
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

SECTION 1. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§264- Private streets; ownership. (a) Notwithstanding any provision of law to the contrary, in any county with a population of less than 250,000, fee simple absolute title of a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail held by a subdivider shall be deemed transferred to a community association consisting of the owners of property contiguous or adjacent thereto, when:

(1) The subdivider has dissolved or ceased to exist for not less than five years; and

(2) There has not been a dedication of the privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail by deed of conveyance naming the State or county as grantee pursuant to subsection 264-1(c);



1 (3) The community association to which the property is to
2 be transferred has given written notice of a potential
3 transfer of property pursuant to this section to all
4 property owners contiguous or adjacent thereto, the
5 mayor of the county within which the property resides,
6 the administrative judge of the circuit court of the
7 first circuit with jurisdiction over land court within
8 the Hawaii State Judiciary, the Bureau of Conveyances,
9 and published in a paper of broad circulation in the
10 county in which the property is located; and

11 (4) A year has lapsed without the filing of a competing
12 challenge or claim since the community association has
13 met the requirements pursuant to paragraph (3).

14 (b) For the purposes of this section:

15 "Community association" means a nonprofit homeowners or
16 community association existing pursuant to covenants running
17 with the land.

18 "Subdivider" means a person, firm, corporation,
19 partnership, association, trust, or other legal entity or
20 combination thereof causing land to be subdivided or



1 consolidated, which is the owner of the land or the duly
2 authorized agent or lessee of the owner."

3 SECTION 2. New statutory material is underscored.

4 SECTION 3. This Act shall take effect on July 1, 2027 and
5 shall repeal on July 1, 2032.



Report Title:

Private Streets; Highways; Roads; Subdivider; Title; Fee Simple; Ownership; Community Association

Description:

Provides that in any county with a population of less than 250,000, fee simple absolute title of a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail is deemed transferred to adjacent property owners or the community association if certain conditions are met. Effective 7/1/2027. Sunsets 7/1/2032. (CD1)

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