

MAR 11 2022

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## SENATE RESOLUTION

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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



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 Senate of the Thirty-first  
10 Legislature of the State of Hawaii, Regular Session of 2022,  
11 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;  
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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;  
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39 (5) The Chairperson of the Community Associations  
40 Institute, Hawaii Chapter;  
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(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: 

