

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 288
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary, to which was referred H.B. No. 288, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO INFRASTRUCTURE MAINTENANCE IN HOUSING SUBDIVISIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to require:

- (1) Lot owners in a subdivision to pay for the management, maintenance, and repair of subdivision roads where the applicable deeds do not specify a requirement or are otherwise subject to chapter 421J, Hawaii Revised Statutes, and require the counties to provide support for applicable assessments; and
- (2) The counties to provide oversight of assessments for management, maintenance, and repair of subdivision roads and other infrastructure in housing subdivisions where no oversight authority has already been established.

Your Committees received testimony in support of this measure from four individuals.



Your Committees find that some housing subdivisions in the State have been approved without a requirement that the lot owners fund the maintenance of private roads and other infrastructure within the subdivision. Unlike condominium property regimes, many housing subdivisions are not subject to a statutory framework, nor do they have an oversight agency for the creation, monitoring, training, and auditing of the various associations responsible for subdivision maintenance. Your Committees also find that existing oversight consists of a patchwork system of judgments from various lawsuits that does not provide adequate oversight.

Your Committees further find that subdivision road maintenance in areas affected by a natural disaster, such as Puna, on Hawaii island, could use additional subdivision road maintenance support and oversight.

Your Committees have amended this measure by:

- (1) Making it applicable only to counties with a population between 175,000 and 250,000 people; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 288, H.D. 1, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 288, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Judiciary,



KARL RHOADS, Chair

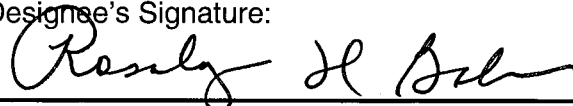


CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 288, HD1	PSM/JDC, WAM	3/19/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)				✓
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	3	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes