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# A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING.

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

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

15           The legislature recognizes that the need for more  
16 affordable housing in Hawaii remains a significant problem  
17 affecting all segments of society. Although there is a process  
18 in place that provides an opportunity to review affordable



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

5 The purpose of this Act is to implement the legislative  
6 recommendations of the task force by requiring counties to  
7 accept or reject a public infrastructure dedication that has  
8 been developed as part of a housing project when the  
9 infrastructure has been constructed to county building code  
10 standards, within sixty days of the dedication request to ensure  
11 that the delivery of affordable housing is not delayed.

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- Time limit on acceptance or rejection of  
16 affordable, workforce, mixed use, and rental housing  
17 infrastructure dedicated to counties. (a) A county shall,  
18 within sixty days from the date of the request, accept or reject  
19 a dedication request from an affordable, workforce, mixed use,  
20 or rental housing project constructed under chapter 201H to  
21 connect its infrastructure to the county's infrastructure,  
22 including its roadways, water, sewer, and drainage systems, upon



1 the payment of the applicable meter and connection fees and  
 2 utility costs; provided that the infrastructure conforms to  
 3 county building codes in effect at the time of construction; and  
 4 provided further that the dedicated infrastructure is certified  
 5 to be in compliance by either the county inspector responsible  
 6 for accepting dedicated infrastructure, or a third-party  
 7 licensed building inspector. If the infrastructure dedication  
 8 is not accepted or rejected by the county within sixty days of  
 9 the dedication request, the infrastructure shall be  
 10 automatically dedicated to the county.

11 (b) As used in this section, "third-party licensed  
 12 building inspector" means a licensed private sector inspector  
 13 that is contracted by a state or county agency to perform  
 14 building plan review functions, including building inspections,  
 15 mechanical inspections, electrical inspections, and plumbing  
 16 inspections."

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

19 "(c) All roads, alleys, streets, ways, lanes, trails,  
 20 bikeways, and bridges in the [~~State,~~] state, opened, laid out,  
 21 or built by private parties and dedicated or surrendered to the



1 public use, are declared to be public highways or public trails  
2 as follows:

- 3 (1) Dedication of public highways or trails shall be by  
4 deed of conveyance naming the State as grantee in the  
5 case of a state highway or trail and naming the county  
6 as grantee in the case of a county highway or trail.  
7 The deed of conveyance shall be delivered to and  
8 accepted by the director of transportation in the case  
9 of a state highway or the board of land and natural  
10 resources in the case of a state trail. In the case  
11 of a county highway or county trail, the deed shall be  
12 delivered to and accepted by the legislative body of a  
13 county.
- 14 (2) Surrender of public highways or trails shall be deemed  
15 to have taken place if no act of ownership by the  
16 owner of the road, alley, street, bikeway, way, lane,  
17 trail, or bridge has been exercised for five years and  
18 when, in the case of a county highway, in addition  
19 thereto, the legislative body of the county has,  
20 thereafter, by a resolution, adopted the same as a  
21 county highway or trail.



1       (3) The counties shall accept dedications of public  
2       highways or trails if the road, alley, street,  
3       bikeway, way, lane, trail, or bridge is part of an  
4       affordable housing development; provided that it  
5       conforms to county building codes that were in effect  
6       at the time of construction; and provided further that  
7       the dedicated infrastructure is certified to be in  
8       compliance by either the county inspector responsible  
9       for accepting dedicated infrastructure, or a third-  
10       party licensed building inspector. Dedication shall  
11       be deemed to have taken place if the infrastructure  
12       dedication is not accepted or rejected by the county  
13       within sixty days of the dedication request.

14 In every case where the road, alley, street, bikeway, way, lane,  
15 trail, bridge, or highway is constructed and completed as  
16 required by any ordinance of the county or any rule, regulation,  
17 or resolution thereof having the effect of law, the legislative  
18 body of the county shall accept the dedication or surrender of  
19 the same without exercise of discretion.

20       As used in this subsection, "third-party licensed building  
21       inspector" means a licensed private sector inspector that is  
22       contracted by a state or county agency to perform building plan



1 review functions, including building inspections, mechanical  
2 inspections, electrical inspections, and plumbing inspections."

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

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



**Report Title:**

Counties; Dedication

**Description:**

Requires counties to accept or reject a public infrastructure dedication that has been developed as part of a housing project within 60 days of the dedication request. (HB354 HD1)

