A BILL FOR AN ACT

RELATING TO COUNTIES.

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

SECTION 1. In August 2007, Hawaii accepted an invitation by the United States Department of Housing and Urban Development to join the national call to action for affordable housing through regulatory reform. The call to action presented an opportunity for Hawaii to receive technical assistance from the federal government and collaborate with other states, counties, municipalities, and organizations to knock down the barriers imposed by governments in hopes of building more affordable housing. A statewide task force was convened comprised of representatives from the counties, business, labor, developers, architects, nonprofit providers of services, and the State to carry out the mission of the call to action and recommended solutions to address barriers to affordable housing.

The legislature recognizes that the need for more affordable housing in Hawaii remains a significant problem affecting all segments of society. Although there is a process in place that provides an opportunity to review affordable
housing projects proposals in an expedited manner at the state
and county levels, delays arise when counties do not act timely
to affirmatively accept public infrastructure that has been
developed as part of a housing project.

The purpose of this Act is to clarify that absent an
affirmative acceptance or rejection by a county, a request for
dedication of infrastructure to connect an affordable housing
project's infrastructure to the county's infrastructure is
deemed accepted within sixty days of the dedication request.

SECTION 2. Section 46-15.25, Hawaii Revised Statutes, is
amended to read as follows:

"§46-15.25 Infrastructure dedication; affordable housing.

(a) Infrastructure for affordable housing shall be deemed
dedicated to the county if the county does not accept or reject
the request for dedication [of infrastructure] to connect the
affordable housing's infrastructure to the county's
infrastructure within sixty days of the receipt by the
appropriate county council of a completed application for
dedication request; provided that:
(1) Applicable meter and connection fees and utility costs relating to the dedicated infrastructure have been paid;

(2) The dedicated infrastructure conforms to applicable county standards in effect at the time of construction; [and]

(3) The completion of the improvements comprising a dedicated infrastructure is granted approval by the county[ ]; and

(4) The dedicated infrastructure is certified to be in compliance by either the county inspector responsible for accepting dedicated infrastructure, or a licensed, third-party building inspector.

(b) For the purposes of this section:

"Affordable housing" means housing that is affordable to households with incomes at or below one hundred forty per cent of the median family income as determined by the United States Department of Housing and Urban Development.

"Infrastructure" includes water, drainage, sewer, electrical, waste disposal and waste treatment systems, road,
and street lighting that connect to the infrastructure of the county.

"Third-party building inspector" means a licensed private sector inspector that is contracted by a state or county agency to perform building plan review functions, including but not limited to building, mechanical, electrical, and plumbing inspections."

SECTION 3. Section 264-1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) All highways, roads, alleys, streets, ways, bikeways, bridges, and trails in the State, opened, laid out, or built by private parties and dedicated or condemned to the public use, are declared to be public highways or public trails as follows:

(1) Dedication of public highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails shall be by deed of conveyance naming the State as grantee in the case of a state highway, road, alley, street, way, lane, bikeway, bridge, or trail and naming the county as grantee in the case of a county highway, road, alley, street, way, lane, bikeway, bridge, or trail.

The deed of conveyance shall be delivered to and
accepted by the director of transportation in the case of a state highway, road, alley, street, way, lane, bikeway, or bridge, or the board of land and natural resources in the case of a state trail. In the case of a county highway, road, alley, street, way, lane, bikeway, bridge, or county trail, the deed shall be delivered to and accepted by the legislative body of a county; provided that in every case where the highway, road, alley, street, way, lane, bikeway, bridge, or county trail is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution thereof having the effect of law, the legislative body of the county shall accept the dedication of the same without exercise of discretion; [and]

(2) Dedication of public highways or trails by request of a developer to a county shall be deemed to have taken place if the road, alley, street, bikeway, way, lane, trail, or bridge is part of an affordable housing project developed pursuant to chapter 201H; provided that it conforms to applicable county building codes;
provided further that the dedicated infrastructure is certified to be in compliance by either the county inspector responsible for accepting dedicated infrastructure, or a licensed third-party building inspector. Dedication shall be deemed to have taken place if the infrastructure dedication is not accepted by the county within sixty days of the dedication requests.

For the purposes of this paragraph, "third-party inspector" has the same meaning as defined in section 46-15.25; and

(3) Condemnation of public highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails initiated by the State or county pursuant to chapter 101, shall be by final order of condemnation by a court; provided that any private owner of a highway, road, alley, street, way, lane, bikeway, bridge, or trail may petition the mayor of the county in which the highway, road, alley, street, way, lane, bikeway, bridge, or trail is located to initiate condemnation proceedings if the highway, road, alley,
street, way, lane, bikeway, bridge, or trail is part of a public road, ownership has not been exercised by limiting use or access, or the State or county has provided some form of maintenance to the highway, road, alley, street, way, lane, bikeway, bridge, or trail in the interest of the public; provided further that a private owner may only petition the mayor of a county after the dissolution of the roads commission established by Act 194, Session Laws of Hawaii 2016; provided further that in every case where the highway, road, alley, street, way, lane, bikeway, bridge, or trail is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution thereof having the effect of law at the time of construction and completion, the highway, road, alley, street, way, lane, bikeway, bridge, or trail shall be exempt from meeting the construction standards in place at the time of condemnation by the State or county."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 5. This Act shall take effect upon its approval.
Report Title:
Counties; Infrastructure Dedication; Affordable Housing

Description:
Clarifies that the request for dedication for infrastructure is to connect an eligible affordable housing's infrastructure to the county's infrastructure. Authorizes a licensed private building inspector, contracted by the state or county, to certify compliance with county standards. (SD1)

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