

Minutes



Standard Forms Committee Meeting
Thursday February 15, 2018
Honolulu Country Club
Room 4

The Standard Forms Committee ("SFC") meeting for the Hawaii Association of REALTORS® was held on Thursday, February 15, 2018 at the Honolulu Country Club, Room 4. The meeting was called to order at 9:40 a.m. by Vice Chair Lori Kaizawa.

CALL TO ORDER

Vice Chair Lori Kaizawa; Bridget Arrastia; Sharon Brown; Arabel Cambor; Beth Daily; Patti Ichida; Kalama Kim; Liz Moore; Dusty Woodstock. Ex-Officio: Jack Legal. Staff: Ethel Keyes; Chatney Pacheco. Guests: Shimpei Oki; Jennifer Chin.

ATTENDEES

The minutes of January 18, 2018 was accepted with the following changes:
#3. Second paragraph first line, delete "which" then replace with "such" and add "as" between "time" and "the".

MINUTES

1. Legal Counsel Shimpei Oki introduced Jennifer Chin, Legal Counsel, who will assist the SFC during its March 15, 2018 meeting since he will not be present.
2. None of the SFC members had "googled" the inappropriate use of HAR standard forms on the internet prior to this meeting. Beth volunteered to search google during the meeting. She found various websites of old HAR forms, etc. Most of them were random websites. It was noted that the SFC will need to take into consideration the cost of legal fees to research the random websites if no contact information is available. Discussion was held.

UPDATES

A motion was adopted that the SFC create a subcommittee to monitor the improper usage of our copyrighted forms online.

3. A GAC member forwarded a comment from another member requesting the SFC to create a Fire Ants Addendum. Discussion was held. The SFC decided that it is not necessary to create a Fire Ant Addendum at this time. Staff was asked to follow up with this member regarding the SFC's decision.
4. Vice Chair Lori Kaizawa reported that the Executive Committee approved the RR110 Short Sale Addendum to the Exclusive Right to Sell Listing Contract. The Executive Committee also approved the RR223 Short Sale Addendum to Purchase Contract with one amendment which was to add the word "written" in paragraph 2 first line between "provide" and "notice". Both forms will be in the May 2018 release.
5. The SFC discussed the RR202 Early Occupancy Contract section 7 (e) and (f) because of a comment that was submitted by a member noting that it was not possible for the buyer to obtain homeowner's insurance. Discussion was held.

A motion was adopted that the SFC amend the RR202 Early Occupancy Contract form at this meeting.

A motion was adopted that the SFC eliminate the word "homeowner's" from paragraph 7 (f).

A motion was adopted that the SFC recommends to the Executive Committee that the amended RR202 Early Occupancy Contract be approved and published to the membership for the November 2018 release.

Rationale: Removed “homeowners” in paragraph 7 (f) because of the difficulty of obtaining homeowner’s insurance by someone other than the current homeowner.

6. Form assignments will be postponed until Chair Eric Yama returns.
7. Arabel reported that the GAC is monitoring the holdover seller & mandatory cesspool bills. These bills may impact our standard forms.

1. RR225-FHA Addendum

UNFINISHED/NEW BUSINESS

The SFC reviewed the subcommittee’s draft. Discussion was held and further revisions were made.

A motion was adopted that the SFC approve the draft of RR225 FHA Addendum to publish to membership for review and comments.

2. RR201-Purchase Contract.

As requested by the SFC at its January 18, 2018 meeting, the subcommittee presented its draft of J-4 including 2 check boxes. The SFC then continued its review of the Purchase Contract. Discussion was held and further revisions were made.

A motion was defeated to add a check box in front of J-4 in the current version of the RR201-Purchase Contract. 0 in favor. 7 opposed. 1 abstention.

A motion was adopted that the SFC accept the changes made to E-2.

A motion was adopted that all changes in Section J are accepted.

The SFC ended on Section J and will start on Section K at the next meeting.

There being no further business, the meeting was adjourned at 3:42 p.m.

ADJOURNMENT

Chatney Pacheco
Administrative Assistant