

JAN 26 2009

A BILL FOR AN ACT

RELATING TO THE DEDICATION OF HOUSING INFRASTRUCTURE TO
COUNTIES.

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 comprised of representatives from the counties, business, labor,
11 developers, architects, nonprofit providers of services, and the
12 State to carry out the mission of the Call to Action and
13 recommend solutions to address barriers to affordable housing.
14 Accordingly, the purpose of this Act is to implement the
15 legislative recommendations of the task force.

16 The legislature recognizes that the need for more
17 affordable housing in Hawaii remains a significant problem

1 affecting all segments of society. Although there is a process
2 in place that provides an opportunity to review affordable
3 housing projects proposals in an expedited manner at the state
4 and county levels, delays arise when counties do not act timely
5 to affirmatively accept public infrastructure that has been
6 developed as part of a housing project. The purpose of this Act
7 is to require counties to accept a public infrastructure
8 dedication that has been developed as part of a housing project
9 when the infrastructure has been constructed to applicable
10 county standards within sixty days of the dedication request to
11 ensure 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 of dedication of housing**
16 **infrastructure to counties.** A county shall accept a dedication
17 request by the developer of a housing project constructed under
18 chapter 201H, Hawaii Revised Statutes, to connect the project's
19 infrastructure to the county's infrastructure, including but not
20 limited to its roadways, and water, sewer, and drainage systems,
21 upon the payment of the applicable meter and connection fees and
22 utility costs; provided that the infrastructure conforms to

1 applicable county building codes; and provided further that the
2 dedicated infrastructure is certified to be in compliance by
3 either the county inspector responsible for accepting dedicated
4 infrastructure, or a licensed, third-party building inspector.
5 If the infrastructure dedication is not accepted by the county
6 within sixty days of the dedication request, the infrastructure
7 shall be automatically dedicated to the county.

8 For the purposes of this section "third-party building
9 inspector" means a licensed private sector inspector that is
10 contracted by a state or county agency to perform building plan
11 review functions including but not limited to building
12 inspections, mechanical inspections, electrical inspections, and
13 plumbing inspections."

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

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

21 (1) Dedication of public highways or trails shall be by
22 deed of conveyance naming the State as grantee in the

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1 case of a state highway or trail and naming the county
2 as grantee in the case of a county highway or trail.

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

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

18 (3) Dedication of public highways or trails by request of
19 a developer to a county shall be deemed to have taken
20 place if the road, alley, street, bikeway, way, lane,
21 trail, or bridge is part of a housing project
22 developed pursuant to chapter 201H;, provided that it

1 conforms to applicable county building codes; and
2 provided further that the dedicated infrastructure is
3 certified to be in compliance by either the county
4 inspector responsible for accepting dedicated
5 infrastructure, or a licensed third-party building
6 inspector. Dedication shall be deemed to have taken
7 place if the infrastructure dedication is not accepted
8 by the county within sixty days of the dedication
9 request.

10 For the purposes of subsection (3) "third-party building
11 inspector" means a licensed private sector inspector that is
12 contracted by a state or county agency to perform building plan
13 review functions including but not limited to building
14 inspections, mechanical inspections, electrical inspections, and
15 plumbing inspections.

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

22 SECTION 4. New statutory material is underscored.

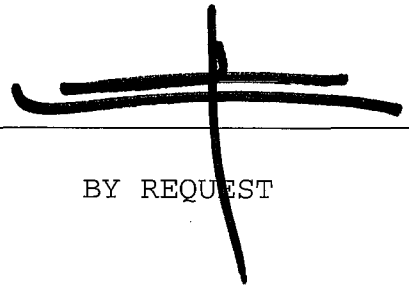
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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

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BY REQUEST

Report Title:

Counties; Dedication

Description:

Requires counties to accept a public infrastructure dedication that has been developed as part of a housing project within sixty days of the dedication request.

JUSTIFICATION SHEET

DEPARTMENT: Office of the Governor

TITLE: A BILL FOR AN ACT RELATING TO THE DEDICATION OF HOUSING INFRASTRUCTURE TO COUNTIES

PURPOSE: The purpose of this bill is to create a timeframe for the dedication of infrastructure that is part of an affordable housing development.

MEANS: Add a new section to chapter 46, Hawaii Revised Statutes and amend section 264-1 (c), Hawaii Revised Statutes.

JUSTIFICATION: In 2007, Governor Lingle convened the Affordable Housing Regulatory Barriers Task Force in response to the U.S. Department of Housing and Urban Development's National Call to Action. The Task Force's main objective is to identify regulatory barriers to affordable housing development in Hawaii and to recommend appropriate solutions.

The Task Force discovered that in some cases counties do not act to affirmatively accept public infrastructure that has been developed as part of an affordable housing project. When infrastructure dedication is delayed project financing may be jeopardized.

Accordingly, this bill establishes a timeframe for counties to accept public infrastructure that is part of an affordable housing development when the infrastructure is built in accordance with county standards. This will ensure that affordable housing projects progress within reasonable lengths of time and the housing needs of the state are continuing to be met.

Impact on the public: Establishing a timeframe for public infrastructure

dedication will ensure expeditious delivery of affordable housing to the public.

Impact on the department and other agencies:
Creates a clear standard for county agencies that will assist them in executing their work.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: Hawaii Housing Finance and Development Corporation, Department of Hawaiian Home Lands, and Counties.

EFFECTIVE DATE: Upon approval.