

From: mailinglist@capitol.hawaii.gov
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To: CPCtestimony
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Subject: Submitted testimony for HR28 on Mar 14, 2016 14:00PM

HR28

Submitted on: 3/10/2016

Testimony for CPC on Mar 14, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
sherri carden	Individual	Support	No

Comments: I am strongly in support of this bill. It is greatly needed and long overdue. Homeowners need much help in resolving community association difficulties.

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LATE

Testimony in Support of:
HR 28 and HCR 63

Committee on Consumer Protection and Commerce
March 13, 2016

Testimony in favor of HR28 – REQUESTING THE CONVENING OF A TASK FORCE TO CONDUCT A STUDY ON IMPOSING MANDATORY ALTERNATIVE DISPUTE RESOLUTION TO RESOLVE HOMEOWNERS ASSOCIATIONS DISPUTES.

LATE TESTIMONY

My name is Ralph Boyea. I am a resident of Orchidland Estates in Kea'au HI.

I have lived in this subdivision since 1976. I have served on the Orchidland Estates Board of Directors several times between 1976 and the present. I have held the offices of Director, Secretary and President.

I am very familiar with the conflict between lot owners and between lots owners and the "elected" Board of Directors. I was President when the original Orchidland Community Association [OLCA] lawsuit was initiated to require payment of mandatory road maintenance fees in the 1990's; I was a Director and Secretary during settlement discussions on a foreclosure suit filed against OLCA and discussions on another suit filed against OLCA to prohibit the settlement of the foreclosure suit. I am currently off the Board and working with a group of lot owners who are attempting to put OLCA under receivership.

Lot owners in communities such as ours have been placed in a very difficult position. The roads are owned by all lot owners in their entirety. Many of the roads are nothing more than bulldozed paths across the lava. Some of those paths end up being riverbeds during heavy rains. Yet, other than the responsibility of common ownership, no provisions were made to require common maintenance and upkeep when the subdivision was created. That omission was a major failure by the State and County when the subdivision was created. That failure to clearly establish lot owner responsibility and lot owner payments to maintain and improve their roads has led to a great deal of conflict.

OLCA, for example has been in conflict over the roads from at least 1976 to present. The current level of conflict is the worst it has ever been. OLCA currently has two very different groups claiming to be the official Board of Directors.

Orchidland and similarly situated communities NEED to have an adult in the room. We NEED to have a Mandatory process for resolving the lot owner disputes over the maintenance of our roads and any other obligations imposed on those lot owners by virtue of their owning lots in the subdivision.

I ask that you pass House Resolution 28.

I volunteer to be a part of the task force to research this issue; or in the alternative, I offer my services to be consulted by that task force.