
HOUSE RESOLUTION

REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE CREATION
AND REGULATION OF HOMEOWNERS ASSOCIATIONS FOR PRE-STATEHOOD
SUBDIVISIONS.

1 WHEREAS, subdivisions exist that were created prior to
2 statehood that lack covenants, declarations, or other recorded
3 instruments that impose responsibilities of homeowners or
4 entities on the maintenance or operational responsibilities over
5 common areas, such as private roads and infrastructure in the
6 subdivision; and
7

8 WHEREAS, the lack of organizational documents for these
9 pre-statehood subdivisions have led to various lawsuits and
10 created a patchwork of court orders on a case-by-case basis; and
11

12 WHEREAS, an example of such limited issue court orders is
13 *Paradise Hui Hanalike v. Hawaiian Paradise Park Corporation*, 66
14 Haw. 362, 662 P.2d 211 (1983), where the Hawaii Supreme Court
15 held that landowners have a duty to contribute to the
16 maintenance of private roads that abut the landowners' property
17 even without any recorded instrument stating covenants and
18 declarations; and
19

20 WHEREAS, however, such order gives no guidance as to the
21 procedure for collection of contributions, the creation of the
22 entity that collects the contributions or manages the money, or
23 any audit ability by a governmental agency; and
24

25 WHEREAS, a number of these lawsuits involve subdivisions
26 created prior to statehood in Hawaii County, which were able to
27 collect hundreds of thousands to millions of dollars in annual
28 dues; however, the dues-collecting entities are not subject to
29 any oversight by a governmental agency; and
30

31 WHEREAS, as exemplified by multiple lawsuits, it is
32 necessary to establish a procedure for the governance of



1 pre-statehood subdivisions similar to the condominium property
2 regimes governed by the State; now, therefore,

3
4 BE IT RESOLVED by the House of Representatives of the
5 Thirtieth Legislature of the State of Hawaii, Regular Session of
6 2020, that a task force be convened to examine the creation and
7 regulation of homeowners associations for pre-statehood
8 subdivisions; and

9
10 BE IT FURTHER RESOLVED that the task force is requested to
11 include the following members, or their designees:

- 12
- 13 (1) One member of the House of Representatives, to be
14 designated by the Speaker of the House of
15 Representatives, who shall serve as co-chair of the
16 task force;
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 - 18 (2) One member of the Senate, to be designated by the
19 President of the Senate, who shall serve as co-chair
20 of the task force;
 - 21
 - 22 (3) The Director of Commerce and Consumer Affairs;
 - 23
 - 24 (4) A member of the Hawaii Council of Community
25 Associations;
 - 26
 - 27 (5) A member from the Community Associations Institute,
28 Hawaii Chapter;
 - 29
 - 30 (6) A parliamentarian from the National Association of
31 Parliamentarians;
 - 32
 - 33 (7) A representative from an association management
34 company; and
 - 35
 - 36 (8) Two representatives from pre-statehood subdivisions;
37 and
 - 38

39 BE IT FURTHER RESOLVED that the chair is requested to
40 invite other individuals with relevant knowledge or experience
41 to be members of the task force; and



1 BE IT FURTHER RESOLVED that the task force is requested to
2 examine:

- 3
- 4 (1) The framework for the creation and regulatory
- 5 oversight of any entity for the maintenance or
- 6 operational responsibilities over common areas of
- 7 pre-statehood created subdivisions;
- 8
- 9 (2) Whether to regulate these entities under the existing
- 10 law governing planned community associations, Chapter
- 11 421J, Hawaii Revised Statutes, and if so, how to
- 12 integrate the entities into the existing statutory
- 13 framework; and
- 14
- 15 (3) Any other issues the task force may find relevant to
- 16 the regulation of homeowners associations; and
- 17

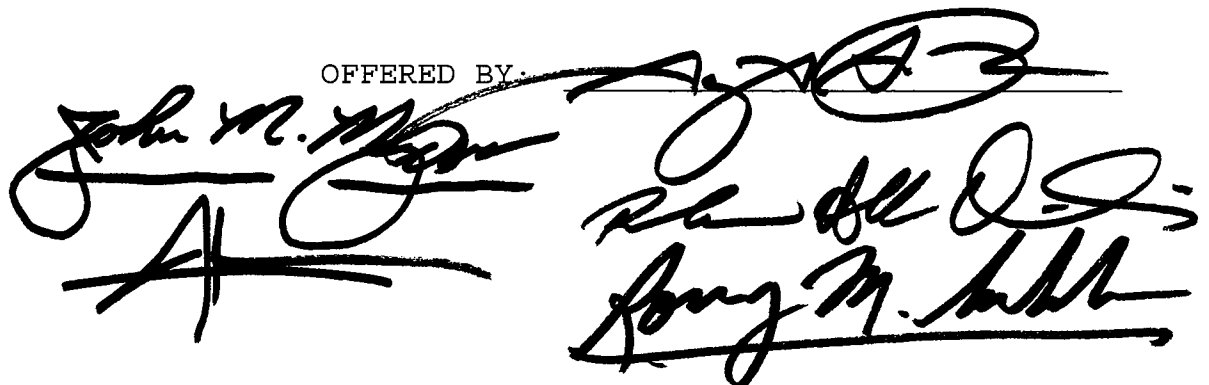
18 BE IT FURTHER RESOLVED that the members of the task force
19 shall serve without compensation; and

20
21 BE IT FURTHER RESOLVED that the task force is requested to
22 submit a report of its findings and recommendations, including
23 any proposed legislation, to the Legislature no later than
24 twenty days prior to the convening of the Regular Session of
25 2021; and

26
27 BE IT FURTHER RESOLVED that certified copies of this
28 Resolution be transmitted to the Director of Commerce and
29 Consumer Affairs; President of the Hawaii Council of Community
30 Associations; President of the National Association of
31 Parliamentarians; and President of the Community Associations
32 Institute, Hawaii Chapter.

33 OFFERED BY:

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35



The image shows three handwritten signatures in black ink. The first signature on the left is 'John M. Madsen'. The second signature in the middle is 'Randall D. Jones'. The third signature on the right is 'Song M. Huh'. There are also some scribbles and additional lines of ink around these signatures.



W. A. J.
Lindedeckinger
S. C. Hill

Wm

George T. Brown

James C. Hill

Nirde P. Brown

James S. King

Car

Timothy J. Brown

William A. Bellotti

Ride Caterella Ankwede

Liart Katagun

Tom Brown

Dan G. Cannon

John Brown

MAR 04 2020

