
HOUSE RESOLUTION

CONVENING A WORKING GROUP ON THE GOVERNANCE OF HOUSING
SUBDIVISIONS IN THE PUNA DISTRICT, HAWAII COUNTY.

1 WHEREAS, in the 1960s, large subdivisions were approved by
2 counties, particularly in the Puna District of the County of
3 Hawaii, that did not require the creation of a homeowner's
4 association for the governance of shared roads or
5 infrastructure; and
6

7 WHEREAS, without a homeowner's association or entity to
8 require landowners to contribute to the maintenance of roads,
9 subdivision roads that fell into a state of disrepair have
10 caused emergency vehicles such as ambulances and firetrucks to
11 be slowed and damaged when driving through and navigating
12 unpaved, unmaintained roads; and
13

14 WHEREAS, the most famous case of delayed ambulance arrival
15 was that of Dana Ireland in 1991, a victim of a brutal assault
16 who died prior to the arrival of emergency services, as an
17 ambulance experienced difficulties navigating a Puna road in a
18 significant state of disrepair; and
19

20 WHEREAS, without an existing homeowner's association,
21 landowners themselves undertook the responsibility to rally
22 their neighbors to contribute time and funds towards the
23 creation and maintenance of share roads - a system that has led
24 to neighborhood assaults; and
25

26 WHEREAS, lawsuits such as the *Paradise Hui Hanalike v.*
27 *Hawaiian Paradise Park Corporation*, 66 Haw. 362, 662 P.2d 211
28 (1983), have resulted in thousands of dollars in attorney fees
29 to litigants unsuccessfully seeking to have the courts approve
30 the entities needed to collect the road maintenance dues; and
31

32 WHEREAS, there is a lack of statutory guidance regarding
33 the rights and responsibilities of homeowners or entities
34 regarding shared roads and infrastructures not owned by an
35 association or similar entity; and
36



1 WHEREAS, while some subdivisions were successful in the
2 creation of a court-approved entity to collect contributions
3 from landowners, there is still a lack of oversight and absence
4 of a dispute resolution process that offers landowners the right
5 to appeal the assessments made by the entities regarding
6 contributions or the use of monies for shared road and
7 infrastructure maintenance and improvement; now, therefore;

8
9 BE IT RESOLVED by the House of Representatives of the
10 Thirty-first Legislature of the State of Hawaii, Regular Session
11 of 2022, that a working group is requested to be convened to:

- 12
13 (1) Review the procedures and administrative rules within
14 the Department of Commerce and Consumer Affairs that
15 have effectively established and governed condominium
16 associations that can be applied to a framework for
17 governance of these subdivisions; and
18
19 (2) Recommend applicable procedures and rules that may be
20 utilized for the establishment of a governing entity,
21 including a basic set of bylaws that provide a
22 framework for notice, voting, and governance; and
23

24 BE IT FURTHER RESOLVED that the following individuals are
25 requested to serve as members of the working group:

- 26
27 (1) The President of the Hawaii State Association of
28 Parliamentarians;
29
30 (2) The President of the Hawaii Council of Community
31 Associations;
32
33 (3) A representative from the Department of Commerce and
34 Consumer Affairs Real Estate Branch or their designee;
35
36 (4) The Director of the County of Hawaii Planning
37 Department or their designee;
38
39 (5) The Chairperson of the Community Associations
40 Institute, Hawaii Chapter;
41



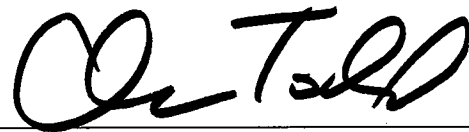
(6) A representative from the affected House district
appointed by the Speaker of the House of
Representatives; and

(7) A representative from the affected Senate district
appointed by the President of the Senate; and

BE IT FURTHER RESOLVED that the working group is requested
to submit a report of its findings and recommendations,
including any proposed legislation, to the Legislature no later
than twenty days prior to the convening of the Regular Session
of 2023; and

BE IT FURTHER RESOLVED that certified copies of this
Resolution be transmitted to the Supervising Executive Officer
of the Department of Commerce and Consumer Affairs Real Estate
Branch, Chairperson of the Hawaii County Council, Director of
the County of Hawaii Planning Department, President of the
Hawaii State Association of Parliamentarians, President of the
Hawaii Council of Community Associations, and Chairperson of the
Community Associations Institute, Hawaii Chapter.

OFFERED BY:



MAR 11 2022

