
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO
CONVENE 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 the 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

6
7 WHEREAS, without a homeowner's association or entity to
8 require landowners to contribute to the maintenance of roads,
9 subdivision roads fell into a state of disrepair, which have
10 caused emergency vehicles such as ambulances and firetrucks to
11 be slowed and damaged when driving through and navigating
12 unpaved, unmaintained roads; and

13
14 WHEREAS, the most famous case of delayed ambulance arrival
15 was that in 1991 of Dana Ireland, 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 that
18 was in a significant state of disrepair; and

19
20 WHEREAS, without an existing homeowner's association,
21 landowners themselves undertook the responsibility to rally
22 their neighbors to contribute time and funds toward the creation
23 and maintenance of shared roads, a system that has led to
24 neighborhood assaults; and

25
26 WHEREAS, lawsuits such as the *Paradise Hui Hanalike v.*
27 *Hawaiian Paradise Park Corporation*, 66 Haw. 362, 662 P.2d 211
28 (1983), have resulted in thousands of dollars in attorney fees
29 to litigants unsuccessfully seeking to have the courts approve
30 the entities needed to collect the road maintenance dues; and



1
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 that are not owned by
5 an association or similar entity; and
6

7 WHEREAS, while some subdivisions have been successful in
8 the 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 made by the entities regarding
12 contributions or the use of monies for shared road and
13 infrastructure maintenance and improvement; now, therefore,
14

15 BE IT RESOLVED by the House of Representatives of the
16 Thirty-first Legislature of the State of Hawaii, Regular Session
17 of 2022, the Senate concurring, that the Department of Commerce
18 and Consumer Affairs is requested to convene a working group on
19 the governance of housing subdivisions in the Puna District,
20 Hawaii County; and
21

22 BE IT FURTHER RESOLVED that the working group is requested
23 to:
24

25 (1) Review the procedures and administrative rules within
26 the Department of Commerce and Consumer Affairs that
27 have effectively established and governed condominium
28 associations that can be applied to a framework for
29 governance of these subdivisions; and
30

31 (2) Recommend applicable procedures and rules that may be
32 utilized for the establishment of a governing entity,
33 including a basic set of bylaws that provide a
34 framework for notice, voting, and governance; and
35

36 BE IT FURTHER RESOLVED that the following individuals are
37 requested to serve as members of the working group:
38

39 (1) A member of the House of Representatives who
40 represents the affected district in the affected
41 county;
42



- (2) A member of the Senate who represents the affected district in the affected county;
- (3) A member of the Office of the Mayor for the affected county, or the Mayor's designee;
- (4) A representative from the Department of Commerce and Consumer Affairs Real Estate Branch;
- (5) Representatives from the Hawaii Council of Community Associations as designated by the President of the Senate;
- (6) Representatives from the Hawaii Chapter of the Community Associations Institute as designated by the Speaker of the House of Representatives;
- (7) One community stakeholder as designated by the President of the Senate; and
- (8) One community stakeholder as designated by the Speaker of the House of Representatives; 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 Supervising Executive Officer of the Department of Commerce and Consumer Affairs Real Estate Branch, Mayor of Hawaii County, President of the Hawaii Council of Community Associations, and Chairperson of the Community Associations Institute, Hawaii Chapter.

