

JAN 20 2022

A BILL FOR AN ACT

RELATING TO PRIVATE ROADS.

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

1 SECTION 1. The legislature finds that there is a duty by
2 subdivision lot owners to contribute to the maintenance of the
3 private roads abutting their lots.

4 The purpose of this Act is to:

5 (1) Ensure that private roads are properly maintained in
6 subdivisions without existing procedures in place to
7 maintain the privately owned roads, by directing the
8 counties to create special improvement districts; and

9 (2) Prohibit the approval of new subdivisions with ten or
10 more residential lots unless effective mechanisms or
11 procedures are in place to adequately maintain any
12 private roads within the subdivision.

13 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
14 by adding a new section to part V to be appropriately designated
15 and to read as follows:

16 "§46- Special improvement district; subdivision private
17 roads; maintenance. (a) For existing subdivisions with private



1 roads that do not have procedures in the subdivision's bylaws or
2 elsewhere to maintain the subdivision's privately owned roads,
3 the county in which the subdivision lies shall create a special
4 improvement district, pursuant to section 46-80.5.

5 (b) All special improvement districts created pursuant to
6 subsection (a) shall include all private roads within the
7 pertinent subdivision and all lots abutting the private roads.

8 (c) The county shall levy and assess a special assessment
9 on properties located within the special improvement district,
10 pursuant to section 46-80.5(b), for the purpose of financing the
11 maintenance of the private roads within the special improvement
12 district; provided that if a community association is created by
13 the subdivision's deeds, bylaws, or elsewhere, then the
14 community association shall be responsible for the collection of
15 the special assessment fees.

16 (d) For the purpose of this section, "subdivision" shall
17 have the same meaning as in section 484-1."

18 SECTION 3. Chapter 484, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§484- Private roads; maintenance; county approval. (a)

2 Upon the effective date of this Act, no county shall approve a
3 subdivision of ten or more residential lots unless the county
4 first certifies that the subdivision has an effective procedure
5 or mechanism in place to adequately maintain any privately owned
6 road within the subdivision.

7 (b) If a county approves a subdivision in violation of
8 subsection (a), the county shall be responsible for the
9 maintenance of all roads within the subdivision."

10 SECTION 4. New statutory material is underscored.

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

12
INTRODUCED BY: 



S.B. NO. 2175

Report Title:

Subdivisions; Counties; Special Improvement Districts; Private Roads; Maintenance

Description:

Requires counties to create special improvement districts in subdivisions with privately owned roads that do not have existing procedures to maintain the private roads. Prohibits the approval of new subdivisions of ten or more residential lots unless a county can certify there are mechanisms or procedures in place to ensure the private roads are maintained adequately. Makes the county responsible for the subdivision's road maintenance if a county fails to follow certification requirements when approving subdivisions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

