



STATE OF HAWAII
REAL ESTATE BRANCH
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
250 SOUTH KING STREET ROOM 702
HONOLULU, HAWAII 96813

December 21, 1994

MEMORANDUM

TO: CONDOMINIUM DEVELOPERS AND THEIR AGENTS

FROM: REAL ESTATE COMMISSION

SUBJECT: THE EFFECT OF AN OWNER-BUILDER BUILDING PERMIT ON THE
ISSUANCE OF AN EFFECTIVE DATE FOR A PUBLIC Report.

After a review of the information presented at its December 21, 1994 meeting, it is the opinion of the Real Estate Commission that for owner-builder permitted, as defined in Chapter 444, HRS, constructed condominium project, in which a public report will be effective during the period one year after completion of the subject owner-builder condominium structure, shall:

a) include in the public report disclosure of the appropriate provisions of Chapter 444, HRS, and disclosure of the potential violation; and

b) developer's certification that such structure or building constructed pursuant to an owner-builder permit is for that owner-builder's "personal use and not for use or occupancy by the general public" pursuant to Chapter 444, HRS.

Lastly, that the public report not be viewed as an offer for sale merely as a result of registration, unless specifically used for such purpose by the developer or developer's agent.

The above opinion is an informal, non-binding interpretation which is provided for informational and explanatory purposes only, pursuant to Subchapter 5, Hawaii Administrative Rules, Title 16, Chapter 201, Administrative Practice and Procedure.

If a formal opinion is preferred, a petition for declaratory relief may be submitted pursuant to Subchapter 3, Hawaii Administrative Rules, Title 16, Chapter 201, Administrative Practice and Procedure.