

CC&R Review and Enforcement Priority Committee

Purpose or Mission Statement

The purpose of this committee is to review LCA's CC&R's and then to determine feasibility of changing definitions, procedures, and priorities for enforcement of CC&R's in Leilani II. The mission is to create a system that creates consistent yet intelligent enforcement of CC&R's with regards to Leilani's agricultural land use designation, local building and cultural practices, as well as our ability to change the CC&R's that exist but do not serve our community in the current post-eruption and absolutely with surety, pre-eruption, of Kilauea's East Rift zone environment.

Type of Committee and Area of the Program

We would expect for this committee to be a standing committee so that there is always an entity to work with residents on CC&R issues. This will allow LCA to respond quickly and fairly to residents' concerns and changing environments within LCA. This committee would serve as a liaison between the BOD and the corporations' membership to ensure that concerns regarding CC&R enforcement meet the requirement of our governing documents requiring that "The corporation shall be organized and operated exclusively for general public social welfare and safety purposes"... to promote and encourage a better community and civic spirit among, and to foster good will and friendship between, all property owners of that portion of LEILANI ESTATES hereinabove referred to; and to cooperate with civic and public organizations for the general welfare of the people of the Island of Hawaii and of the State of Hawaii;..."

Membership

Membership in this committee should be 3 to 7 members from the Leilani Estates Community.

Chairperson

Chairperson for this standing committee shall be a member of the Leilani Estates BOD, elected or appointed by the LCA BOD. The committee shall have one co-chair that is appointed by the BOD or the appointed Chairperson as decided by the BOD. Initially, the Chair of this Committee would Henrietta (Kaonohiokalani) Jeremiah.

Activities, Duties, and Responsibilities

- 1) This committee will review and determine if our current CC&R's can be changed. If so, they will determine required resources and timeline for changes to be completed.
- 2) This committee will review current CC&R's for need and applicability in Leilani's current environment.
 - a. Do the CC&R's serve the community's stated purposes?
 - a) Curb appeal (Maintaining property values in neighborhood)

- b) General public social welfare and safety purposes.
 - c) Promote and encourage a better community and civic spirit among, and to foster good will and friendship between, all property owners.
- 3) This committee will determine and clarify the wording of current CC&R's and confer with LCA's lawyer as to the legality of our current enforcement practices. Specifically to determine if driveway aprons are the responsibility of the lot owner or the easement owners (LCA).
- 4) This committee shall determine if there is an ability to enforce the CC&R's fairly on all residents? No enforcement should be made if full enforcement is not required.
 - a) Access to lots. (Inspection visits required?, Drone inspections?)
 - 1. Legality, morality of these efforts?
 - b) Does it foster good will and friendship to urge neighbors to report CC&R violations that do not cause harm or nuisance?
- 5) This committee will determine a policy and procedure for enforcement of valid CC&R violations that meets State and local requirements.
 - a. Meeting with homeowners and discussing compliance...meeting must be documented and notes signed by committee member and resident.
 - b. Assisting low income residents by using volunteers and or funding from various charity organizations and/or groups to assist in helping resolve CC&R violations.
 - c. Letters to homeowners or residents in violation
 - a) Kindly worded form letters
 - d. Time allowed for correction of deficiency
 - e. Co-ordination with Legal team for further actions.

Delegation of Authority

This committee shall have access to all LCA files and complaint letters that involve CC&R issues. This committee shall have the right of access to the LCA lawyer for consultation and clarification of applicable laws governing CC&R enforcement. This committee shall have the right to choose their membership without approval from the LCA BOD.

Standard Committee Procedures

This committee shall meet at least once a week during the research phase. Committee members may be asked to call or email residents to ensure that communications and a clear understanding of alleged violation(s). Members will be required to document all interactions with residents that either lodges a complaint as well as the resident who has the alleged violation(s). We would expect initial time requirements to be 3 to 4 hours a week and declining to 3 to 4 hours a month after the initial research and changes to policies and procedures are made.

Formalities

This Charter was authored by Henrietta (Kaonohiokalani) Jeremiah with the assistance of Debra Preston.