
SENATE CONCURRENT RESOLUTION

CONVENING A WORKING GROUP ON THE GOVERNANCE OF HOUSING
SUBDIVISIONS IN THE PUNA DISTRICT, HAWAII COUNTY.

1 WHEREAS, in the 1960s, large subdivisions were approved by
2 counties, particularly in the Puna District of the County of
3 Hawaii, that did not require the creation of a homeowner's
4 association for the governance of shared roads or
5 infrastructure; and
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7 WHEREAS, without a homeowner's association or entity to
8 require landowners to contribute to the maintenance of roads,
9 subdivision roads that fell into a state of disrepair have
10 caused emergency vehicles, such as ambulances and firetrucks, to
11 be slowed or damaged when driving through and navigating
12 unpaved, unmaintained roads; and
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14 WHEREAS, the most famous case of delayed ambulance arrival
15 was that of Dana Ireland in 1991, a victim of a brutal assault
16 who died prior to the arrival of emergency services, as an
17 ambulance experienced difficulties navigating a Puna road in a
18 significant state of disrepair; and
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20 WHEREAS, without an existing homeowner's association,
21 landowners themselves undertook the responsibility to rally
22 their neighbors to contribute time and funds towards the
23 creation and maintenance of share roads - a system that has led
24 to neighborhood disputes that sometimes escalate to physical
25 altercations; and
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27 WHEREAS, lawsuits such as the *Paradise Hui Hanalike v.*
28 *Hawaiian Paradise Park Corporation*, 66 Haw. 362, 662 P.2d 211
29 (1983), have resulted in thousands of dollars in attorneys' fees
30 expended by litigants unsuccessfully seeking to have the courts
31 approve the entities needed to collect the road maintenance
32 dues; and



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2 WHEREAS, there is a lack of statutory guidance regarding
3 the rights and responsibilities of homeowners or entities
4 regarding shared roads and infrastructures not owned by an
5 association or similar entity; and
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7 WHEREAS, while some subdivisions were successful in the
8 creation of a court-approved entity to collect contributions
9 from landowners, there is still a lack of oversight and absence
10 of a dispute resolution process that offers landowners the right
11 to appeal the assessments imposed by the entities and the
12 contributions or the use of monies for shared road and
13 infrastructure maintenance and improvement; now, therefore;
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15 BE IT RESOLVED by the Senate of the Thirty-first
16 Legislature of the State of Hawaii, Regular Session of 2022, the
17 House of Representatives concurring, that a working group is
18 requested to be convened to:
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20 (1) Review the procedures and administrative rules within
21 the Department of Commerce and Consumer Affairs that
22 have effectively established and governed condominium
23 associations that can be applied to a framework for
24 governance of these subdivisions; and
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26 (2) Recommend applicable procedures and rules that may be
27 utilized for the establishment of a governing entity,
28 including a basic set of bylaws that provide a
29 framework for notice, voting, and governance; and
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31 BE IT FURTHER RESOLVED that the following individuals are
32 requested to serve as members of the working group:
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34 (1) A member of the Senate representing the Puna district,
35 to be appointed by the President of the Senate, and to
36 serve as co-chair;
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38 (2) A member of the Hawaii County Council, to be selected
39 by the member of the Senate representing the Puna
40 district, and to serve as co-chair;
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- (3) A member of the House of Representatives representing the Puna district, to be appointed by the Speaker of the House of Representatives;
- (4) The President of the Hawaii State Association of Parliamentarians;
- (5) The President of the Hawaii Council of Community Associations;
- (6) A representative from the Department of Commerce and Consumer Affairs Real Estate Branch or their designee;
- (7) The Director of the County of Hawaii Planning Department or their designee; and
- (8) The Chairperson of the Community Associations Institute, Hawaii Chapter; and

BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Chairperson of the Hawaii County Council; President of the Hawaii State Association of Parliamentarians; President of the Hawaii Council of Community Associations; Supervising Executive Officer of the Department of Commerce and Consumer Affairs Real Estate Branch; Director of the County of Hawaii Planning Department; and Chairperson of the Community Associations Institute, Hawaii Chapter.

