
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 comprised 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 projects 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 that has
4 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 county shall accept or
18 reject a dedication request from an affordable, workforce, mixed
19 use, or rental housing project constructed under chapter 201H to
20 connect its infrastructure to the county's infrastructure,
21 including but not limited to its roadways, water, sewer, and
22 drainage systems, upon the payment of the applicable meter and



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

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

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

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

21 The deed of conveyance shall be delivered to and
22 accepted by the director of transportation in the case



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

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

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



1 shall be deemed to have taken place if the
 2 infrastructure dedication is not accepted or rejected
 3 by the county within sixty days of the dedication
 4 request.

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

11 SECTION 4. New statutory material is underscored.

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

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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.

