

JAN 19 2024

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# 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 Statutory material to be repealed is bracketed  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: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'J. J.', written over a horizontal line.

# S.B. NO. 2901

**Report Title:**

Counties; Subdivisions; Public Access

**Description:**

Provides that where public access is required as a condition of a subdivision, the county shall either 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.

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

