

**LATE**

**SB-3324-SD-1**

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Testimony for JDC on 3/2/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
sheldon lehman	Individual	Support	No

Comments:

I request the original language requiring dues payment for roads from the original bill be put back in. Despite a 1983 Hawaii Supreme Court decision requiring lot owners on puna subdivisions to contribute towards maintenance of their roads, the lower courts have failed to approve a community association to collect the dues for Hawaiian Acres- one of the largest subdivisions in the state. Because of the lack of dues, the community association cannot afford to maintain its miles of roads. I personally have volunteered to maintain some roads but it takes money to maintain the roadgrading equipment, the fuel, the base course needed to fill in the deep ruts (sometimes as deep as 3 - feet). I personally have talked to a lot of people when I am fixing these roads asking for donations to pay for thousands of dollars in base course to fill in the ruts and for fuel- they are all in favor of road dues because they feel everyone should contribute to maintenance of the roads they drive on. Due to spotty internet, they cannot get their testimony in

I am the captain of the local volunteer fire department in Hawaiian Acres and sometimes I cannot reach a house fire in time before it is fully engulfed. Remember the delay that contributed to the 1991 death of Dana Ireland by the county fire rescue - that happens all the time in Hawaiian Acres.

The community association has tried twice to go to the courts to approve an association to collect dues based on the Hawaii Supreme Court ruling, but now feels that whatever monies it collects from voluntary dues is best to fix some roads instead of in attorneys fees.

I am also a member of Hawaiian Paradise Park subdivision, a 16 square mile subdivision, where I pay \$750/year for dues. That community association was the subject of the 1983 Hawaii Supreme Court case so its community association was approved to collect dues but there is no agency overseeing the millions of dollars in dues they annually collect to make sure that the monies are being used for what they were meant for. The neighboring subdivision Orchidland has spent hundreds of thousands of dollars in attorneys fees fighting between 2 competing boards. So I support a framework like condos where there is arbitration and oversight over millions of dollars in dues so that my dues will not be used for attorneys fees fighting lawsuits.

We need the original section requiring dues payment to a community association and an agency/organization or a framework so that community associations and members will not be clogging up courts for oversight

