

JAN 17 2020

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# 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.



# S.B. NO. 2667

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 Statutory material to be repealed is bracketed  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.  
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INTRODUCED BY:



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Paul E. R.



# S.B. NO. 2667

**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.*

