

MAR 08 2007

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## SENATE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO IDENTIFY ALL  
PLANNED COMMUNITY ASSOCIATIONS IN HAWAII, THEIR SIZE, AND  
THE LAWS UNDER WHICH THEY ARE REGULATED.

1           WHEREAS, there is an increasing trend for families to live  
2 in common interest developments (CIDs) of which there are many  
3 types, including detached house estates, townhouse complexes,  
4 and high rise apartments; and  
5

6           WHEREAS, the outstanding characteristic of a CID is that  
7 the owners of individual units in the CID share ownership and  
8 use of common elements which may include properties such as  
9 recreational facilities, roadways, parking areas, gardens, and  
10 fences; and  
11

12           WHEREAS, this common ownership is the basis for many of the  
13 advantages of a CID, and allows owners to enjoy recreational  
14 facilities that may have otherwise been unaffordable, maximize  
15 their property values by standardizing the design of units  
16 within the CID, and enjoy landscaped gardens and open spaces  
17 without having to personally maintain those spaces; and  
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19           WHEREAS, the community association, an association composed  
20 of all CID unit owners, governs the CID, manages its common  
21 elements, and represents the common interests of the owners; and  
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23           WHEREAS, the key to a unit owner's full enjoyment of their  
24 CID property is accordingly tied to the owner's ability to  
25 participate in the governance of the CID; and  
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27           WHEREAS, Hawaii's condominium law helps owners of units in  
28 high-rise and townhouse developments to participate in the  
29 governance of their CID by establishing, among other things, a  
30 condominium dispute resolution process that gives owners an



1 alternative to costly and time consuming arbitration or  
2 litigation procedures; and

3  
4 WHEREAS, the condominium law does not encompass planned  
5 community associations (PCAs), a type of CID that features free-  
6 standing homes and common areas within a single development,  
7 that is governed by the PCA law in Chapter 421J, Hawaii Revised  
8 Statutes; and

9  
10 WHEREAS, the PCA law contains less protections for unit  
11 owners than the condominium law, and most notably lacks the  
12 administrative dispute resolution procedure that gives owners an  
13 alternative to costly and time consuming arbitration or  
14 litigation; and

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16 WHEREAS, the protections afforded unit owners in a CID  
17 should not vary merely because the units in CIDs take different  
18 physical forms; and

19  
20 WHEREAS, the number of PCAs and PCA unit owners in Hawaii  
21 who might benefit from laws enhancing unit owner participation  
22 in PCA governance is unknown, because unlike the condominium  
23 law, the PCA law contains no method to register PCAs; now,  
24 therefore,

25  
26 BE IT RESOLVED by the Senate of the Twenty-fourth  
27 Legislature of the State of Hawaii, Regular Session of 2007, the  
28 House of Representatives concurring, that the Legislative  
29 Reference Bureau shall prepare and submit to the Legislature 20  
30 days prior to the convening of the 2008 Regular Session, a  
31 report on planned community associations governed by Chapter  
32 421J, Hawaii Revised Statutes; and

33  
34 BE IT FURTHER RESOLVED that the report:

- 35  
36 (1) Identify all PCAs within the State of Hawaii by name  
37 and location;  
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39 (2) Describe each PCA's size in terms of owners and units;  
40 and  
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42 (3) Identify the laws under which PCAs are currently  
43 regulated.  
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# S.C.R. NO.

1 and

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BE IT FURTHER RESOLVED that a certified copy of this  
Concurrent Resolution be transmitted to the Acting Director of  
the Legislative Reference Bureau.

*Amiel Y. Lopez*

OFFERED BY:

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