

JAN 22 2021

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:



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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) Require, by ordinance, that the subdivider, or the
14 subdivider's or developer's successor in interest form
15 a planned community association, to improve and
16 maintain the right-of-way."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

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 Statutory material to be repealed is bracketed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



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1 SECTION 5. This Act shall take effect January 1, 2022.

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INTRODUCED BY:





S.B. NO. 470

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. Takes effect 1/1/2022.

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

