
A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

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

1 SECTION 1. Chapter 206E, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§206E- Roads; county standards. (a) Every portion of
5 a private street, highway, or thoroughfare that has been used
6 continuously by the general public for a period of not less than
7 six months and is located within a commercial development
8 district shall conform to construction and maintenance standards
9 established for county highways, pursuant to section 46-
10 1.5(19) (A) and section 265A-1, by the county in which the
11 development district is located. Any owner who exercises
12 ownership rights for financial gain or profit of a portion of a
13 private street, highway, or thoroughfare that is located within
14 a commercial development district and used continuously by the
15 general public for a period of not less than six months shall be
16 responsible for the costs of conforming and maintaining the
17 private street, highway, or thoroughfare to meet the



1 construction and maintenance standards established by that
2 county.

3 (b) Any person may bring a civil action in circuit court
4 for injunctive relief against the owner in order to require the
5 owner to comply with the requirements of subsection (a). If the
6 decree is for the person who brings the action, the person shall
7 be awarded reasonable attorney's fees together with the costs of
8 suit."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval
11 and shall be repealed on June 30, 2023.

12



Report Title:

HCDA; Private Street, Highway, or Thoroughfare; County Standards

Description:

Requires certain private streets, highways, or thoroughfares in a commercial development district of the HCDA to conform to county construction and maintenance standards. Requires owners who exercise ownership rights for financial gain or profit of private streets, highways, or thoroughfares in a commercial development district to be responsible for the costs of conforming and maintaining the private roads to county standards. Authorizes private civil injunctive actions in the circuit courts to enforce compliance. Repeal on 6/30/2023.
(SD1)

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