
A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1 SECTION 1. Section 46-6.5, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) Upon the dedication of land for a right-of-way, as
4 required by this section [~~and acceptance by the county~~], the
5 county concerned shall [~~thereafter~~] either:

6 (1) Accept the dedication and assume the cost of
7 improvements for and the maintenance of the right-of-
8 way [~~, and the subdivider shall accordingly be relieved~~
9 ~~from such costs.~~]; provided that the county may
10 require, by ordinance, that the subdivider or
11 developer establish and initially fund a stewardship
12 fund to be controlled by the county for the
13 improvement and future maintenance of the right-of-
14 way; or

15 (2) In the alternative to the county accepting dedication
16 of the right-of-way, require, by ordinance, that the
17 subdivider, or the subdivider's or developer's



1 successor in interest in the form of a planned
 2 community association, improve and maintain the right-
 3 of-way."

4 SECTION 2. This Act does not affect rights and duties that
 5 matured, penalties that were incurred, and proceedings that were
 6 begun before its effective date.

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 Statutory material to be repealed is bracketed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

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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H.B. NO. 344

Report Title:

Subdivisions; Public Access

Description:

Provides that where public access is required as a condition of a subdivision, either the county must accept dedication of and maintain the access or identify an entity to own and maintain the access. Authorizes the county to require the subdivider to establish a stewardship fund for maintenance purposes.

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