

STAND. COM. REP. NO. **2670**

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 3324
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Government Operations and Transportation,
to which was referred S.B. No. 3324 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 repair and maintenance of subdivision roads where the applicable deeds do not specify that requirement; and
- (2) The counties to provide training, support for applicable assessments, and oversight of housing subdivisions where no oversight authority has been established.

Your Committees received testimony in support of this measure from the Hawaii Council of Community Associations, Hawaiian Shores Community Association, Associa, and fifteen individuals. Your Committees received testimony in opposition to this measure from the County of Hawaii Planning Department and three individuals.

Your Committees find that some housing subdivisions in the State have been approved without a requirement that the lot owners fund the repair and maintenance of the private roads and other infrastructure within the subdivision. Unlike condominium



property regimes, many housing subdivisions are not subject to a statutory framework or an oversight agency to oversee the creation, monitoring, training, and auditing of the various volunteer associations responsible for the subdivision infrastructure. As a result, various homeowners in the subdivisions in the district of Puna in the County of Hawaii have been involved in litigation for decades.

Your Committees further find that the inability to collect assessments from lot owners of subdivisions with no court-approved corporation, association, or entity results in substandard and deeply rutted roads that can delay emergency vehicles that respond to emergency situations, including crime scenes. Numerous structures have been destroyed because a fire truck was not able to arrive in time.

Your Committees note, however, the testimony of the County of Hawaii Planning Department regarding certain community association support services that are outside the purview of the department. Your Committees also note the testimony of the Hawaii Council of Community Associations, which commented that it would be prudent to establish a working group to study the issues and develop a more comprehensive statutory scheme and long-term workable solutions for the health and safety of these homeowners.

Accordingly, your Committees have amended this measure by:

- (1) Deleting language that would have created a new chapter in the Hawaii Revised Statutes pertaining to Housing Subdivisions, and replacing it with language to establish a working group to study matters further;
- (2) Amending section 1 to reflect its amended purpose;
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (4) 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 Government Operations and Transportation that are attached to this report, your Committees are in accord with the

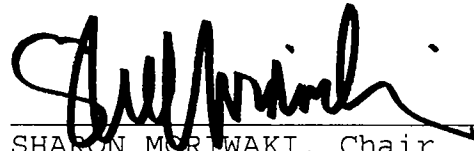


intent and purpose of S.B. No. 3324, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3324, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Government Operations and Transportation,



CHRIS LEE, Chair

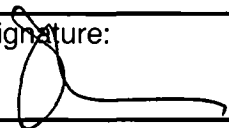


SHARON MORIWAKI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 3324	GVO/TRS, JDC/WAM	02/10/22		
<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
MORIWAKI, Sharon Y. (C)	X			
DELA CRUZ, Donovan M. (VC)	X			
CHANG, Stanley	X			
GABBARD, Mike				X
FEVELLA, Kurt	X			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:* SB 3324	Committee Referral: GOV/TPS, JDC/WAM	Date: 2-10-2022
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUE, Lorraine R. (VC)	✓			
DECOITE, Lynn	✓			
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:
Lorraine R. Inoué

Distribution: Original Yellow Pink Goldenrod
File with Committee Report Clerk's Office Drafting Agency Committee File Copy

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