

JAN 17 2020

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# A BILL FOR AN ACT

RELATING TO COUNTIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. In August 2007, Hawaii accepted an invitation  
2 by the United States Department of Housing and Urban Development  
3 to join the national call to action for affordable housing  
4 through regulatory reform. The call to action presented an  
5 opportunity for Hawaii to receive technical assistance from the  
6 federal government and collaborate with other states, counties,  
7 municipalities, and organizations to knock down the barriers  
8 imposed by governments in hopes of building more affordable  
9 housing. A statewide task force was convened comprised of  
10 representatives from the counties, business, labor, developers,  
11 architects, nonprofit providers of services, and the State to  
12 carry out the mission of the call to action and recommended  
13 solutions to address barriers to affordable housing.

14       The legislature recognizes that the need for more  
15 affordable housing in Hawaii remains a significant problem  
16 affecting all segments of society. Although there is a process  
17 in place that provides an opportunity to review affordable



1 housing projects proposals in an expedited manner at the state  
2 and county levels, delays arise when counties do not act timely  
3 to affirmatively accept public infrastructure that has been  
4 developed as part of a housing project.

5 The purpose of this Act is to clarify that the request for  
6 dedication for infrastructure is to connect an affordable  
7 housing's infrastructure to the county's infrastructure within  
8 sixty days of the dedication request.

9 SECTION 2. Section 46-15.25, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§46-15.25 Infrastructure dedication; affordable housing.**

12 (a) Infrastructure for affordable housing shall be deemed  
13 dedicated to the county if the county does not accept or reject  
14 the request for dedication [~~of infrastructure~~] to connect the  
15 affordable housing's infrastructure to the county's  
16 infrastructure within sixty days of the receipt by the  
17 appropriate county council of a completed application for  
18 dedication request; provided that:

19 (1) Applicable meter and connection fees and utility costs  
20 relating to the dedicated infrastructure have been  
21 paid;



(2) The dedicated infrastructure conforms to applicable county standards in effect at the time of construction; ~~and~~

(3) The completion of the improvements comprising a dedicated infrastructure is granted approval by the county~~[-]~~; and

(4) The dedicated infrastructure is certified to be in compliance by either the county inspector responsible for accepting dedicated infrastructure, or a licensed, third-party building inspector.

(b) For the purposes of this section:

"Affordable housing" means housing that is affordable to households with incomes at or below one hundred forty per cent of the median family income as determined by the United States Department of Housing and Urban Development.

"Infrastructure" includes water, drainage, sewer, electrical, waste disposal and waste treatment systems, road, and street lighting that connect to the infrastructure of the county.

"Third-party building inspector" means a licensed private sector inspector that is contracted by a state or county agency



1 to perform building plan review functions, including but not  
2 limited to building, mechanical, electrical, and plumbing  
3 inspections."

4 SECTION 3. Section 264-1, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) All highways, roads, alleys, streets, ways, bikeways,  
7 bridges, and trails in the State, opened, laid out, or built by  
8 private parties and dedicated or condemned to the public use,  
9 are declared to be public highways or public trails as follows:

10 (1) Dedication of public highways, roads, alleys, streets,  
11 ways, lanes, bikeways, bridges, or trails shall be by  
12 deed of conveyance naming the State as grantee in the  
13 case of a state highway, road, alley, street, way,  
14 lane, bikeway, bridge, or trail and naming the county  
15 as grantee in the case of a county highway, road,  
16 alley, street, way, lane, bikeway, bridge, or trail.

17 The deed of conveyance shall be delivered to and  
18 accepted by the director of transportation in the case  
19 of a state highway, road, alley, street, way, lane,  
20 bikeway, or bridge, or the board of land and natural  
21 resources in the case of a state trail. In the case



1 of a county highway, road, alley, street, way, lane,  
2 bikeway, bridge, or county trail, the deed shall be  
3 delivered to and accepted by the legislative body of a  
4 county; provided that in every case where the highway,  
5 road, alley, street, way, lane, bikeway, bridge, or  
6 county trail is constructed and completed as required  
7 by any ordinance of the county or any rule,  
8 regulation, or resolution thereof having the effect of  
9 law, the legislative body of the county shall accept  
10 the dedication of the same without exercise of  
11 discretion; ~~[and]~~

12 (2) Dedication of public highways or trails by request of  
13 a developer to a county shall be deemed to have taken  
14 place if the road, alley, street, bikeway, way, lane,  
15 trail, or bridge is part of an affordable housing  
16 project developed pursuant to chapter 201H; provided  
17 that it conforms to applicable county building codes;  
18 provided further that the dedicated infrastructure is  
19 certified to be in compliance by either the county  
20 inspector responsible for accepting dedicated  
21 infrastructure, or a licensed third-party building



1        inspector. Dedication shall be deemed to have taken  
2        place if the infrastructure dedication is not accepted  
3        by the county within sixty days of the dedication  
4        requests.

5        For the purposes of this paragraph, "third-party  
6        inspector" has the same meaning as defined in section  
7        46-15.25; and

8        [~~4~~2] (3) Condemnation of public highways, roads, alleys,  
9        streets, ways, lanes, bikeways, bridges, or trails  
10       initiated by the State or county pursuant to  
11       chapter 101, shall be by final order of condemnation  
12       by a court; provided that any private owner of a  
13       highway, road, alley, street, way, lane, bikeway,  
14       bridge, or trail may petition the mayor of the county  
15       in which the highway, road, alley, street, way, lane,  
16       bikeway, bridge, or trail is located to initiate  
17       condemnation proceedings if the highway, road, alley,  
18       street, way, lane, bikeway, bridge, or trail is part  
19       of a public road, ownership has not been exercised by  
20       limiting use or access, or the State or county has  
21       provided some form of maintenance to the highway,



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1 road, alley, street, way, lane, bikeway, bridge, or  
2 trail in the interest of the public; provided further  
3 that a private owner may only petition the mayor of a  
4 county after the dissolution of the roads commission  
5 established by Act 194, Session Laws of Hawaii 2016;  
6 provided further that in every case where the highway,  
7 road, alley, street, way, lane, bikeway, bridge, or  
8 trail is constructed and completed as required by any  
9 ordinance of the county or any rule, regulation, or  
10 resolution thereof having the effect of law at the  
11 time of construction and completion, the highway,  
12 road, alley, street, way, lane, bikeway, bridge, or  
13 trail shall be exempt from meeting the construction  
14 standards in place at the time of condemnation by the  
15 State or county."

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.  
19

INTRODUCED BY:  



# S.B. NO. 2654

**Report Title:**

Counties; Infrastructure Dedication; Affordable Housing

**Description:**

Clarifies that the request for dedication for infrastructure is to connect an eligible affordable housing's infrastructure to the county's infrastructure. Authorizes a licensed private building inspector, contracted by the state or county, to certify compliance with county standards.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

