
HOUSE 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
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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
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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
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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
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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,
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26 BE IT RESOLVED by the House of Representatives of the
27 Twenty-fourth Legislature of the State of Hawaii, Regular
28 Session of 2007, the Senate 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
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34 BE IT FURTHER RESOLVED that the report:

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- 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
41
 - 42 (3) Identify the laws under which PCAs are currently
43 regulated.
44



1 and
2

3 BE IT FURTHER RESOLVED that a certified copy of this
4 Concurrent Resolution be transmitted to the Acting Director of
5 the Legislative Reference Bureau.
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OFFERED BY:

J. V. Kinnaman
Lyda B. Berg

Rita P. Cabrilla
Calvin K. Y. King
[Signature]

[Signature]
[Signature]

[Signature]
[Signature]

Wells Carroll

Paul Clary

Paul Wood

Alexander

