



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

September 15, 2020

GOV. MSG. NO. 1165

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

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

Approved by the Governor

on SEP 15 2020

THE SENATE
THIRTIETH LEGISLATURE, 2020
STATE OF HAWAII

ACT 060

S.B. NO. 2701
H.D. 2

A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDINGS.

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

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

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

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

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

9 (B) Eight thousand square feet per zoning lot for
10 lots greater than two acres but ~~not~~ no more
11 than five acres; and

12 (C) Eight thousand square feet plus two per cent of
13 the acreage per zoning lot for lots greater than
14 five acres; provided that each exempted
15 agricultural building is compliant with the
16 square foot area restrictions in subsection (a)
17 or subsection (b);



- 1 (2) The minimum horizontal separation between each
2 agricultural building, structure, or appurtenance
3 thereto is fifteen feet;
- 4 (3) The agricultural buildings, structures, or
5 appurtenances thereto are located on a commercial farm
6 or ranch and are used for general agricultural or
7 aquacultural operations, or for purposes incidental to
8 such operations;
- 9 (4) The agricultural buildings, structures, or
10 appurtenances thereto are constructed or installed on
11 property that is used primarily for agricultural or
12 aquacultural operations, and is two or more contiguous
13 acres in area or one or more contiguous acres in area
14 if located in a nonresidential agricultural or
15 aquacultural park;
- 16 (5) An owner or occupier that intends to utilize the
17 exemptions under this section shall provide written
18 notice to the appropriate county agency of the size,
19 type, and location of the proposed building,
20 structure, related appurtenances, or development. No
21 work shall commence until the county agency has



1 determined that a building permit for the proposed
2 building, structure, related appurtenances, or
3 development is not required for compliance with
4 county, state, or federal floodplain management
5 development standards, ordinances, codes, statutes,
6 rules, or regulations pursuant to the National Flood
7 Insurance Program requirements;

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

13 (7) The owner or occupier shall provide a final as-built
14 written notice to the appropriate county building
15 permitting agency of the final as-built size, type,
16 and location of the building, structure, related
17 appurtenances, or development. Such final as-built
18 written notification shall be provided to the county
19 agency within thirty calendar days of the completion,
20 occupancy, or use of the building, structure, related
21 appurtenances, or development. Failure to provide



1 such written notice may void the building permit or
2 building code exemption, or both, which voidance for
3 such failure is subject to the sole discretion of the
4 appropriate county building permitting agency;

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

19 (9) Disposal of wastewater from any building or structure
20 constructed or installed pursuant to this section
21 shall comply with chapter 342D; [~~and~~]



1 (10) Permit-exempt structures shall be exempt from any
 2 certificate of occupancy requirements[-]; and
 3 (11) The appropriate county fire department and county
 4 building permitting agency shall have the right to
 5 enter the property, upon reasonable notice to the
 6 owner or occupant, to investigate exempted
 7 agricultural buildings for compliance with the
 8 requirements of this section; provided that if entry
 9 is refused after reasonable notice is given, the
 10 applicable department or agency may apply to the
 11 district court of the circuit in which the property is
 12 located for a warrant, directed to any police officer
 13 of the circuit, commanding the police officer to
 14 provide sufficient aid and to assist the department or
 15 agency in gaining entry onto the property to
 16 investigate exempted agricultural buildings for
 17 compliance with the requirements of this section."

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

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

APPROVED this 15 day of SEP, 2020





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.


President of the Senate

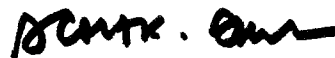

Clerk of the Senate

SB No. 2701, HD 2

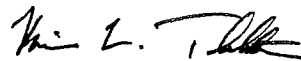
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAII

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