

HAWAII LIFE BUYER'S HANDBOOK

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Aloha!

This Hawaii Life Buyer's Handbook serves as an outline of key items to consider when purchasing a property. I'm committed to being your source for all of the information you need when you're considering a real estate purchase in Hawaii. Please feel free to contact me to find out more about...

- Learn additional details about the properties you considering.
- Get Title Reports, Permit status and detailed information about the Sellers and their property
- An Exclusive Buyer's Agent can negotiate on your behalf. The Seller's Agent cannot.
- Discretion, confidentiality, loyalty and obedience.
- An Exclusive Buyer's Agent represents YOU not the Seller.
- I can help you find Lender Foreclosures, Bank REO's and other properties that may not be in the MLS

As your Exclusive Buyer's Agent, I can direct you to resources for discovering defects and evaluating the physical condition of a property. I'll assist you in finding qualified experts for inspections, and provide you with resources that contain vital information about a prospective property. I look forward to working with you!

Mahalo,
Steve Whitney, RS
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SOME COMMON DOCUMENTS A BUYER SHOULD REVIEW

The documents listed below may not be relevant in every transaction

The MLS Printout

A listing is an agreement between the seller and the Listing agent and authorizes the Listing agent to submit information to the Multiple Listing Service ("MLS"). The MLS printout is similar to an advertisement and contains various abbreviations and symbols. Neither the listing agreement nor the printout is a part of the purchase contract between the buyer and seller. The printout contains a limited description of a property, such as its size, encumbrances, utilities, amenities, etc. The information was probably secured from the seller, the builder, or a governmental agency, and could be inaccurate, incomplete or an approximation. Therefore, the buyer should verify any important information contained in the MLS.

Seller's Real Property Disclosure Statement

Under Hawaii law, a seller is obligated to fully and accurately disclose in writing to a Buyer any fact, defect or condition, past or present, that would be expected to measurably affect the value of the property to a reasonable person. This statement is intended to provide the Buyer with notice concerning the condition of the property and to assist the buyer in evaluating the property. The buyer should read the seller's real property disclosure statement and check every item on it. Ask to see receipts for repairs to the home. Look behind large pictures on the wall and behind anything on the floor that conceals large areas. Look for stains on the ceilings or carpets that might indicate water damage. Read the Purchase Contract carefully to determine the deadlines for examining the statement and rescinding the Purchase Contract; or for having your own inspections conducted. Remember, your review of the Seller's Real Property Disclosure Statement is not a substitute for professional inspections.

The Subdivision Public Offering Statement (Public Report)

This statement is required to be given to buyers by the developer of a subdivision and should be read before signing any contract to purchase a new home or land. The purpose of this document is to point out material information about the development that a buyer might want to know when making a decision to purchase. The Public Offering Statement is prepared by the developer, could be inaccurate, and should be verified. Additional information about the Public Offering Statement may be found by contacting the Hawaii Department of Commerce and Consumer Affairs: <http://www.hawaii.gov/dcca/>

Appraisals

When conventional financing is involved, the appraisal is usually ordered through the buyer's lender and is delivered directly to the lender by the appraiser. Aside from estimating the value of the property the appraisal may indicate various conditions that could affect the value of the property. If the buyer pays for an appraisal of the property the buyer has the right to receive a copy of the appraisal. Appraisers are regulated by the Hawaii Department of Commerce and Consumer Affairs: <http://hawaii.gov/dcca/areas/pvl/programs/realestateappraiser/>

Covenants, Conditions and Restrictions ("CC&Rs")

The CC&Rs or Deed Restrictions are recorded against the property and generally empower a former owner, developer or homeowner's association to control certain aspects of property use. By purchasing a property the buyer agrees to be bound by the CC&Rs. Thus, the CC&Rs form an enforceable contract. The association, the homeowners as a whole, and individual homeowners can enforce the contract. It is essential that the buyer review and agree to these restrictions prior to purchasing a home. You might find some of the CC&Rs are very strict, especially those addressing landscaping, RV parking, play equipment, satellite antennas, and other common amenities - particularly if the subdivision is governed by a homeowner organization. A short but informative document on the purpose and effect of CC&Rs may be read at www.realtor.com/BASICS/condos/ccr.asp. Buyers should consult legal counsel if uncertain of the application of particular provisions in the CC&Rs.

Homeowner Organization Governing Documents

In addition to CC&Rs, Homeowner Organizations may be governed by Articles of Incorporation, Bylaws, Rules and Regulations, and often architectural control standards. The Homeowner Organization is in place to enforce these rules and to preserve the value of homes in the condominium or planned community.

Condominium and Planned Community

Homeowner Organizations are also regulated by Hawaii statutes. What makes a development a condominium or planned community? Common area, that is, community ownership of real estate for use by community residents, is the common denominator. In a condominium, the common property is actually deeded as undivided interests to the condominium owners. In a planned community, the ownership of the common property vests in the homeowner's association. If you have questions about your rights and remedies regarding homeowner's associations or community associations, please read the information provided at <http://www.hawaii.gov/hirec/>

Homeowner Organization Disclosures

If purchasing a home governed by a Homeowners Organization the buyer should review and approve the Homeowner Organization documents. The Purchase Contract contains a contingency in which the buyer can request these documents.

Common Elements

Common elements of the building or CPR (Condominium Property Regime) usually consist of such items as laundry rooms, swimming pools, grounds, decks, recreation areas, meeting rooms, laundry chutes, lobby areas, hallways, storage areas, saunas, or even driveways, etc. They are comprised of those areas not inside apartments and are intended for use by the apartment owners in accordance with the purpose for which they were intended. The purchaser of the apartment will be also purchasing a proportionate percentage interest in these elements and will also pay a proportionate amount of maintenance fee for their upkeep. Limited common elements, which have restrictions on use and can be rented for income or used on a limited basis. Examples of such limited common elements could be a convenience store, shop, kiosk, parking lot, etc. And, in 'Land Condos', examples of common elements may also include driveways, water wells, ponds, etc.

CONDOMINIUM DOCUMENTS

For purchases of condominiums (which, in Hawaii, may also include "Land Condominiums"), the Purchase Contract indicates that the Buyer's obligation to buy is contingent upon the Seller providing information about the Homeowner Organization Documents for review and approval. The usual documents under review include: Declaration and Amendments, Current House Rules, Current and/or Proposed Budget, Minutes of the last Annual Meeting, By-laws and Amendments, current Financial Statement, Board of Directors Meetings, Articles of Incorporation, Inventory of Furniture, Copy of any and all litigation complaints filed by or against the A.O.A.O (Association of Apartment Owners) that are currently unresolved, the Reserve Study or Summary and Property Information Form RR-105C.

Condominium Reserves

In 1991, the legislature passed a law requiring all condominium associations to (1) adopt and follow budgets and (2) establish adequate reserves. The law's intent is to require condominium owners and boards to realistically evaluate the actual cost of running their project – not just the day-to-day expenses but the long term costs of major repairs and replacement. Reserves are money, which a condominium board collects regularly from owners and saves to pay the large, future expenses, which result from the deterioration of the condominium project over time. For example, the costs of repairing or replacing the roof and elevators. Buyers are encouraged to read the condominium reserve study and financial documents before deciding to purchase the unit. These documents will be provided during the escrow process, according to the Purchase Contract, and a period of time is stipulated on the contract for this review. If the Buyer **takes no action** it is presumed that the documents are "accepted as received" and the option to terminate the contract on this basis will be waived.

Maintenance Fees

The Buyer should be aware of what items and costs are included in the maintenance fee, such as insurance, central air conditioning, electrical, water, hot water, sewer, rubbish, and other similar charges. Generally, buildings with a larger number of amenities have larger monthly maintenance fees.

Title Report or Title Commitment

The title report or commitment contains important information and is provided to the buyer by the title/escrow company or agent. This report or commitment lists documents that are exceptions to the title insurance (Schedule B Exceptions). Schedule B Exceptions may include encumbrances, easements, and liens against the property, some of which may affect the use of the property, such as a future addition or swimming pool. Make sure you receive and review all of the listed documents. Questions about the title commitment and Schedule B documents may be answered by the title or escrow officer, legal counsel, or a surveyor. General information regarding title issues may be found at www.titlelawannotated.com or obtained from the title/escrow company employed in the transaction.

Tenancy in Hawaii

The manner in which a person takes or holds real property will have important legal ramifications. The Buyer's determination as to how title should be taken and held should be made with the advice of legal counsel, and perhaps, a tax advisor or accountant. Tenancy to real property varies from state to state in custom and interpretation. Hawaii Probate Law is different from many other states. It's advisable to ask your attorney about owning your property through a Living Trust.

Home Warranty Policy

A home warranty may be part of the sale of the home. If a home warranty is not offered in the sale of the home, Buyers may want to consider purchasing one. Buyers should read the home warranty document for coverage and limitation information. Be aware that preexisting property conditions are generally not covered under these policies.

Lead-Based Paint Disclosure Form

If the home was built prior to 1978, the seller must provide the buyer with a lead based paint disclosure form. More information about lead-based paint may be obtained at: <http://www.epa.gov/lead/> or <http://www.epa.gov/lead> or <http://www.hud.gov/offices/lead/>

County Assessor's Tax Records

The county assessor's records contain a variety of valuable information including the assessed value of the property for tax purposes and some of the physical aspects of the property, such as the reported square footage (which should always be verified for accuracy). Information is available on county websites:

Hawaii County <http://www.hawaiipropertytax.com/>

Honolulu County <http://www.honolulupropertytax.com/>

Maui County <http://www.mauipropertytax.com/>

Kauai County <http://www.kauaipropertytax.com/>

Homeowner's Property Tax Exemption

The Hawaii home exemption law was enacted to provide some tax relief and encourage home ownership. The basic home exemption is deducted from the assessed value of the property and the homeowner is taxed on the balance. Buyers who intend to occupy the property they're purchasing as their primary residence should notify their County's Tax Assessor's office to apply for the exemption. On Kauai, This exemption can only be applied for once a year and must be submitted prior to December 31st.

FIRPTA: Foreign Investor Tax Act

The Foreign Investment in Real Property Tax Act (section 1445 of the IRC code) of 1980 ("FIRPTA") provided that foreign investment in U.S. real estate would be subject to U.S. capital gains tax on dispositions of U.S. real property interests [defined as (a) any interest in U.S. real property of (b) any interest in a U.S. corporation in which 50% of its assets constitute U.S. real property interests.

HARPTA Hawaii Real Property Tax Act

USE OF HAWAII FORMS ON TAX WITHHOLDING: In order to promote a greater level of compliance by nonresidents of Hawaii (whether U.S. persons or foreigners) in reporting income from sales of real property located in Hawaii, the Hawaii legislature enacted (and recently amended Section 235-68, Hawaii Revised Statutes ("HRS")), requiring every Buyer of Hawaii real estate to deduct, withhold and pay to the Hawaii Department of Taxation 5% of the amount realized by the Seller or transferor of Hawaii real estate. This withholding requirement, as amended, is effective on August 1, 1991.

Professional Home Inspection Report

For the buyer's protection, the importance of having a home inspected by a professional home inspector cannot be over-emphasized. A home inspection is a visual physical examination, performed for a fee, designed to identify material defects in the home. The home inspector will generally provide the buyer with a report detailing information about the home's condition. The inspector and the report will point out existing problems and possible potential problems. The buyer should carefully review this report with the inspector and ask the inspector about any item of concern. Pay attention to the scope of the inspection and any portions of the property excluded from the inspection. Additional information on inspections may be found at the American Society of Home Inspectors website: www.ashi.org. Guidance on hiring a home inspector and more information may be found at <http://www.realtor.org/libweb.nsf/pages/fg311> or at http://www.homeinspections-usa.com/main/insp/home_inspection_organizations/Hawaii

Termites and Other Wood Destroying Organisms

Termites are commonly found throughout Hawaii. Investigating evidence of termites or other wood infestation is the job of the pest control operator. The Hawaii Department of Commerce and Consumer Affairs regulates these inspectors: http://www.hawaii.gov/dcca/pvl/area_pest_control_faq.html Free literature about termites in Hawaii is available through the University of Hawaii at Manoa: <http://www.ctahr.hawaii.edu/ctahr2001/PIO/FreePubs/FreePubs06.asp>

Dry Wood Termites

All termites feed on wood or other material containing cellulose. They are soil insects with a primary reproductive queen. They start new colonies by swarming out of their present colony to find a mate. This brief period is the only time in their lives when they are attracted to light. Swarming takes place usually from April to June and maybe in October on hot, still, humid evenings.

Ground Termites

The termite of extreme concern to the homeowner is the Formosan Subterranean Termite, *Coptotermes Formosanus*, whose colonies range in size up to two million termites or more. The queen may live for 20 years and lay up to 2000 eggs a day. Satellite colonies may develop, each with its own queen. Unlike the dry wood termites which live right in the wood, the ground termite nests in the ground and forages over three quarters of an acre in search of food. Once it has found a good source it will persistently attack from several directions. A colony will consume, on average, two pounds of wood each day. If cut off from one avenue of entry to the property, they will search for others. Typically, this termite lives in the ground because it requires a humid environment. Therefore, it stays inside walls or within a piece of wood. This characteristically conceals it until significant damage has been done.

COMMON PHYSICAL CONDITIONS IN THE PROPERTY A BUYER SHOULD INVESTIGATE

Every buyer and every home is different, so the physical property conditions requiring investigation vary.

Repairs and New Construction

The seller may have made repairs or added a room to the property. For example, the property may have an obvious improvement, or a lanai or garage may have been remodeled. The buyer should feel comfortable that the work was properly done or have an expert evaluate the work. Request copies of any invoices or other documentation regarding the work performed. The Hawaii Department of Commerce and Consumer Affairs is the agency responsible for licensing contractors. To determine if a contractor is licensed or has any complaints against them go to: <http://hawaii.gov/dcca/areas/pvl/boards/contractor/>. For information regarding permits, contact the city or county building department.

Roof

The home inspector might recommend that you have the roof further inspected by a licensed roofer. If the roof is 10 years old or older, a roof inspection by a licensed roofer is highly recommended.

Swimming Pools and Spas

If the home has a pool or a spa, the home inspector might determine that the cleaning system is not working properly or may exclude the pool or spa from the general inspection. It would then be necessary to have a pool or spa company inspect the pool or spa and/or evaluate any problem.

Swimming Pool & Ocean Safety

In Hawaii, approximately sixty-one (61) persons -residents, military, and visitors drown each year [with an average of thirty-six (36) residents drowning per year] according to the Hawaii Dept. of Health. Learn more about pool and ocean safety at: <http://www.aloha.com/~lifeguards/kipc.html>

Square Footage

Square footage on the MLS printout, an Internet listing or as listed by the county assessor's tax records is often only an estimate and generally should not be relied upon for the exact square footage in a home. An appraiser or architect can measure the home's size to verify the square footage. Contact the Hawaii Department of Commerce and Consumer Affairs for information about licensed appraisers: <http://hawaii.gov/dcca/areas/pvl/programs/realestateappraiser/>. For information about Licensed architects visit: <http://hawaii.gov/dcca/areas/pvl/boards/engineer/>

Sewer

Even if the listing or Seller's Real Property Disclosure Statement indicates that the home is connected to the sewer, the connection should be verified by a plumber, home inspector, or other professional.

Septic / Cesspool

A large majority of Hawaii properties that are "upcountry" or outside of the main town areas are serviced by a septic or cesspool for wastewater. Current permitting standards require all new construction in these areas to include septic systems. Cesspools are found on older properties that have not been remodeled or upgraded. Prior to writing an offer it's wise to visit the local Department of Health and ask for copies of the septic system on file for the property you're interested in. In April of 2005 a Federal law went into effect requiring residential properties with more than one unit on the same cesspool to be upgraded to septic. It's important to ask questions about the property of interest at the local Department of Health and the engineering company who installed the septic system.

Short Sale

The term "Short Sale" is used to describe a sale where: (1) the liens against a property combined with the associated costs will exceed the purchase price of the property and (2) the Seller will be asking the lien holder for a release of the lien on the subject property without a complete payoff. (A property in a short sale may not be a Distressed Property.)

Distressed Property

The term "Distressed Property" is defined by Hawaii's Mortgage Rescue Fraud Prevention Act ("the Act") as follows: Any residential real property that: (1) Is in foreclosure or at risk of foreclosure because payment of any loan that is secured by the residential real property is more than sixty days delinquent; (2) Had a lien or encumbrance charged against it because of nonpayment of any taxes, lease assessments, association fees, or maintenance fees; (3) Is at risk of having a lien or encumbrance charged against it because the payments of any taxes, lease assessments, association fees, or maintenance fees are more than ninety days delinquent; (4) Secures a loan for which a notice of default has been given; or (5) Secures a loan that has been accelerated.

Survey

A survey confirms the accuracy of the description of the property, the accuracy of the land area, and the existence or absence of encroachments onto the property or onto a neighboring property.

Wastewater Treatment Facilities

The Wastewater Branch of the Hawaii Department of Health administers the statewide engineering and financial functions relating to water pollution control, municipal and private wastewater treatment works program, individual wastewater systems program and the water pollution control revolving fund program. The various program activities include the review and approval of all new wastewater systems including septic tanks and monitoring of all existing wastewater systems including cesspools. The Wastewater Branch consists of three sections: the Planning/Design, Construction/Operations, and the Grants Management Sections. A Hawaii DOH publication on individual wastewater systems can be found at: <http://www.state.hi.us/doh/eh/wwb/> and lists of wastewater companies can be found at <http://hawaii.gov/dcca/areas/dca/water/>

Expansive Soil

The soil in some areas of Hawaii has "clay-like" tendencies, sometimes referred to as "expansive soil" Although it is not very common for homes built on expansive soils to experience significant movement, it can be a major problem if it does occur. If it has been disclosed that the home has expansive soil or if the buyer has any concerns about evidence of cracking, the buyer should secure an independent assessment of the home and its structural integrity or the quality of the soil on which a home is to be built by a licensed, bonded, and insured professional engineer. For information about licensed engineers: <http://hawaii.gov/dcca/areas/pvl/boards/engineer/>

Previous Fire/Flood

If it is disclosed there has been a fire or flood in the property, a qualified inspector should be hired to advise you regarding any possible future problems as a result of the fire or flood damage and/or any subsequent repairs. For example, if the property was not properly cleaned after a flood, mold issues may result. Your homeowner's insurance agent may be able to assist you in obtaining information regarding fire, flood, or other past damage to the property.

Pests

Termites and other pests are common in parts of Hawaii. Fortunately, most pests can be controlled with pesticides. If the buyer has any concerns or if the Seller's Real Property Disclosure Statement indicates problems with insects or other pests you should seek the advice of a pest control company. For information on licensed pest control operators contact the Hawaii Department of Commerce and Consumer Affairs: <http://hawaii.gov/dcca/areas/pvl/boards/pestcontrol/> Free literature about termites and other pests in Hawaii is available through the University of Hawaii at Manoa: <http://www.ctahr.hawaii.edu/ctahr2001/PIO/FreePubs/FreePubs06.asp>

Deaths, Suicides and Felonies on the Property

The Seller's Real Property Disclosure Statement asks the seller to disclose any history of homicides, felonies or suicides that occurred on the property but sellers may not know of any history of these events. This information is often difficult to uncover; however, the local law enforcement agency may be able to assist with information relating to the property address.

Mold

Mold has always been with us, and it is a rare home that does not have some mold. However, over the past few years a certain kind of mold has been identified as a possible contributor to illnesses. Allergic individuals may experience symptoms related to mold. Mold growth can be found underneath materials where water has damaged surfaces, or behind walls. The United States Environmental Protection Agency website contains valuable information about mold at <http://www.epa.gov/iaq/molds/moldresources.html>. More information about mold, the problems it may cause, and how it may be removed can be found at the Center for Disease Control http://www.cdc.gov/mold/dampness_facts.htm. A mold inspection can be done at the time of your Home Inspection during escrow.

Other Indoor Air Quality Concerns

Radon gas and carbon monoxide poisoning are two of the more common and potentially serious indoor air quality ("IAQ") concerns. Both of these concerns can be addressed by the home inspector, usually for an additional fee. As for the many other IAQ concerns, the EPA has a host of resource materials and pamphlets available at <http://www.epa.gov/Region4/air/radon/radon.htm>

Volcanoes

The Island of Hawaii has several active and inactive volcanoes. There are times when air quality is affected by volcanic emissions known as "Vog." Vog may affect persons with respiratory problems and may also affect water catchment systems if precautions are not taken. The buyer should contact the State of Hawaii, Department of Health <http://www.state.hi.us/doh/index.html> for information about recommended precautions as well as other professionals. In addition, the U.S. Department of the Interior, Geological Survey, has classified various "hazard zones" for lava flows. For more information go to: <http://volcanoes.usgs.gov/Hazards/> or www.fema.gov/areyouready/volcanoes.shtm. The locations of such hazard zones may affect the availability, limits and costs of property and/or liability insurance.

Property Boundaries

Property boundaries and corners are always of concern. The Hawaii Association of REALTORS' Purchase Contract contains provisions for the seller to either stake the property corners or to provide a survey. A survey may be advisable if there is a concern about or an obvious use of property by others (i.e., a well-worn path across a property and/or parked cars on the property) or fences or structures of adjacent property owners that appear to be built on the property. The Hawaii Department of Commerce and Consumer Affairs licenses surveyors and more information can be obtained at: <http://hawaii.gov/dcca/areas/pvl/boards/engineer/>

Flood and Shoreline Hazard Status

If the property is in a flood zone, an additional annual insurance premium of several hundred dollars may be required. If the property is in an area deemed high risk, the buyer may be required by the lender to obtain flood hazard insurance through the National Flood Insurance Program. Some information can be found at The Federal Emergency Management Association's (FEMA) Flood Map Service Center: <http://www.fema.gov/hazard/map/flood.shtm>. Coastal property owners bear tremendous risks. Their property is vulnerable to tsunamis (tidal waves), storm surges, floods, high wave impacts, and hurricanes. In addition, owners along the shoreline bear the risk that their property may erode. Check with www.fema.gov/hazard/tsunami/index.shtm for information about tsunamis. For hurricane information go to: <http://www.fema.gov/hazard/hurricane/index.shtm>. More information is available through the Hawaii State Department of Health, Office of Environmental Quality Control at: www.hawaii.gov/health/environmental/ or the Hawaii Coastal Zone Management Program at: <http://www.hawaii.gov/dbedt/czm/>

Homeowner's Insurance (Claims History)

Many factors affect the availability and cost of homeowner's insurance. Depending on the insurance company, these factors may include past insurance claims filed on the home being purchased, past insurance claims filed by the buyer on previous homes, and the buyer's credit score. Some insurance companies use a database known as the Comprehensive Loss Underwriting Exchange ("C.L.U.E.") in their underwriting practices to track the insurance claim history of a home and of the person applying for insurance coverage. These companies may use such information to cancel a buyer's homeowner's insurance policy after close of escrow. To reduce the risk of homeowner's insurance cancellation, a buyer should ask their insurance agent about the company's underwriting practices and request that their insurance agent confirm in writing the availability and cost of homeowner's insurance early in any real estate transaction. And, although a buyer cannot directly obtain the claims history of a home, a buyer may ask the seller to provide a copy. However, be aware that obtaining a claims history or C.L.U.E. report on a home will not give a buyer all the necessary information to determine insurability, since not all insurance companies use this information or use it in the same manner. Homeowners may request a five year claims history from their insurance agent or purchase a C.L.U.E. report online at www.choicetrust.com or by calling 800/456-6004 or 866/527-2600. For more detailed information on homeowner's insurance, please read *The New Reality of Property Insurance -What You Should Know* at: <http://www.realtor.org/realtor.org.nsf/pages/propinsbrochure?OpenDocument>

Road Freeway Construction

Although the existence of a freeway near the property may provide highly desirable access, sometimes it contributes to undesirable noise. To search for roadway construction and planning, go to the Hawaii Department of Transportation website at: <http://www.state.hi.us/dot/highways/index.htm>

Crime Statistics

Crime statistics, while an imperfect measurement at best, may provide some indication of the level of criminal activity in an area. To check the crime statistics for Hawaii go to the Hawaii State Department of the Attorney General, Crime Prevention and Justice Assistance Division at: <http://www.cpja.aq.state.hi.us/rs/index.shtml> Other information may be available from local police departments.

Sex Offenders

On November 21, 2001, the Hawaii Supreme Court struck down Hawaii's sex offender registration law as unconstitutional. Eto Bani, who pleaded no contest to sexual assault in the fourth degree contended the statute violated his constitutional right to procedural due process, his constitutional right to privacy, prohibition against cruel and unusual punishment, and right to equal protection of the law. The opinion by Associate Justice Mario Ramil said Bani's right to due process was violated: "The absence of any procedural safeguards in the public notification provision of (the law) renders the statute unconstitutional, void and unenforceable." "These are people who already paid a debt to society," said Brent White, legal director for the American Civil Liberties Union. Based on the ruling, the state is no longer allowed to give notice to the community on whether a person is a sex offender. Information may be available through the Center for Sex Offender management at: <http://www.csom.org/links/links.html> or the CSOM library at <http://www.csom.org/ref/docs.html>

Aircraft Noise and Fly-Overs

Some areas of Hawaii are subject to fly-overs by aircraft including commercial, military and Drug Enforcement Agency (DEA) aircraft. The buyer should contact the appropriate federal, state or county agencies for more information. The Hawaii Department of Transportation can be located on the web at: <http://www.state.hi.us/dot/index.htm>

Schools

Although there is no substitute for an on-site visit to the school to talk with principals and teachers, there is a significant amount of information about Hawaii's schools on the internet. Public school information may be accessed at: <http://doe.k12.hi.us/> or www.greatschools.net/modperl/go

Zoning/Planning/Neighborhood Services

Information about these issues in the various counties may be found at:

Hawaii County: <http://www.hawaii-county.com/planning/rules.htm>

Honolulu City and County Planning and Permitting: <http://www.honoluluDP.org/>

Kauai County: <http://www.kauai.gov/planning>

Maui County: <http://www.co.maui.hi.us/departments/Planning/>

Complaints against an insurance company, contact the Hawaii Dept. of Commerce and Consumer Affairs, Insurance Division at: <http://www.hawaii.gov/dcca/ins/>

Vacation Designated Areas (VDA)

The subject property is within the Visitor Destination Area and so is allowed to operate transient vacation rentals in conformance with the standards of Section 8-17.8 of the Kaua'i County Code and the underlying zoning.

CONDITIONS AFFECTING THE AREA SURROUNDING

THE HOME THE BUYER SHOULD INVESTIGATE

Every property is unique; therefore, important conditions vary.

Environmental Hazards

It is often very difficult to identify environmental hazards. See the Hawaii Department of Health website at: <http://hawaii.gov/health/>. Another source of environmental information may be found at: <http://consumerlawpage.com/brochure/home-haz.shtml>

Superfund Sites

There are a few sites in Hawaii where the soil and groundwater have been contaminated by improper disposal of contaminants. To check if a property is in an area designated by the federal government as requiring cleanup, see: <http://www.epa.gov/superfund/sites/npl/hi.htm> More information can be found at the Hawaii Department of Health web site: <http://hawaii.gov/health/>

OTHER METHODS TO OBTAIN INFORMATION ABOUT A PROPERTY

Talk to the Neighbors

Neighbors can provide a wealth of information. Buyers should always talk to the surrounding neighbors about the neighborhood and the history of the home the buyer is considering for purchase.

Drive Around the Neighborhood

Buyers should always drive around the neighborhood, preferably on different days at several different times of the day and evening, to investigate the surrounding area.

For Additional Information, Visit:

Hawaii Association of REALTORS ("HAR"): <http://www.hawaii Realtors.com/>

Honolulu Board of Realtors: [http://www.hicentral.com\](http://www.hicentral.com/)

Realtors Association of Maui: <http://www.mauiboard.com>

Kona Board of Realtors: <http://www.konarealtors.com>

Hawaii Island Board of Realtors: <http://www.hibr.com>

Kauai Board of Realtors: <http://www.kauaiboard.com>

Hawaii Real Estate Commission ("HREC"): <http://www.hawaii.gov/hirec/>

NATIONAL ASSOCIATION OF REAL TORS("NAR"): www.realtor.com or www.realtor.org

Hawaii Government for information about Hawaii Government, including links to state agency websites: <http://www.hawaii.gov>

For Hawaii Revised Statutes go to: <http://www.capitol.hawaii.gov/site1/hrs/default.asp>

Fair Housing Laws

The Fair Housing Act and other federal and state laws have been enacted to guarantee equal housing opportunities for all Americans. These laws prohibit discrimination in housing on the basis of race, color, religion, sex, national origin, age, disability, and familial status.

For information regarding fair housing laws, visit the following sites:

Hawaii Civil Rights Commission: <http://www.state.hi.us/hcrc/>

National Fair Housing Advocate: www.fairhousing.com

HUD's Fair Housing/Equal Opportunity Website: <http://www.hud.gov/offices/fheo/index.cfm>

HUD in Hawaii at: <http://www.hud.gov/local/index.cfm?state=hi>

BUYER ACKNOWLEDGEMENT

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