

MAR 11 2022

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# SENATE CONCURRENT 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



1 regarding shared roads and infrastructures not owned by an  
2 association or similar entity; and

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

11  
12 BE IT RESOLVED by the Senate of the Thirty-first  
13 Legislature of the State of Hawaii, Regular Session of 2022, the  
14 House of Representatives concurring, that a working group is  
15 requested to be convened to:

- 16  
17 (1) Review the procedures and administrative rules within  
18 the Department of Commerce and Consumer Affairs that  
19 have effectively established and governed condominium  
20 associations that can be applied to a framework for  
21 governance of these subdivisions; and  
22  
23 (2) Recommend applicable procedures and rules that may be  
24 utilized for the establishment of a governing entity,  
25 including a basic set of bylaws that provide a  
26 framework for notice, voting, and governance; and  
27

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

- 30  
31 (1) The President of the Hawaii State Association of  
32 Parliamentarians;  
33  
34 (2) The President of the Hawaii Council of Community  
35 Associations;  
36  
37 (3) A representative from the Department of Commerce and  
38 Consumer Affairs Real Estate Branch or their designee;  
39  
40 (4) The Director of the County of Hawaii Planning  
41 Department or their designee;  
42



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- 1           (5) The Chairperson of the Community Associations
- 2                 Institute, Hawaii Chapter;
- 3
- 4           (6) A representative from the affected House district
- 5                 appointed by the Speaker of the House of
- 6                 Representatives; and
- 7
- 8           (7) A representative from the affected Senate district
- 9                 appointed by the President of the Senate; and

10  
11           BE IT FURTHER RESOLVED that the working group is requested  
12 to submit a report of its findings and recommendations,  
13 including any proposed legislation, to the Legislature no later  
14 than twenty days prior to the convening of the Regular Session  
15 of 2023; and

16  
17           BE IT FURTHER RESOLVED that certified copies of this  
18 Concurrent Resolution be transmitted to the Supervising  
19 Executive Officer of the Department of Commerce and Consumer  
20 Affairs Real Estate Branch, Chairperson of the Hawaii County  
21 Council, Director of the County of Hawaii Planning Department,  
22 President of the Hawaii State Association of Parliamentarians,  
23 President of the Hawaii Council of Community Associations, and  
24 Chairperson of the Community Associations Institute, Hawaii  
25 Chapter.

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OFFERED BY: \_\_\_\_\_

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is highly cursive and appears to be the name of the person offering the resolution.