
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that a lack of affordable
2 housing for farm workers has made it difficult for working farms
3 to attract and retain employees and to operate farms in an
4 economical manner. The production of locally grown crops is
5 important to the economy, food security, and health of the State
6 and its population. Authorizing the construction and use of
7 "tiny homes" as affordable housing for farm workers will
8 encourage healthy and productive farming. "Tiny homes" are
9 small dwelling units of less than five hundred square feet,
10 built on the ground or on a mobile trailer base, that can be
11 constructed faster and at a more affordable cost than
12 traditional homes.

13 Accordingly, the purpose of this Act is to authorize the
14 construction of tiny homes within agricultural districts, on
15 farms that are currently engaged in agricultural production, in
16 a county with a population of more than 180,000 but less than



1 250,000, notwithstanding any county ordinance or regulation to
2 the contrary.

3 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "§205-4.5 Permissible uses within the agricultural
6 districts. (a) Within the agricultural district, all lands
7 with soil classified by the land study bureau's detailed land
8 classification as overall (master) productivity rating class A
9 or B and for solar energy facilities, class B or C, shall be
10 restricted to the following permitted uses:

- 11 (1) Cultivation of crops, including crops for bioenergy,
12 flowers, vegetables, foliage, fruits, forage, and
13 timber;
- 14 (2) Game and fish propagation;
- 15 (3) Raising of livestock, including poultry, bees, fish,
16 or other animal or aquatic life that are propagated
17 for economic or personal use;
- 18 (4) Farm dwellings, employee housing, farm buildings, or
19 activities or uses related to farming and animal
20 husbandry. "Farm dwelling", as used in this



1 paragraph, means a single-family dwelling located on
2 and used in connection with a farm, including:

3 (A) [~~clusters~~] Clusters of single-family farm
4 dwellings permitted within agricultural parks
5 developed by the State, or where agricultural
6 activity provides income to the family occupying
7 the dwelling; and

8 (B) Tiny homes, in a county with a population of more
9 than 180,000 but less than 250,000,
10 notwithstanding any county ordinance or
11 regulation to the contrary; provided that tiny
12 homes shall be occupied only by farm workers or
13 their immediate family members on farms that have
14 obtained a business license and are currently
15 engaged in agricultural production. "Tiny home",
16 as used in this paragraph, means a dwelling that
17 is either stationary or mobile and includes less
18 than five hundred square feet of living space;

19 (5) Public institutions and buildings that are necessary
20 for agricultural practices;



- 1 (6) Public and private open area types of recreational
2 uses, including day camps, picnic grounds, parks, and
3 riding stables, but not including dragstrips,
4 airports, drive-in theaters, golf courses, golf
5 driving ranges, country clubs, and overnight camps;
- 6 (7) Public, private, and quasi-public utility lines and
7 roadways, transformer stations, communications
8 equipment buildings, solid waste transfer stations,
9 major water storage tanks, and appurtenant small
10 buildings such as booster pumping stations, but not
11 including offices or yards for equipment, material,
12 vehicle storage, repair or maintenance, treatment
13 plants, corporation yards, or other similar
14 structures;
- 15 (8) Retention, restoration, rehabilitation, or improvement
16 of buildings or sites of historic or scenic interest;
- 17 (9) Agricultural-based commercial operations as described
18 in section 205-2(d)(15);
- 19 (10) Buildings and uses, including mills, storage, and
20 processing facilities, maintenance facilities,
21 photovoltaic, biogas, and other small-scale renewable



1 energy systems producing energy solely for use in the
2 agricultural activities of the fee or leasehold owner
3 of the property, and vehicle and equipment storage
4 areas that are normally considered directly accessory
5 to the above-mentioned uses and are permitted under
6 section 205-2(d);

7 (11) Agricultural parks;

8 (12) Plantation community subdivisions, which as used in
9 this chapter means an established subdivision or
10 cluster of employee housing, community buildings, and
11 agricultural support buildings on land currently or
12 formerly owned, leased, or operated by a sugar or
13 pineapple plantation; provided that the existing
14 structures may be used or rehabilitated for use, and
15 new employee housing and agricultural support
16 buildings may be allowed on land within the
17 subdivision as follows:

18 (A) The employee housing is occupied by employees or
19 former employees of the plantation who have a
20 property interest in the land;



- 1 (B) The employee housing units not owned by their
- 2 occupants shall be rented or leased at affordable
- 3 rates for agricultural workers; or
- 4 (C) The agricultural support buildings shall be
- 5 rented or leased to agricultural business
- 6 operators or agricultural support services;
- 7 (13) Agricultural tourism conducted on a working farm, or a
- 8 farming operation as defined in section 165-2, for the
- 9 enjoyment, education, or involvement of visitors;
- 10 provided that the agricultural tourism activity is
- 11 accessory and secondary to the principal agricultural
- 12 use and does not interfere with surrounding farm
- 13 operations; and provided further that this paragraph
- 14 shall apply only to a county that has adopted
- 15 ordinances regulating agricultural tourism under
- 16 section 205-5;
- 17 (14) Agricultural tourism activities, including overnight
- 18 accommodations of twenty-one days or less, for any one
- 19 stay within a county; provided that this paragraph
- 20 shall apply only to a county that includes at least
- 21 three islands and has adopted ordinances regulating



1 agricultural tourism activities pursuant to section
2 205-5; provided further that the agricultural tourism
3 activities coexist with a bona fide agricultural
4 activity. For the purposes of this paragraph, "bona
5 fide agricultural activity" means a farming operation
6 as defined in section 165-2;

7 (15) Wind energy facilities, including the appurtenances
8 associated with the production and transmission of
9 wind generated energy; provided that the wind energy
10 facilities and appurtenances are compatible with
11 agriculture uses and cause minimal adverse impact on
12 agricultural land;

13 (16) Biofuel processing facilities, including the
14 appurtenances associated with the production and
15 refining of biofuels that is normally considered
16 directly accessory and secondary to the growing of the
17 energy feedstock; provided that biofuel processing
18 facilities and appurtenances do not adversely impact
19 agricultural land and other agricultural uses in the
20 vicinity.

21 For the purposes of this paragraph:



1 "Appurtenances" means operational infrastructure
2 of the appropriate type and scale for economic
3 commercial storage and distribution, and other similar
4 handling of feedstock, fuels, and other products of
5 biofuel processing facilities.

6 "Biofuel processing facility" means a facility
7 that produces liquid or gaseous fuels from organic
8 sources such as biomass crops, agricultural residues,
9 and oil crops, including palm, canola, soybean, and
10 waste cooking oils; grease; food wastes; and animal
11 residues and wastes that can be used to generate
12 energy;

13 (17) Agricultural-energy facilities, including
14 appurtenances necessary for an agricultural-energy
15 enterprise; provided that the primary activity of the
16 agricultural-energy enterprise is agricultural
17 activity. To be considered the primary activity of an
18 agricultural-energy enterprise, the total acreage
19 devoted to agricultural activity shall be not less
20 than ninety per cent of the total acreage of the
21 agricultural-energy enterprise. The agricultural-



1 energy facility shall be limited to lands owned,
2 leased, licensed, or operated by the entity conducting
3 the agricultural activity.

4 As used in this paragraph:

5 "Agricultural activity" means any activity
6 described in paragraphs (1) to (3) [~~of this~~
7 ~~subsection~~].

8 "Agricultural-energy enterprise" means an
9 enterprise that integrally incorporates an
10 agricultural activity with an agricultural-energy
11 facility.

12 "Agricultural-energy facility" means a facility
13 that generates, stores, or distributes renewable
14 energy as defined in section 269-91 or renewable fuel
15 including electrical or thermal energy or liquid or
16 gaseous fuels from products of agricultural activities
17 from agricultural lands located in the State.

18 "Appurtenances" means operational infrastructure
19 of the appropriate type and scale for the economic
20 commercial generation, storage, distribution, and
21 other similar handling of energy, including equipment,



1 feedstock, fuels, and other products of agricultural-
2 energy facilities;

3 (18) Construction and operation of wireless communication
4 antennas; provided that, for the purposes of this
5 paragraph, "wireless communication antenna" means
6 communications equipment that is either freestanding
7 or placed upon or attached to an already existing
8 structure and that transmits and receives
9 electromagnetic radio signals used in the provision of
10 all types of wireless communications services;
11 provided further that nothing in this paragraph shall
12 be construed to permit the construction of any new
13 structure that is not deemed a permitted use under
14 this subsection;

15 (19) Agricultural education programs conducted on a farming
16 operation as defined in section 165-2, for the
17 education and participation of the general public;
18 provided that the agricultural education programs are
19 accessory and secondary to the principal agricultural
20 use of the parcels or lots on which the agricultural
21 education programs are to occur and do not interfere



1 with surrounding farm operations. For the purposes of
2 this paragraph, "agricultural education programs"
3 means activities or events designed to promote
4 knowledge and understanding of agricultural activities
5 and practices conducted on a farming operation as
6 defined in section 165-2;

7 (20) Solar energy facilities that do not occupy more than
8 ten per cent of the acreage of the parcel, or twenty
9 acres of land, whichever is lesser or for which a
10 special use permit is granted pursuant to section 205-
11 6; provided that this use shall not be permitted on
12 lands with soil classified by the land study bureau's
13 detailed land classification as overall (master)
14 productivity rating class A unless the solar energy
15 facilities are:

16 (A) Located on a paved or unpaved road in existence
17 as of December 31, 2013, and the parcel of land
18 upon which the paved or unpaved road is located
19 has a valid county agriculture tax dedication
20 status or a valid agricultural conservation
21 easement;



- 1 (B) Placed in a manner that still allows vehicular
2 traffic to use the road; and
- 3 (C) Granted a special use permit by the commission
4 pursuant to section 205-6;
- 5 (21) Solar energy facilities on lands with soil classified
6 by the land study bureau's detailed land
7 classification as overall (master) productivity rating
8 B or C for which a special use permit is granted
9 pursuant to section 205-6; provided that:
- 10 (A) The area occupied by the solar energy facilities
11 is also made available for compatible
12 agricultural activities at a lease rate that is
13 at least fifty per cent below the fair market
14 rent for comparable properties;
- 15 (B) Proof of financial security to decommission the
16 facility is provided to the satisfaction of the
17 appropriate county planning commission prior to
18 date of commencement of commercial generation;
19 and



1 (C) Solar energy facilities shall be decommissioned
2 at the owner's expense according to the following
3 requirements:

4 (i) Removal of all equipment related to the
5 solar energy facility within twelve months
6 of the conclusion of operation or useful
7 life; and

8 (ii) Restoration of the disturbed earth to
9 substantially the same physical condition as
10 existed prior to the development of the
11 solar energy facility.

12 For the purposes of this paragraph, "agricultural
13 activities" means the activities described in
14 paragraphs (1) to (3);

15 (22) Geothermal resources exploration and geothermal
16 resources development, as defined under section 182-1;
17 or

18 (23) Hydroelectric facilities, including the appurtenances
19 associated with the production and transmission of
20 hydroelectric energy, subject to section 205-2;



1 provided that the hydroelectric facilities and their
2 appurtenances:

3 (A) Shall consist of a small hydropower facility as
4 defined by the United States Department of
5 Energy, including:

6 (i) Impoundment facilities using a dam to store
7 water in a reservoir;

8 (ii) A diversion or run-of-river facility that
9 channels a portion of a river through a
10 canal or channel; and

11 (iii) Pumped storage facilities that store energy
12 by pumping water uphill to a reservoir at
13 higher elevation from a reservoir at a lower
14 elevation to be released to turn a turbine
15 to generate electricity;

16 (B) Comply with the state water code, chapter 174C;

17 (C) Shall, if over five hundred kilowatts in
18 hydroelectric generating capacity, have the
19 approval of the commission on water resource
20 management, including a new instream flow



1 standard established for any new hydroelectric
2 facility; and

3 (D) Do not impact or impede the use of agricultural
4 land or the availability of surface or ground
5 water for all uses on all parcels that are served
6 by the ground water sources or streams for which
7 hydroelectric facilities are considered."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 31, 2150;
11 provided that the amendments made to section 205-4.5(a), Hawaii
12 Revised Statutes, by section 2 of this Act shall not be repealed
13 when that section is reenacted on June 30, 2019, pursuant to
14 section 3(1) of Act 52, Session Laws of Hawaii 2014.



Report Title:

Agriculture; Housing; Farm Workers; Tiny Homes

Description:

Authorizes tiny homes of less than 500 square feet for farm workers in agricultural districts in a county with a population of more than 180,000 but less than 250,000, notwithstanding any county ordinance or regulation to the contrary. (HB2 HD1)

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

