Yes ☐ No

If Yes:

- ☐ To complete construction (new construction)
- ☐ To make required repairs (conversion)

If Yes, submit the following:

- ☐ Recorded declaration and bylaws [§514B-92(b)(2), HRS]
- ☐ Project budget showing all costs required to complete project [§514B-92(b)(3)(A), HRS]
- ☐ Statement of program of financing evidencing availability of sufficient funds to complete the Project, including but not limited to, [§514B-92(b)(3)(B), HRS]
  - ☐ Escrow statement detailing current balance of purchaser deposits
  - ☐ Equity funds
  - ☐ Interim loan commitment
  - ☐ Permanent loan commitment/mortgage
  - ☐ Construction mortgage
  - ☐ Other sources of funds
- ☐ Copy of executed construction contract [§514B-92(b)(3)(C)(i), HRS]
  - ☐ Executed by contractor
  - ☐ Executed by developer
- ☐ Copy of building permit [§514B-92(b)(3)(C)(ii), HRS]
- ☐ Copy of affidavit of publication of notice of completion
- ☐ Evidence of security for completion of construction [§514B-92(b)(3)(C)(iii), HRS]:
  - ☐ Completion or performance bond issued by a licensed surety equal to 100% of cost of construction; or
  - ☐ Completion or performance bond issued by material house equal to 100% of cost of construction; or
  - ☐ Irrevocable letter of credit; or
  - ☐ Other substantially similar instrument or security approved by the Commission
- ☐ Name of project lender or qualified financially disinterested person who will approve payments for construction costs [§514B-92(c), HRS]
- ☐ Conversion (project contains structures submitted to chapter 514B CPR registration more than 12 months after completion of construction)
- ☐ Verified statement by an appropriate county official [§514B-84(a)(2), HRS]
  - ☐ City & County of Honolulu (Building Department)
  - ☐ County of Maui (Department of Public Works & Waste Management, Land Use & Codes Administration)
  - ☐ County of Hawaii (**2**-Planning Department **AND** Department of Public Works, Building Division)
  - ☐ County of Kauai (Planning Department)
    - ☐ Alternative internet certification

☐ Developer's declaration that project is in compliance with all county zoning and building ordinances and codes and all other permitting requirements [§§514B-54(a)(8) and 514B-83(a)(7), HRS]

If units may be occupied for residential use and have been in existence for 5 years or more [§514B-84(a)(1), HRS]:

☐ A report by a Hawaii-licensed architect or engineer describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the units; and

☐ A statement by the developer:

(1) describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the units;
(2) covering the useful life of each item reported on in the report or that no representations are made in that regard; and
(3) a list of any outstanding notices of uncured violations of building code or other regulations with the estimated cost of curing these violations.

☐ One hundred twenty day notice to existing tenants [§§521-38 and 521-71, HRS]

_____ ☐ Project is in an agricultural district under chapter 205 [§§514B-5, 514B-32(a)(13), 514B-52(b), and 514B-84(b), HRS]

☐ Verified statement by an appropriate county official, or

☐ Verified statement by an appropriate county official of project's exemptions from agricultural district or copy of county resolution exempting project from agricultural district requirements

Additional Disclosures

☐ If the project contains **more than five units**, the verified statement shall include the applicant's assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. Include the verified statement as an exhibit in the developer's public report.

☐ Statement in the declaration that there are no private restrictions limiting or prohibiting agricultural uses or activities in compliance with §205-4.6, HRS

☐ Statement whether structures and uses anticipated by developer's promotional plan are in compliance with all applicable state and county land use laws

☐ Statement whether structures and uses anticipated by developer's promotional plan are in compliance with all applicable county real property tax laws

☐ Disclosure of farm dwelling construction rights by unit, if any

☐ Disclosure of requirements in order to build farm dwelling units (farm plans)

☐ Other disclosures

_____ ☐ Project contains Assisted Living Facility Units [§514B-84(c), HRS]

☐ Disclosure of licensing requirements, impact of requirements on costs, operations, management, and governance of the project, nature and scope of services provided, additional costs directly attributable to the services, duration of the provision of the services, etc.

☐ Other disclosures

_____ ☐ Other information developer deems appropriate to describe possible impacts on the project resulting from the provision of the services

_____ ☐ If a Preregistration Solicitation form other than the Commission approved form was used, submit a sample of the form [§514B-85, HRS]

_____ ☐ Other information that the Commission may require