September 15, 2020

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on September 15, 2020, the following bill was signed into law:

SB2701 HD2 RELATING TO AGRICULTURAL BUILDINGS.
Act 060 (20)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i
A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDINGS.

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

SECTION 1. Section 46-88, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The exemptions in subsections (a) and (b) shall apply; provided that:

(1) The aggregate floor area of the exempted agricultural buildings shall not exceed:

(A) Five thousand square feet per zoning lot for lots of two acres or less;

(B) Eight thousand square feet per zoning lot for lots greater than two acres but no more than five acres; and

(C) Eight thousand square feet plus two per cent of the acreage per zoning lot for lots greater than five acres; provided that each exempted agricultural building is compliant with the square foot area restrictions in subsection (a) or subsection (b);
(2) The minimum horizontal separation between each agricultural building, structure, or appurtenance thereto is fifteen feet;

(3) The agricultural buildings, structures, or appurtenances thereto are located on a commercial farm or ranch and are used for general agricultural or aquacultural operations, or for purposes incidental to such operations;

(4) The agricultural buildings, structures, or appurtenances thereto are constructed or installed on property that is used primarily for agricultural or aquacultural operations, and is two or more contiguous acres in area or one or more contiguous acres in area if located in a nonresidential agricultural or aquacultural park;

(5) An owner or occupier that intends to utilize the exemptions under this section shall provide written notice to the appropriate county agency of the size, type, and location of the proposed building, structure, related appurtenances, or development. No work shall commence until the county agency has
determined that a building permit for the proposed building, structure, related appurtenances, or development is not required for compliance with county, state, or federal floodplain management development standards, ordinances, codes, statutes, rules, or regulations pursuant to the National Flood Insurance Program requirements;

(6) The appropriate county agency shall certify the building, structure, related appurtenances, or development within thirty calendar days upon the receipt of the written notice from the owner or occupier, pursuant to paragraph (5);

(7) The owner or occupier shall provide a final as-built written notice to the appropriate county building permitting agency of the final as-built size, type, and location of the building, structure, related appurtenances, or development. Such final as-built written notification shall be provided to the county agency within thirty calendar days of the completion, occupancy, or use of the building, structure, related appurtenances, or development. Failure to provide
such written notice may void the building permit or
building code exemption, or both, which voidance for
such failure is subject to the sole discretion of the
appropriate county building permitting agency;

(8) No electrical power and no plumbing systems shall be
connected to the building or structure without first
obtaining the appropriate county electrical or
plumbing permit, and all such installations shall be
installed under the supervision of a licensed
electrician or plumber, as appropriate, and inspected
and approved by an appropriate county or licensed
inspector or, if a county building agency is unable to
issue an electrical permit because the building or
structure is permit-exempt, an electrical permit shall
be issued for an electrical connection to a meter on a
pole beyond the permit-exempt structure in accordance
with the installation, inspection, and approval
requirements in this paragraph;

(9) Disposal of wastewater from any building or structure
constructed or installed pursuant to this section
shall comply with chapter 342D; [and]
Permit-exempt structures shall be exempt from any certificate of occupancy requirements[ ]; and

The appropriate county fire department and county building permitting agency shall have the right to enter the property, upon reasonable notice to the owner or occupant, to investigate exempted agricultural buildings for compliance with the requirements of this section; provided that if entry is refused after reasonable notice is given, the applicable department or agency may apply to the district court of the circuit in which the property is located for a warrant, directed to any police officer of the circuit, commanding the police officer to provide sufficient aid and to assist the department or agency in gaining entry onto the property to investigate exempted agricultural buildings for compliance with the requirements of this section."

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

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

APPROVED this 15 day of SEP, 2020

[Signature]
GOVERNOR OF THE STATE OF HAWAII
THE SENATE OF THE STATE OF HAWAI‘I

Date: July 8, 2020
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirtieth Legislature of the State of Hawai‘i, Regular Session of 2020.

[Signature]
President of the Senate

[Signature]
Clerk of the Senate
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

Date: June 30, 2020
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the
House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of
2020.

Scott K. Saiki
Speaker
House of Representatives

Brian L. Takeshita
Chief Clerk
House of Representatives