

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1           SECTION 1. The legislature finds that in August 2007,  
2 Hawaii accepted an invitation by the United States Department of  
3 Housing and Urban Development to join the National Call to  
4 Action for Affordable Housing through Regulatory Reform. The  
5 Call to Action presented an opportunity for Hawaii to receive  
6 technical assistance from the federal government and collaborate  
7 with other states, counties, municipalities, and organizations  
8 to knock down the barriers imposed by governments in hopes of  
9 building more affordable housing. Governor Lingle convened a  
10 statewide task force comprised of representatives from the  
11 counties, business, labor, developers, architects, non-profit  
12 providers of services, the State, and the legislature to carry  
13 out the mission of the Call to Action and recommend solutions to  
14 address barriers to affordable housing.

15           The State recognizes that the need for more affordable  
16 housing in Hawaii remains a significant problem affecting all  
17 segments of society. Although there is a process in place that



1 provides an opportunity to review affordable housing projects  
2 proposals in an expedited manner at the state and county levels,  
3 delays arise when counties do not act to affirmatively accept or  
4 reject public infrastructure that has been developed as part of  
5 a housing project.

6 The purpose of this Act is to implement the legislative  
7 recommendations of the task force by requiring counties to  
8 accept or reject within sixty days, a dedication request that  
9 has been developed as part of a housing project; provided that  
10 the infrastructure has been constructed to county building code  
11 standards.

12 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
13 by adding a new section to be appropriately designated and to  
14 read as follows:

15 "§46- Affordable, workforce, and rental housing  
16 infrastructure dedicated to counties; time limit on acceptance  
17 or rejection. (a) A county shall accept or reject within sixty  
18 days, a dedication request from an affordable, workforce,  
19 mixed-use, or rental housing project constructed under chapter  
20 201H to connect its infrastructure to the county's  
21 infrastructure, including but not limited to its roadways,  
22 water, sewer, and drainage systems, upon the payment of the



1 applicable meter and connection fees and utility costs; provided  
2 that the dedicated infrastructure conforms to county building  
3 codes; provided further that the dedicated infrastructure is  
4 certified to be in compliance by either the county inspector  
5 responsible for accepting dedicated infrastructure, or a  
6 licensed third-party building inspector.

7 (b) If the infrastructure dedication is in compliance with  
8 the provisos in subsection (a) and is not accepted or rejected  
9 by the county within sixty days of the dedication request, the  
10 dedication shall be deemed to be accepted."

11 SECTION 3. Section 264-1, Hawaii Revised Statutes, is  
12 amended by amending subsection (c) to read as follows:

13 "(c) All roads, alleys, streets, ways, lanes, trails,  
14 bikeways, and bridges in the State, opened, laid out, or built  
15 by private parties and dedicated or surrendered to the public  
16 use, are declared to be public highways or public trails as  
17 follows:

18 (1) Dedication of public highways or trails shall be by  
19 deed of conveyance naming the State as grantee in the  
20 case of a state highway or trail and naming the county  
21 as grantee in the case of a county highway or trail.

22 The deed of conveyance shall be delivered to and



1           accepted by the director of transportation in the case  
2           of a state highway or the board of land and natural  
3           resources in the case of a state trail. In the case  
4           of a county highway or county trail, the deed shall be  
5           delivered to and accepted by the legislative body of a  
6           county.

7           (2) Surrender of public highways or trails shall be deemed  
8           to have taken place if no act of ownership by the  
9           owner of the road, alley, street, bikeway, way, lane,  
10          trail, or bridge has been exercised for five years and  
11          when, in the case of a county highway, in addition  
12          thereto, the legislative body of the county has,  
13          thereafter, by a resolution, adopted the same as a  
14          county highway or trail.

15          (3) Dedication of public highways or trails shall be  
16          deemed to have taken place if the road, alley, street,  
17          bikeway, way, lane, trail, or bridge is part of an  
18          affordable housing development; provided that the  
19          dedicated infrastructure conforms to county building  
20          codes; provided further that the dedicated  
21          infrastructure is certified to be in compliance by  
22          either the county inspector responsible for accepting



1           dedicated infrastructure, or a licensed third-party  
 2           building inspector. If the infrastructure dedication  
 3           is in compliance with the foregoing provisos in this  
 4           paragraph and is not accepted or rejected by the  
 5           county within sixty days of the dedication request,  
 6           the dedication shall be deemed to be accepted.

7 In every case where the road, alley, street, bikeway, way, lane,  
 8 trail, bridge, or highway is constructed and completed as  
 9 required by any ordinance of the county or any rule, regulation,  
 10 or resolution thereof having the effect of law, the legislative  
 11 body of the county shall accept the dedication or surrender of  
 12 the same without exercise of discretion."

13           SECTION 4. New statutory material is underscored.

14           SECTION 5. This Act shall take effect upon its approval.

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 INTRODUCED BY: Norman Sakomfu



**Report Title:**

Housing; Affordable Housing; Dedication Request; 60-Day Limit

**Description:**

Requires a county to accept or reject within sixty days a dedication request from an affordable, workforce, mixed-use, or rental housing project constructed under chapter 201H, Hawaii Revised Statutes, to connect its infrastructure to the county's infrastructure.

