
A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1 SECTION 1. The legislature finds that existing law
2 requires subdividers and developers to dedicate land for public
3 access to coastal shorelines and mountain areas. However, the
4 lack of funding and assignment of responsibility for providing
5 parking near and maintenance of the access renders the
6 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:



1 "(c) Upon the dedication of land for a right-of-way, as
2 required by this section [~~and acceptance by the county~~], 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 [~~, and the subdivider shall accordingly be relieved~~
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.



H.B. NO. 2668

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 Statutory material to be repealed is bracketed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

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

4

INTRODUCED BY: *RCM*

JAN 23 2020



H.B. NO. 2668

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.

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