S.B. NO. 2667

JAN 1 7 2020

#### A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

SECTION 1. The legislature finds that existing law
 requires subdividers and developers to dedicate land for public
 access to coastal shorelines and mountain areas. However, the
 lack of funding and assignment of responsibility for providing
 parking near and maintenance of the access renders the
 requirement meaningless.

7 The purpose of this Act is to make the requirement for 8 public access more effective by providing the counties with 9 authority to require a subdivider or a developer to establish 10 and fund a stewardship fund for the improvement and maintenance 11 of a right-of-way. In the alternative, the county may require ' 12 the subdivider or developer (or its successor in interest) to 13 form a planned community association to improve and maintain the 14 right-of-way.

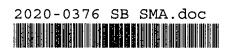
15 SECTION 2. Section 46-6.5, Hawaii Revised Statutes, is
16 amended by amending subsection (c) to read as follows:



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1	"(C)	Upon the dedication of land for a right-of-way, as
2	required	by this section [ <del>and acceptance by the county</del> ], the
3	county concerned shall [thereafter] either:	
4	(1)	Accept the dedication and assume the cost of
5		improvements for and the maintenance of the right-of-
6		way[ <del>, and the subdivider shall accordingly be relieved</del>
7		from such costs.]; provided that the county may
8		require, by ordinance, that the subdivider or
9		developer establish and initially fund a stewardship
10		fund to be controlled by the county for the
11		improvement and future maintenance of the right-of-
12		way; or
13	(2)	In the alternative to the county accepting dedication
14		of the right-of-way, require, by ordinance, that the
15		subdivider, or the subdivider's or developer's
16		successor in interest in the form of a planned
17		community association, improve and maintain the right-
18		of-way."
19	SECTION 3. This Act does not affect rights and duties that	
20	matured,	penalties that were incurred, and proceedings that were
21	begun before its effective date.	



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

3 SECTION 5. This Act shall take effect on January 1, 2021.

INTRODUCED BY:



SHE RY



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Report Title: Subdivisions; Public Access

#### Description:

Provides that where public access is required as a condition of a subdivision, either the county must accept dedication of and maintain the access or identify an entity to own and maintain the access. Authorizes the county to require the subdivider to establish a stewardship fund for maintenance purposes.

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

