

JAN 24 2019

A BILL FOR AN ACT

RELATING TO PROPERTY ACCESS.

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

1 SECTION 1. Section 7-1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§7-1 Building materials, water, etc.; landlords' titles
4 subject to tenants' use. (a) Where the landlords have
5 obtained, or may hereafter obtain, private, fee simple ownership
6 and allodial titles to their lands, the land owners, landlords,
7 and people on each of their lands shall not be deprived of the
8 right to take firewood, house-timber, aho cord, thatch, or ki
9 leaf, from the land on which they live, for their own private
10 use, but they shall not have a right to take such articles to
11 sell for profit. The people shall also have a right to drinking
12 water, and running water, and the right of way[-] to the nearest
13 and most easily accessible roadway.

14 The springs of water, running water, and roads shall be
15 free to all[-]. The roads shall not be obstructed, gated, or
16 locked up, on all lands granted in fee simple; provided that



1 this shall not be applicable to wells and watercourses, which
2 individuals have made for their own use.

3 (b) Any ancient tenancy parcel or kuleana, traceable to
4 the Hawaiian Kingdom government, either by way of royal patent
5 grant or land commission award, shall not be deprived of
6 easement rights. Each ancient tenancy parcel shall have a right
7 to a vehicular easement and a utility easement to the parcel
8 from the nearest and most easily accessible roadway in the most
9 direct route available; provided that the route of the easement
10 shall be the least intrusive on the properties crossed by the
11 easement; provided further that the easement shall follow
12 existing roadways where available.

13 (c) Easement rights of ancient tenancy parcels shall be
14 over any type of privately owned land or land owned by the
15 State, whether it is registered at the land court or of ancient
16 tenancy.

17 (d) A land owner in need of an easement under this section
18 shall not be required to petition the state civil court system
19 to determine the land owner's right to an easement. The
20 department of land and natural resources and board of land and
21 natural resources shall adopt rules pursuant to chapter 91



S.B. NO. 1336

1 specifying procedures for establishing easement rights pursuant
 2 to this section and determining the recommended location and
 3 width of easements. An easement route shall be determined
 4 within six months of the time of request.

5 (e) A land owner in need of an easement shall be required
 6 to pay for a metes and bounds survey of the easement route,
 7 shall be required to register the easement with the bureau of
 8 conveyances, and shall hold harmless from liability any land
 9 owner whose parcels the easement crosses."

10 SECTION 2. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY: 

By Request



S.B. NO. 1336

Report Title:

Ancient Tenancy Parcels; Easement Rights

Description:

Establishes easement rights for land owners of ancient tenancy parcels.

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

