THE SENATE TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

S.B. NO. 2420

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JAN 1 8 2000

A BILL FOR AN ACT

RELATING TO PLANNED COMMUNITY ASSOCIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECT	ION 1. Chapter 421J, Hawaii Revised Statutes, is
2	amended b	y adding a new section to be appropriately designated
3	and to re	ad as follows:
4	" <u>§42</u>	1J- Association; registration. (a) Each project or
5	<u>associati</u>	on having more than five units shall:
6	(1)	Register with the commission through the approval of a
7		completed registration application, the payment of
8		fees, and the submission of any other additional
9		information set forth by the commission. The
10		registration shall be for a biennial period with
11		termination on June 30 of each odd-numbered year. The
12		commission shall prescribe a deadline date prior to
13		the termination date for the submission of a completed
14		re-registration application, the payment of fees, and
15		the submission any other additional information set
16		forth by the commission. Any project that has not met
17		the submission requirements by the deadline date shall



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1	be considered a new applicant for registration and be
2	subject to initial registration requirements. Any new
3	project or association shall register within thirty
4	days of the association's first meeting. If the
5	association has not held its first meeting and it is
6	at least one year after the recordation of the
7	purchase of the first unit in the project, the
8	developer or developer's affiliate or the managing
9	agent shall register on behalf of the association and
10	shall comply with this section. The public
11	information required to be submitted on any completed
12	application form shall include but not be limited to:
13	(A) The names and positions of the officers of the
14	association;
15	(B) The name of the association's managing agent, if
16	any;
17	(C) The street and the postal address of the planned
18	community; and
19	(D) The name and current mailing address of a
20	designated officer of the association where the
21	officer can be contacted directly;

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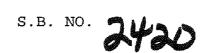
1	(2)	Pay a nonrefundable application fee and, upon
2		approval, an initial registration fee, and a re-
3		registration fee upon re-registration, as provided in
4		rules adopted by the director of commerce and consumer
5		affairs pursuant to chapter 91;
6	(3)	Register or re-register and pay the required fees by
7		the due date. Failure to register or re-register or
8		pay the required fees by the due date shall result in
9		the assessment of a penalty equal to the amount of the
10		registration or re-registration fee; and
11	(4)	Report promptly in writing to the commission any
12		changes to the information contained on the
13		registration or re-registration application or any
14		other documents required by the commission. Failure
15		to do so may result in termination of registration and
16		subject the project or the association to initial
17		registration requirements.
18	(b)	The commission may reject or terminate any
19	registrat:	ion submitted by a project or an association that fails
20	to comply	with this section. Any association that fails to
21	register a	as required by this section or whose registration is
22	rejected o	or terminated shall not have standing to maintain any
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1	action or proceeding in the courts of this State until it
2	registers. The failure of an association to register, or
3	rejection or termination of its registration, shall not impair
4	the validity of any contract or act of the association nor
5	prevent the association from defending any action or proceeding
6	in any court in this State."
7	SECTION 2. Section 421J-2, Hawaii Revised Statutes, is
8	amended by adding a new definition to be appropriately inserted
9	and to read as follows:
10	"Commission" means the real estate commission of the
11	State."
12	SECTION 3. New statutory material is underscored.
13	SECTION 4. This Act does not affect rights and duties that
14	matured, penalties that were incurred, and proceedings that were
15	begun, before its effective date.
16	SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY: Kotul Sund Will Gevo Angenie & Mome Clauman Smilichen





Report Title:

Planned Community Associations; Real Estate Commission; Registration

Description:

Requires planned community associations to register and reregister with and pay fees to the real estate commission on a biennial basis.

