

MAR 11 2022

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

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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

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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

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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

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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
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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;
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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:
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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
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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
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28 BE IT FURTHER RESOLVED that the following individuals are
29 requested to serve as members of the working group:
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31 (1) The President of the Hawaii State Association of
32 Parliamentarians;
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34 (2) The President of the Hawaii Council of Community
35 Associations;
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37 (3) A representative from the Department of Commerce and
38 Consumer Affairs Real Estate Branch or their designee;
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40 (4) The Director of the County of Hawaii Planning
41 Department or their designee;
42



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(5) The Chairperson of the Community Associations Institute, Hawaii Chapter;

(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 Concurrent 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: 

