

JAN 21 2022

---

---

# 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:



**S.B. NO. 2360**

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 Statutory material to be repealed is bracketed  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.



# S.B. NO. 2350

1 SECTION 5. This Act shall take effect on January 1, 2023.

2

INTRODUCED BY: 



# S.B. NO. 2350

**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 1/1/2023.

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

