



# **HAWAI'I LIFE**

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**Buyer Handbook**

# Representing Buyers Statewide

**Solid representation is the core of our business practice.** Our team of professional Hawaii Life Buyer Representatives are here to protect your best interests and provide valuable information and services that can potentially save you thousands of dollars. We'll help you:

- Gain valuable information about the properties you're considering, and **those not yet on the market**, to ensure you make an informed decision.
- Obtain a Title Report and other vital information about a prospective property that the Seller's Agent can't ethically share.
- Find qualified experts, such as certified home inspectors, who can accurately assess the condition of a prospective property and discover hidden defects.

Your dedicated Buyer's Agent will negotiate on your behalf, with your best interests in mind. We are here to provide peace of mind when you decide to make an offer on a Hawaii property.

The Hawaii Life Buyer's Handbook serves as a guidebook and includes key items to consider when purchasing a property. This guide is a supplement only. In addition to using the services of a Hawaii Life Buyer's Representative, we recommend using qualified professionals for property inspections, surveys, and tax advice. Legal advice is always recommended.



## Common Physical Property Conditions A Buyer Should Investigate

Every property, neighborhood and island is unique, so the physical property conditions requiring investigation will vary. We recommend these considerations to every buyer purchasing a property in Hawaii. **This is by no means a complete list.**

### *Aircraft Noise and Fly-Overs*

Some areas of Hawaii are subject to fly-overs by commercial, military and Drug Enforcement Agency (DEA) aircraft. Contact the appropriate federal, state or county agencies for more information. More info at [Hawaii Department of Transportation](https://hidot.hawaii.gov/airports/) (https://hidot.hawaii.gov/airports/).

### *Appraisals*

When conventional financing is involved, an appraisal is usually ordered by the buyer's lender. The appraisal will be 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 property value. If the buyer pays for an appraisal of the property, the buyer has the right to receive a copy of the appraisal (and is not obligated to provide a copy to the seller). Appraisers are regulated by the Hawaii Department of Commerce and Consumer Affairs.

### *Common Elements*

Common elements of the building or CPR (Condominium Property Regime) usually consist of items like laundry rooms, swimming pools, grounds, decks, recreation areas, meeting rooms, laundry chutes, lobby areas, hallways, storage areas, saunas, and even driveways. These are areas not inside apartments and are intended for use by the apartment owners in accordance with their intended purpose. Owners have a proportionate percentage ownership interest in these elements and pay a proportionate maintenance fee for their upkeep. Limited common elements have restrictions on use and can be rented for income or used on a limited basis. Examples of limited common elements could be a porch, yard, parking space, etc. It is anything outside the unit that is for the exclusive use of a single unit.

### *Condominium Documents*

When buying a condominium, the Purchase Contract typically states the seller must provide information about the Homeowner Organization Documents for the buyer's review and approval. Typical 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, approved Minutes



## BUYER HANDBOOK

from the last three Board of Directors Meetings, Articles of Incorporation, a copy of any and all litigation complaints filed by or against the A.O.A.O. that are currently unresolved, the Reserve Study or Summary and Property Information Form RR-105C.

### *Condominium Reserves*

In 1991, the Hawaii State 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 funds regularly collected by the condominium association from the condominium owners, that are saved by the association to cover future (and generally larger) projects that are typically required in a condominium complex as it ages (e.g., repairing/replacing the roof, elevators, etc.). Buyers should 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.

### *County Assessor's Tax Records*

The county assessor's records contain a variety of information including the assessed value of the property for tax purposes and some of the physical aspects of the property. Information is available on county websites:

- [Hawaii County](http://www.hawaiipropertytax.com) (www.hawaiipropertytax.com)
- [Honolulu County](http://www.honolulupropertytax.com) (www.honolulupropertytax.com)
- [Maui County](http://www.mauipropertytax.com) (www.mauipropertytax.com)
- [Kauai County](http://www.kauaipropertytax.com) (www.kauaipropertytax.com)

Please note that county property information is known to be inaccurate in all counties and should always be verified. Tax assessed values generally do not reflect market value.

### *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



## BUYER HANDBOOK

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. Some CC&Rs restrict landscaping, RV/boat parking, play equipment, satellite antennas, and other common amenities - particularly if the subdivision is governed by a homeowner organization. In addition to CC&Rs, Homeowner Organizations may be governed by Articles of Incorporation, Bylaws, Rules and Regulations, and 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 regulated by Hawaii Statutes.

### *Crime Statistics*

Crime statistics, while an imperfect measurement, 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](https://ag.hawaii.gov/cpja/rs/cih/) (https://ag.hawaii.gov/cpja/rs/cih/). Other information may be available from local police departments.

### *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 have occurred on the property. However, sellers may not be aware of any history of these events. This information is often difficult to uncover, but the local law enforcement agency may be able to assist with information relating to the property address.

### *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. (A Distressed Property is not always a short sale.)

### *Environmental Hazards*

It is often very difficult to identify environmental hazards. See the [Hawaii Department of Health](https://health.hawaii.gov/about/health-topics/#environmental) (https://health.hawaii.gov/about/health-topics/#environmental).



## BUYER HANDBOOK

### *Expansive Soil*

The soil in some areas of Hawaii has “clay-like” tendencies, sometimes referred to as “expansive soil.” It is not common for homes built on expansive soils to experience significant movement, but it can be a major problem if it does occur. If the seller has disclosed 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.

### *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.

- [Hawaii Civil Rights Commission](http://labor.hawaii.gov/hcrc/) (http://labor.hawaii.gov/hcrc/)
- [National Fair Housing Alliance](https://nationalfairhousingadvocate.org/) (https://nationalfairhousingadvocate.org/)
- [HUD's Fair Housing](https://www.hud.gov/program_offices/fair_housing_equal_opp) (https://www.hud.gov/program\_offices/fair\_housing\_equal\_opp)

### *Fire/Flood Disclosed by Seller*

If it is disclosed there has been a fire or flood on the property, the buyer should hire a qualified inspector to assess possible future problems as a result of the 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.

### *Flood and Shoreline Hazard Status*

If the property is in a flood zone, an additional annual insurance premium 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. Depending upon the flood zone in which a particular property is situated, coastal property owners may bear substantial risk. Their property is vulnerable to tsunamis (tidal waves), storm surges, floods, high wave impacts, hurricanes and erosion.

### *Flood Insurance*

Your mortgage lender may require you to purchase flood insurance in connection with your property purchase. The National Flood Insurance Program provides for the availability of flood insurance, but also establishes flood insurance policy premiums based on the risk of flooding in the





## BUYER HANDBOOK

area where properties are located. Due to recent amendments to federal law governing the NFIP, those premiums are increasing, and in some cases will rise by a substantial amount over the premiums previously charged for flood insurance for the property. As a result, you should not rely on the premiums previously paid for flood insurance on a property as an indication of the premiums that will apply after you complete your purchase. In considering your property purchase, you should consult with one or more carriers of flood insurance for a better understanding of flood insurance coverage, the premiums that are likely to be required to purchase such insurance, and any available information about how those premiums may increase in the future. For more information, you can go to the [DLNR's Engineering Division](https://dlnreng.hawaii.gov/nfip/) (https://dlnreng.hawaii.gov/nfip/) and click on the "Flood Hazard Assessment Tool" button. Other relevant information related to flood zones in the State of Hawaii can also be found at this website.

### *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. Exchange buyer is required to deduct, withhold and pay to the Hawaii Department of Taxation 15% of the amount realized (typically the sales price). Foreign investors who are using the property as their principal residence will only be charged withholding tax of 10%, if the gross sales price is greater than \$300,000, but equal to or less than \$1,000,000, unless the seller is doing a 1031 exchange.

### *HARPTA Hawaii Real Property Tax Act*

Hawaii Revised Statutes ("HRS") Section 235-68 requires every buyer of Hawaii real estate to deduct, withhold and pay to the Hawaii Department of Taxation 7.25% of the sales price by an out-of-state seller or transferor of Hawaii real estate, unless the seller is doing a 1031 exchange.

### *Homeowner's Insurance (Claims History)*

Many factors affect the availability and cost of homeowner's insurance, such as past insurance claims filed on the home being purchased, buyer's past insurance claim(s) and 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 request their insurance agent confirm in writing the company's underwriting practices and availability/cost of homeowner's insurance early in any real estate transaction. Although a buyer cannot directly obtain the claims history of a home, a buyer may ask the seller to provide a copy. 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](https://personalreports.lexisnexis.com/fact_act_claims_bundle/landing.jsp) (https://personalreports.lexisnexis.com/fact\_act\_claims\_bundle/landing.jsp) or by



## BUYER HANDBOOK

calling 866-312-8076.

### *Home Warranty Policy*

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. Preexisting property conditions are generally not covered under these policies.

### *Home Inspection Report*

For the buyer's protection, the importance of having a home inspected by a [professional home inspector](https://www.homeinspector.org/) (https://www.homeinspector.org/) cannot be overemphasized. A home inspection is a 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 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. In Hawaii, homes are generally inspected during the escrow process. Real estate agents are not qualified to perform such a home inspection.

### *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 from the [EPA](https://www.epa.gov/lead) (https://www.epa.gov/lead).

### *Lava Zones*

The U.S. Department of the Interior, Geological Survey, has classified various [hazard zones](https://www.usgs.gov/observatories/hawaiian-volcano-observatory/lava-flow-hazards-zones-and-flow-forecast-methods-island) (https://www.usgs.gov/observatories/hawaiian-volcano-observatory/lava-flow-hazards-zones-and-flow-forecast-methods-island) for lava flows. The locations of such hazard zones may affect the availability, limits and costs of property and/or liability insurance. Other effects of volcanic activity that may occur include lava tubes and periodic earthquakes. For more information go to: <https://www.ready.gov/volcanoes>.

### *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, sewer, rubbish, and other similar charges. The items covered by maintenance fees can vary substantially from complex to complex. Generally, buildings with a larger number of amenities, newer construction and/or a small number of total units have larger monthly maintenance fees.





## BUYER HANDBOOK

### *MLS Printout*

A listing is an agreement between the seller and the listing agent, which 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.

### *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 US EPA [website](https://www.epa.gov/mold) (https://www.epa.gov/mold) and the [Center for Disease Control](https://www.cdc.gov/mold/faqs.htm) (https://www.cdc.gov/mold/faqs.htm) websites contain more information about mold. Brokerage firms, brokers, and agents are NOT qualified to inspect the property for mold or to make recommendations or determinations concerning possible health or safety issues. Buyers should retain a professional property inspector qualified to conduct testing for mold for an analysis of such conditions as they pertain to any property the buyer intends to purchase.

### *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](http://www.epa.gov/radon/) (http://www.epa.gov/radon/) concerns, the EPA has a host of resource materials and pamphlets available.

### *Permits*

For information regarding permits, contact the city and/or county building and planning departments.

- [Kauai](https://www.kauai.gov/Planning) (https://www.kauai.gov/Planning)
- [Oahu](https://www.honolulu.gov/dpp/permitting/building-permits.html) (https://www.honolulu.gov/dpp/permitting/building-permits.html )
- [Maui](https://www.mauicounty.gov/1208/Building-Permit) (https://www.mauicounty.gov/1208/Building-Permit)
- [Big Island](https://www.dpw.hawaiicounty.gov/divisions/building/permit-information) (https://www.dpw.hawaiicounty.gov/divisions/building/permit-information )



## BUYER HANDBOOK

### *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. Licensed pest control operators can be searched for by name on the [DCCA website](https://mypvl.dcca.hawaii.gov/public-license-search/). (https://mypvl.dcca.hawaii.gov/public-license-search/) (see also in this section: Termites)

### *Pets - Moving to Hawaii With Pets*

[Hawaii's Animal Quarantine Law](http://hdoa.hawaii.gov/) (http://hdoa.hawaii.gov/) is quite specific in the steps necessary for a smooth move and transition of your pet to Hawaii. For an easier to understand version of the entire process, please read: [Moving to Hawaii With Pets](https://www.hawaiilife.com/blog/faq-moving-pets-to-hawaii/) (https://www.hawaiilife.com/blog/faq-moving-pets-to-hawaii/).

### *Property Boundaries*

Property boundaries and corners are always of concern. The Hawaii Association of REALTORS' Purchase Contract contains provisions for staking or surveying a property during escrow. A survey by a land surveyor licensed in the State of Hawaii is strongly recommended, especially 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. You can search for a licensed surveyor by name on the [DCCA website](https://mypvl.dcca.hawaii.gov/public-license-search/). (https://mypvl.dcca.hawaii.gov/public-license-search/)

### *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. Please note: The buyer will not get this rate until the next tax year if the current owner does not have an exemption.

- [Kauai](https://www.kauai.gov/Government/Departments-Agencies/Finance/Real-Property-Tax/Assessment) (https://www.kauai.gov/Government/Departments-Agencies/Finance/Real-Property-Tax/Assessment)
- [Oahu](http://www.realpropertyhonolulu.com/portal/rpadcms/ExemptionInformation?parent=FORMS) (http://www.realpropertyhonolulu.com/portal/rpadcms/ExemptionInformation?parent=FORMS)
- [Maui](http://www.co.maui.hi.us/index.aspx?NID=756) (http://www.co.maui.hi.us/index.aspx?NID=756)



## BUYER HANDBOOK

- [Big Island](http://www.hawaiipropertytax.com/) (http://www.hawaiipropertytax.com/)

### *Road and Freeway Construction*

Although the existence of a highway or freeway near the property may provide highly desirable access, sometimes it contributes to undesirable noise. To search for roadway construction and planning, visit the [Hawaii Department of Transportation](https://hidot.hawaii.gov/highways/roadwork/) (https://hidot.hawaii.gov/highways/roadwork/) website.

### *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 recommended.

### *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 schools on the internet.

- <http://www.greatschools.org/hawaii/>
- <http://hawaiipublicschools.org/>
- <http://www.hais.org/>
- <http://www.privateschoolreview.com>
- <https://www.ksbe.edu/>

### *Sea Level Rise*

For more information and to view an interactive mapping tool in support of the State of Hawaii sea level rise vulnerability and adaptation report, please visit [The Pacific Islands Ocean Observing System website](https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/) (https://www.pacioos.hawaii.edu/shoreline/slr-hawaii/)

### *Seller's Real Property Disclosure Statement*

Under Hawaii law, a residential property 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 HANDBOOK

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 and warranties for repairs to the home. Look behind large pictures on the wall and under anything on the floor that conceals large areas, 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. For a list of properties where sellers are exempt from providing a disclosure statement, click [here](http://codes.lp.findlaw.com/histatutes/3/28/508D/508D-3) (http://codes.lp.findlaw.com/histatutes/3/28/508D/508D-3)

### *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. During escrow it's wise to visit the local Department of Health to ask questions about the property of interest and for copies of the septic system on file. 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. Furthermore in July of 2017, Act 125 was signed into law. This states that by January of 2050 every cesspool in the State, excluding cesspools granted exemptions by the director of health pursuant to subsection (b), shall be: Upgraded or converted to a septic system or aerobic treatment unit system; or Connected to a sewerage system. Read entire [Act 125](http://www.capitol.hawaii.gov/session2017/bills/GM1226_.PDF) (http://www.capitol.hawaii.gov/session2017/bills/GM1226\_.PDF)

### *Sex Offenders*

Information regarding current sex offenders and other covered offenders registered with the State of Hawaii can be found at the [Hawaii Criminal Justice Data Center website](https://sexoffenders.ehawaii.gov/) (https://sexoffenders.ehawaii.gov/)

### *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.

### *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.



## BUYER HANDBOOK

(A property in a short sale is not always a Distressed Property.) Unfortunately, “Short Sale” is a misnomer as most of these transactions take significantly longer to close than a regular sale, and can be an emotional roller coaster for a buyer.

### *SMA - Special Management Area*

Most development in the Special Management Area (SMA) or shoreline setback area will require one or more permits before receiving approval for a general building permit. For a [map of Hawaii's SMA areas](https://www.arcgis.com/apps/Viewer/index.html?appid=f30604a60fe64945af7442c7c08174f9) please visit <https://www.arcgis.com/apps/Viewer/index.html?appid=f30604a60fe64945af7442c7c08174f9>

### *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 should not be relied upon for the exact square footage in a home or of land. An appraiser or architect can measure the home and property size to verify the square footage. You can search for a licensed appraiser or architect by name on the [DCCA website](https://mypvl.dcca.hawaii.gov/public-license-search/). (<https://mypvl.dcca.hawaii.gov/public-license-search/>)

### *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 is found on the [DCCA website](https://cca.hawaii.gov/pvl/programs/subdivision/) (<https://cca.hawaii.gov/pvl/programs/subdivision/>).

### *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 the [EPA website](https://www.epa.gov/superfund) (<https://www.epa.gov/superfund>).

### *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. For properties fronting the ocean or streams, the inspector may evaluate erosion factors affecting the property. You can search for a licensed surveyor by name on the [DCCA website](https://mypvl.dcca.hawaii.gov/public-license-search/). (<https://mypvl.dcca.hawaii.gov/public-license-search/>)



## BUYER HANDBOOK

### *Swimming Pools and Spas*

If the home has a pool or a spa, the home inspector might determine utility and maintenance costs and evaluate the operational integrity of the system. However, since not all home inspectors offer this service, it may be necessary to have a pool or spa drained to additionally inspect and evaluate any problems.

### *Swimming Pool & Ocean Safety*

The Hawaii lifestyle can include a lot of time in, around and on the water. Learn more about pool and ocean safety at the [State of Hawaii's Department of Health site](https://health.hawaii.gov/injuryprevention/home/drowning-prevention/information/) (https://health.hawaii.gov/injuryprevention/home/drowning-prevention/information/)

### *Tenancy in Hawaii*

The buyer's determination as to how title should be taken and held on real property should be made with the advice of legal counsel, a tax advisor and/or an accountant. Tenancy to real property varies from state to state, both in custom and interpretation. Hawaii is a probate state and how you take tenancy to your property can effect the necessity for probate.

### *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. Licensed pest control operators can be searched for on the [DCCA website](https://mypvl.dcca.hawaii.gov/public-license-search/).(https://mypvl.dcca.hawaii.gov/public-license-search/) (see also in this section: Pests)

- 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 a few times a year, generally in spring and fall.
- Ground Termites: The termite of extreme concern to the homeowner is the Formosan Subterranean Termite. Unlike the dry wood termites which live right in the wood, the ground 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.

### *Title Report or Title Commitment*

The title report or commitment provided by a title/escrow company lists documents that are exceptions to the title insurance (Schedule B





## BUYER HANDBOOK

Exceptions). These 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.

### *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 State Department of Health has information about recommended precautions as well as other professionals.

### *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. More information can be found on the [DCCA website](https://cca.hawaii.gov/dca/water/) (https://cca.hawaii.gov/dca/water/)

### *Zoning/Planning*

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

- [Hawaii County](http://www.hawaiicounty.gov/planning/) (http://www.hawaiicounty.gov/planning/)
- [Honolulu City and County](https://www.honolulu.gov/dpp/planning.html) (https://www.honolulu.gov/dpp/planning.html)
- [Kauai County](http://www.kauai.gov/planning) (http://www.kauai.gov/planning)
- [Maui County](http://www.co.maui.hi.us/departments/Planning/) (http://www.co.maui.hi.us/departments/Planning/)



## **BUYER** HANDBOOK

### *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 nearest neighbors about the history of the home the buyer is considering for purchase, and about the neighborhood. Also, we suggest that buyers always drive around the neighborhood, preferably on different days and at several different times of the day and evening, to investigate the surrounding area.

