

## Learn more about the Real Estate Branch (REB) of the Department of Commerce and Consumer Affairs

Check out the REB website [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) for more information and some frequently asked questions.

- What services does the REB provide to the condominium community?
- Where do I file a complaint against my association?
- What laws apply to my condominium association?
- How do I get a copy of my association documents?
- How do I obtain a real estate license?
- What are the laws and rules for real estate licensees?

## Real Estate Branch

### About Us

The Real Estate Branch, as part of the Professional and Vocational Licensing Division, assists the Real Estate Commission in carrying out its responsibility for the education, licensure and discipline of real estate licensees; registration of condominium projects, condominium associations, condominium managing agents, and condominium hotel operators; and intervening in court cases involving the real estate recovery fund.

### Subscribe

Receive emails on relevant condominium educational materials. Sign up now at <http://cca.hawaii.gov/reb/subscribe/>

### Contact Us

Condominium Hotline: 808-586-2644  
Hours: 9:00 AM – 3:00 PM  
Email: [hirec@dcca.hawaii.gov](mailto:hirec@dcca.hawaii.gov)  
Web: [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec)

*This brochure is for informational purposes only and not intended for the purpose of providing legal advice. Information provided is subject to change.*



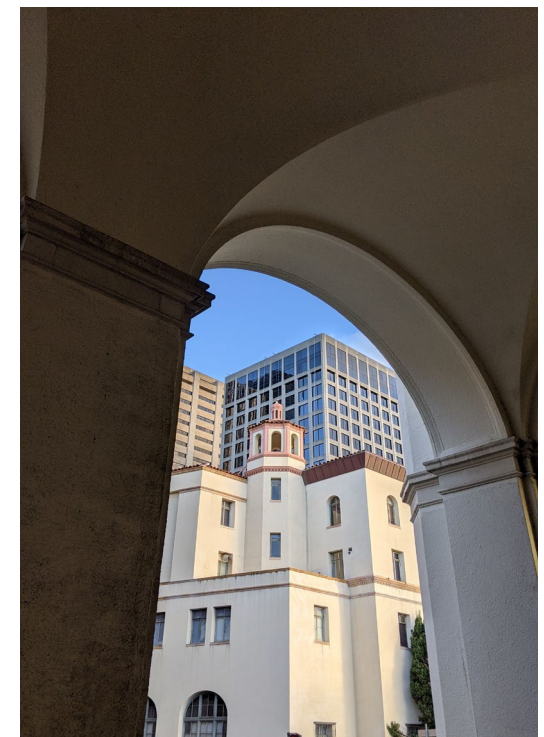
**d**CONDOMINIUM:  
**e**DEVELOPER RIGHTS, DUTIES,  
**AND RESPONSIBILITIES**  
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## CONDOMINIUM:

## DEVELOPER RIGHTS, DUTIES, AND RESPONSIBILITIES

*Real Estate Branch  
Department of Commerce and  
Consumer Affairs*

*September 2021*



## Who is a Condominium Developer?



A condominium developer is an entity, person, or persons, or their successor who undertakes the development of a

real estate condominium property regime project, regardless of type of development

Generally, this information is disclosed on page nine of the developer's public report of a chapter 514B, HRS, registered condominium project.

### Developer Rights

The rights of a developer include the ability to add or remove real estate from the project, create or remove units and limited common elements, merge projects or increments, and otherwise alter the project. Developers may also maintain the right to use common elements and units of the project for sales and advertising.

Early in a project, the developer is granted a control period before the association is formed to operate the project. During this time, a developer can

appoint members to the board, collect maintenance fees, and run the project.

These rights and control period generally end once all units are sold or after a certain time period has passed since the first sale. A developer may also voluntarily terminate the control period or rights early.

### Developer Duties and Obligations

The developer is obligated to fulfill all lawful contract terms with purchasers, vendors, and other parties.

A developer is legally mandated to submit a developer's public report to the Hawaii Real Estate Commission for review prior to sale of any unit for most types of condominium projects. This report serves as a disclosure document detailing all the important information of the project to prospective buyers.

The developer is required to maintain the accuracy of that developer's public report. Should material or pertinent changes occur, the developer is lawfully required to timely submit an amendment or amended developer's public report. Sales may continue only if the developer informs buyers of the pertinent and material changes.

A developer is also lawfully required to submit an annual developer's report should no amendment or amended report be filed that year. The annual report serves to remind the developer of any changes that may have occurred to the project that should be detailed in a timely filed amendment or amended developer's public report.

### Developer Termination

Until **all** unit are sold, a developer's obligations, rights, and duties continue. Developers who wish to leave a project prior to the sale of all units should consult with their attorney to transfer their developer rights to a successor developer. Transfer can happen through a recorded instrument. Generally, inheritance of unsold developer units conveys the rights and responsibilities of the developer to the beneficiary.

### What About Governance?

A developer should be aware of part VI of chapter 514B, HRS, governance when drafting the declaration and bylaws; however, certain parts of part VI are not directly applicable to projects containing five or fewer units.