

**SCR-179**

Submitted on: 3/20/2021 10:28:11 AM

Testimony for CPN on 3/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Emery	Testifying for Associa	Support	No

## Comments:

I am very familiar with this situation as I have been in an expert in legal cases and a volunteer trying to help a community resolve its issues. In essence pre-statehood associations have no legal requirements and little consumer protection for owners. Fighting among groups have resulted in the bank freezing the operating account, owners not paying maintenance fees as they do not trust the existing board and there may be more than one board claiming authority, weak bylaws allowing abuse, employees controlling the funds with no required audit, and expensive lawsuits. The problem is serious and needs legislative intervention. I STRONGLY SUPPORT the resolution.

**From:** [Barbara](#)  
**To:** [CPN Committee](#)  
**Cc:** [Barbara Arthurs](#)  
**Subject:** SCR 179 Testimony  
**Date:** Tuesday, March 23, 2021 12:17:40 PM

---

March 23, 2021

-

**SCR 179 Testimony**

Dear Chair Baker,

Thank you for the opportunity to testify in support of SCR 179.

I am a lot owner and resident in Orchidland Estates, which is one of the non-planned subdivisions in Puna on Hawai`i Island. I have served on the Board of Orchidland Community Association, which by the 1992 summary judgement, is charged with the collection of mandatory road maintenance assessments (MRMA) for the maintenance and improvement of the roadways in our subdivision.

Over the past 50 years I have witnessed the challenges faced in maintaining and improving our roads. In the past 5 years I have been involved as the Plaintiff (Civil Case 15-1-0238) on behalf of Orchidland Voice, a group of lot owners concerned about the conduct of unscrupulous Board members. After more than \$700,000 in litigation expenses, the Court failed to rule in our favor.

We desperately need a working group to look into this matter and hopefully assist in the formulation of Hawaii Revised Statutes that address the creation of these lot owner associations and the conduct of members of these boards charged with the collection of MRMA and by law hold them legally accountable.

I support SCR 179 and thank you for your leadership in facilitating the creation of this working group to examine the governance and maintenance of shared spaces, improvements, and infrastructure in non-planned community subdivisions.

Sincerely,

Barbara Arthurs, Ed.D.

Past OLCA President

**SCR-179**

Submitted on: 3/23/2021 5:31:04 PM

Testimony for CPN on 3/25/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
linnette quade	Individual	Support	No

Comments:

*"Dear Chair Baker,*

*Thank you for the opportunity to testify in SUPPORT of SCR179. I am very grateful for your giving SCR179 the opportunity to be heard by your committee.*

*SCR179 requests that a working group be formed to examine the governance and maintenance of shared spaces, improvements, and infrastructure in non-planned community subdivisions.*

*Problems of substandard roads within our community is becoming increasingly urgent, especially in the Puna district. In many of these subdivisions, the lack of road maintenance is making it increasingly difficult for Emergency Response Services and Law Enforcement vehicles to respond to calls due to their inability to traverse certain roads. It is also a concern that the health and safety of Puna residents will be put in further jeopardy in the event of an emergency evacuation. in my subdivision only about 10% of residents pay their road dues and the heavy rains this year has made the problem almost insurmountable. One of only 2 ingress/egress roads can only be reached by a "county road in limbo" so the residents are also trying to take care of a county road... please address this problem as soon as possible.*

*Thank you very much for the opportunity to testify."*

Ralph C. Boyea  
16-2006 37<sup>th</sup> Ave  
Kea'au, HI 96749

Dear Chairperson Baker,

RE: SCR179 – **SUPPORT**

Thank you for this opportunity to testify in support of SCR179.

SCR179 requests the formation of a working group to examine the governance and maintenance of shared areas in non-planned community subdivisions

I have lived in one such subdivision, Orchidland Estates, in the District of Puna since 1976. From then till now my family and I have had to travel on substandard subdivision roads whenever we leave home. As recently as this evening I had to home doing no more than 5 miles per hour in order to traverse the many pot holes along 37<sup>th</sup> Avenue. 44 years of substandard roads with no end in sight.

The state and the counties created these “non-planned” community subdivisions during the speculative land boom years of the 50’s and early 60’s. Little thought was given to the governance of these subdivisions and the provision of basic infrastructure for them. The subdivisions were left to fend for themselves, and many, like Orchidland Estates, have failed miserably in providing and maintaining passable roadways. I have served as Director, Secretary, Vice President and President of our Community Association. I am well aware of how difficult it is to address the basic needs of our community. If nothing is done to assist us, and similarly situated subdivisions, our inability to provide basic infrastructure will continue

There continues to be an urgent need to address the failures of these self governing subdivisions, most notably the failure to provide adequate roadways for access by law enforcement and emergency personnel. The many root causes of these failures need to be identified and addressed. SCR179 provides a step in that direction I urge you to pass this Resolution. I request that the “working group” be established as soon as possible.

Thank you.  
Sincerely,

Ralph C. Boyea

**LATE**

**SCR-179**

Submitted on: 3/24/2021 4:37:11 PM

Testimony for CPN on 3/25/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherrell Watson	Individual	Support	No

Comments:

Aloha Chair Baker,

I am writing to you in SUPPORT of SCR179. I am very grateful for your giving SCR179 the opportunity to be heard by your committee.

SCR179 requests that a working group be formed to examine the governance and maintenance of shared spaces, improvements, and infrastructure in non-planned community subdivisions.

The dangers of substandard infrastructure within non-planned community subdivisions are becoming increasingly urgent, especially in the Puna district. I live in one such community, Hawaiian Paradise Park, and many of the roads are in very bad shape, with a lack of transparency on just where our annual road fees are going. We have even purchased rocks out of our own pockets, to fill the ever growing potholes in front of our property. In many of these subdivisions, the lack of road maintenance is making it increasingly difficult for Emergency Response Services and Law Enforcement vehicles to respond to calls in a safe and timely manner due to their inability to traverse certain roads. It is also a concern that the health and safety of Puna residents will be put in further jeopardy in the event of an emergency evacuation.

Mahalo for the opportunity to testify.