
A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:

3 " [+] (f) [+] Notwithstanding any other law to the contrary,
4 agricultural lands may be subdivided and leased for the
5 agricultural uses or activities permitted in subsection (a);
6 provided that:

7 (1) The principal use of the leased land is agriculture;

8 (2) No permanent or temporary dwellings or farm dwellings,
9 including trailers and campers, are constructed on the
10 leased area. This restriction shall not prohibit the
11 construction of storage sheds, equipment sheds, or
12 other structures appropriate to the agricultural
13 activity carried on within the lot; [~~and~~]

14 (3) The lease term for a subdivided lot shall be for at
15 least as long as the greater of:



- 1 (A) The minimum real property tax agricultural
2 dedication period of the county in which the
3 subdivided lot is located; or
- 4 (B) Five years[-];
- 5 (4) Upon subdivision and lease, the owner or occupier
6 shall provide written notice to the appropriate county
7 fire department, county planning department, county
8 building permitting agency, and department of health
9 of the agricultural uses or activities for which the
10 agricultural lands were subdivided and leased, along
11 with a subdivision or lease map. Such written
12 notification shall be provided to the county agencies
13 within thirty days of the subdivision and lease. At
14 the discretion of the appropriate county building
15 permitting agency or county planning department, such
16 failure to provide written notice may void the
17 subdivision or lease, or both; and
- 18 (5) The appropriate state and county agencies shall have
19 the right to enter the property upon reasonable belief
20 of a violation, and upon reasonable notice to the
21 owner or occupier, to investigate for violations of



1 and compliance with the requirements of this
2 subsection; provided that if entry is refused after
3 reasonable notice is given, the applicable agency may
4 apply to the district court of the circuit in which
5 the property is located for a warrant, directed to any
6 police office of the circuit, commanding the police
7 officer to provide sufficient aid and to assist the
8 agency in gaining entry onto the property to
9 investigate exempted agricultural buildings for
10 compliance with the requirements of this section. The
11 appropriate state and county agencies may issue
12 citations and assess fines and liens on the property
13 for violations.

14 Lots created and leased pursuant to this section shall be legal
15 lots of record for mortgage lending purposes and shall be exempt
16 from county subdivision standards."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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



Report Title:

Agricultural Lands; Permissive Uses; Subdivision; Right to Enter; Notice

Description:

Requires an owner or occupier to provide notice and map of the subdivision or lease to the department of health and various county agencies when subdividing and leasing agricultural land. Grants county and state agencies the right to enter property upon reasonable belief of a violation to investigate for violations of and compliance with agricultural subdivision and lease qualifications and issue citations, fines, and liens.
(SD2)

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

