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Mayor



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**MEMORANDUM**

To: Condominium Property Regime (CPR) Practitioners

Fr: Michael A. Dahilig  
Director of Planning

Date: August 29, 2016

RE: New Procedures for Receiving CPR Clearances from the Department of Planning

Effective October 3, 2016, the Department will institute new procedures for those seeking inspections and or zoning clearances pursuant to Hawaii Revised Statutes Chapter 514B for Condominium Property Regime (CPR) applications before the State Real Estate Commission. This memorandum rescinds all other directives and procedures issued by the Director previously.

A new required form will be posted on the Department website at [kauai.gov/planning](http://kauai.gov/planning) and will require the following:

- All applications and supporting materials will now be required to be submitted electronically to [planningdeterminations@kauai.gov](mailto:planningdeterminations@kauai.gov). The following materials must be submitted:
  - Department's CPR Inspection Request Form
  - Agent authorization if not a landowner
  - Digital searchable copy of the draft declaration and bylaws establishing the CPR either in PDF or Word format
  - The draft condominium map and other supporting maps
  - Draft Public Report
- Your TMK number is the reference number to be cited when corresponding with the Department.
- Notwithstanding whether an application has structures on the property, inspections will be required of all seeking departmental review. Inspections will instead be added to the general inspection queue for the Department's Enforcement Division, and will be handled chronologically by intake along with the other general inspection items

that include submitted complaints and proactive enforcement items. This change is necessary to standardize intake and cataloging of inspections to ensure proper work flow to the Division's employees

- If your paperwork is in order, you will be called with your inspection time. Should your client not be available, the inspection time will be adjusted at the inspector's next available opening. All structures on the property shall be open and available for inspection. Any zoning, permitting or use issues found during this inspection must be resolved prior to any further processing of the CPR application.
- If the inspection is deemed clean, the inspector will submit a recommendation to the Director to notify the Real Estate Commission that the County has no issues with the application. The Director will then transmit a wet ink letter to the Real Estate Commission directly. Should the applicant require a copy of that transmittal, the Department will only provide one as a courtesy via e-mail. If no e-mail address is provided, a copy of the letter will not be automatically transmitted and one must be requested via OIP request.
- If the inspection does not provide a clean bill of health, you are responsible for working with that assigned inspector on satisfying outstanding non-compliance issues.
- For applicants requesting the Director to sign an Owner Declaration of Compliance with Act 49, Session Laws of Hawaii 2014, the form must be transmitted at the same time with the supporting materials, and the Declaration of Condominium Property Regime must show evidence of PRIOR RECORDATION with the Bureau of Conveyances or the Land Court. The Department will not sign both the Act 49 compliance form and the zoning clearance letter unless the Declaration has been first recorded.