

ACT 88

S.B. NO. 321

A Bill for an Act Relating to Transportation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§264- Private streets; ownership. (a) Notwithstanding any provision of law to the contrary, in any county with a population of less than 250,000, fee simple absolute title of a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail held by a subdivider shall be deemed transferred to a community association consisting of the owners of property contiguous or adjacent thereto, when:

- (1) The subdivider has dissolved or ceased to exist for not less than five years; and
- (2) There has not been a dedication of the privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail by deed of conveyance naming the State or county as grantee pursuant to subsection 264-1(c);
- (3) The community association to which the property is to be transferred has given written notice of a potential transfer of property pursuant to this section to all property owners contiguous or adjacent thereto, the mayor of the county within which the property resides, the administrative judge of the circuit court of the first circuit with jurisdiction over land court within the Hawaii State Judiciary, the Bureau of Conveyances, and published in a paper of broad circulation in the county in which the property is located; and
- (4) A year has lapsed without the filing of a competing challenge or claim since the community association has met the requirements pursuant to paragraph (3).

(b) For the purposes of this section:

“Community association” means a nonprofit homeowners or community association existing pursuant to covenants running with the land.

“Subdivider” means a person, firm, corporation, partnership, association, trust, or other legal entity or combination thereof causing land to be subdivided or consolidated, which is the owner of the land or the duly authorized agent or lessee of the owner.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2027 and shall repeal on July 1, 2032.

(Approved May 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.