



## 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 can I get help with association disputes?
- 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)

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### CONDOMINIUM: UNCOMMON ISSUES IN DEVELOPMENT

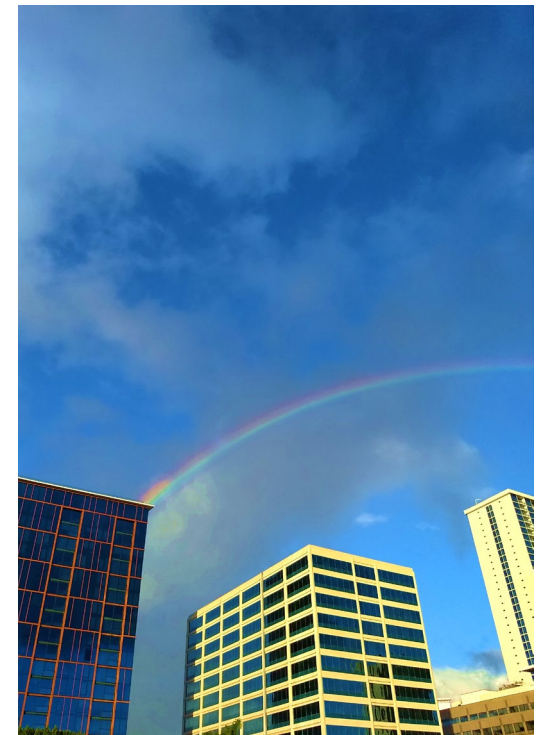
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## CONDOMINIUM:

## UNCOMMON ISSUES IN DEVELOPMENT

*Real Estate Branch  
Department of Commerce and  
Consumer Affairs*

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## Development

Condominium development comes in many shapes and sizes. This brochure will go over several development issues to assist developers in planning their future projects.

## Zoning & Multiple Parcels



Condominiums are not limited to a single zoning type, or a single parcel/TMK. Over 400 registered

projects have at least two different zoning types within the confines of the project and many more are spread over two or more parcels/TMKs. There are currently no zoning types that are prohibited from being submitted to condominium, but the various county and Department of Land and Natural Resources ordinances and rules must be followed.

There is no State requirement that parcels or TMKs be combined before submitting to the condominium law.

## Phase Development

Occasionally, developers will encounter issues in financing, bonding, or otherwise

completing a project at once. In this case, the condominium may be split into phases, legally distinct, but part of the overall condominium. There are no limits as to how many phases a condominium may have, but each registered phase must contain at least two units.

The developer then registers each phase under the same declaration and proceeds to obtain financing and bonding for each phase separately. Once all phases are complete, the developer typically merges the associations into a single association to manage the entire condominium. This involves a recalculation of each unit's percentage ownership. Developers may also move units between phases during the development process. Phasing gives developers flexibility in meeting their specific time and financing concerns.

## Ohana, ADU, ARU & Guest Houses

Ohana and accessory dwelling units ("ADU") are small additional dwellings that are built as an accessory to the main home on a property. Properties with an Ohana or ADU may be submitted to the condominium law and registered for sale on all islands except on Oahu. The City and County of Honolulu has a strict

condition on the permitting of an Ohana or ADU in that the landowner and any future landowners are prohibited from submitting the property to condominium.

Kauai County prohibits additional rental units ("ARUs") and guest houses from being separate condominium units.

## Agricultural Maps

Every condominium project must file a map during the recordation process and then the registration process with the Real Estate Branch. Agricultural condominiums have a unique issue in that they often contain farm-specific structures, such as green houses, shipping containers, barns, and other structures.

§§514B-33(a)(1) & (2), HRS, requires all buildings, their elevations and floor plans be depicted. Chapter 514B, HRS, does not define buildings; however, counties in their rules and ordinances often do. Developers should consult with their relevant county to determine if such structures are defined as buildings and thus would be required under chapter 514B, HRS, to be disclosed on the map.

