S.B. NO. 321 S.D. 1 H.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

SECI	CION 1. Chapter 264, Hawaii Revised Statutes, is
amended b	by adding a new section to be appropriately designated
and to re	ad as follows:
" <u>\$</u> 26	54- Private streets; ownership. (a) Notwithstanding
any provi	sion of law to the contrary, in any county with a
populatic	on 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
transferr	ed to a community association consisting of the owners
of proper	ty 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
	<u>264-1(c);</u>
	amended k and to re " <u>§26</u> any provi populatic privately bikeway, transferr of proper (1)



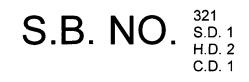
Page 2

S.B. NO. ³²¹ S.D. 1 H.D. 2 C.D. 1

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	"Com	munity association" means a nonprofit homeowners or
16	community	association existing pursuant to covenants running
17	with the	land.
18	<u>"Sub</u>	divider" means a person, firm, corporation,
19	partnersh	ip, association, trust, or other legal entity or
20	combinati	on thereof causing land to be subdivided or

2025-2909 SB321 CD1 SMA.docx

3



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)

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

