
A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1 SECTION 1. The purpose of this Act is to provide greater
2 protection of the public's right to access coastal and inland
3 recreational areas by requiring state and county agencies to
4 ensure that a public right-of-way is available before the
5 approval of any development project, subdivision, or zoning
6 change.

7 SECTION 2. Chapter 115, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 "§115- Permits; zoning; development projects and
11 subdivisions. Before the approval of:

12 (1) A hotel, apartment, apartment hotel, motel,
13 condominium project, condominium property regime,
14 cooperative apartment, lodging unit, or roominghouse;

15 (2) Improvements to a hotel, apartment, apartment hotel,
16 motel, condominium project, condominium property

1 regime, cooperative apartment, lodging unit, or
2 roominghouse; or
3 (3) Any development project, subdivision, or zoning
4 change;
5 that may affect public access to the sea, the shoreline, or any
6 coastal or inland public recreational area, the relevant agency
7 shall ensure that a public right-of-way is available to access
8 any and all public recreational areas, including beaches,
9 shores, parks, and trails.

10 As used in this section:

11 "Agency" means any board, commission, council, department,
12 district, or office of the State, or any of the counties, that
13 has the authority to issue a permit, license, or approval for
14 the development project, subdivision project, or zoning change
15 at issue.

16 "Approval" means the final approval granted by an agency
17 including but not limited to the issuance of a license or
18 building permit.

19 "Condominium project" shall have the same meaning as in
20 section 514C-1.

21 "Development project" shall have the same meaning as
22 provided in section 206-1.

1 "Public recreational area" means coastal and inland
2 recreational areas, including beaches, shores, public parks,
3 public lands, public trails, and bodies of water opened to the
4 public for recreational use.

5 "Public right-of-way" means an easement or way, including a
6 lateral easement along the shoreline, coastline, or beach, over
7 which the public has the right to travel and which is used by or
8 is intended for use by the public primarily to access a public
9 beach, shore, park, trail, or other public recreational area.

10 "Subdivision" means the division of improved or unimproved
11 land into two or more lots, parcels, sites, or other divisions
12 of land, for the purpose, whether immediate or future, of sale,
13 lease, rental, transfer of title to, or interest in, any or all
14 the lots, parcels, sites, or division of land. The term
15 includes resubdivision, and when appropriate to the context,
16 shall relate to the land subdivided. The term also includes a
17 building or a group of buildings, other than a hotel, containing
18 or divided into three or more dwelling units or lodging units.

19 "Zoning" refers to county zoning as provided in section
20 46-4."

21 SECTION 3. New statutory material is underscored.

22 SECTION 4. This Act shall take effect on July 1, 2009.

Report Title:

Public Access

Description:

Requires state and county agencies to ensure that a public right-of-way is available prior to the approval of any development project, subdivision, or zoning change. (SD1)