

STAND. COM. REP. NO. 1590

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 247
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred H.B. No. 247, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure condominium property regime projects within the agricultural district are used for agricultural purposes.

Your Committees received testimony in support of this measure from the Department of Agriculture, Office of Planning, Real Estate Commission, City and County of Honolulu Department of Planning and Permitting, Hawai'i Farm Bureau, Ulupono Initiative, and two individuals. Your Committees received testimony in opposition to this measure from Island Banana Bread; We Are One Ministries; Mala O Ka Pono, LLC; fifty-two individuals; and a petition signed by over one thousand individuals.

Your Committees find that Act 278, Session Laws of Hawaii 2019 (Act 278), required the Office of Planning, in consultation with a number of other state agencies, to conduct a study of land subdivision and condominium property regime laws as they relate to agricultural land on Oahu and how these laws interact with certain



City and County of Honolulu zoning ordinances. The goals of the stakeholder group convened pursuant to Act 278 were to keep suitable agricultural lands for agriculture; support farmers and farming; keep agricultural lands affordable for farming; enable long-term access to agricultural lands for farmers; and minimize the subdivision of and the creation of condominium property regimes on productive agricultural lands except for bona fide agricultural reasons. This measure reflects consensus language recommended by the stakeholders pursuant to Act 278 to establish statewide amendments to existing law to ensure that agricultural lands are used primarily for productive agricultural purposes and allow greater county enforcement.

Your Committees note the concerns raised in testimony that this measure, as currently drafted, unreasonably restricts small family-operated farms and may have the unintended consequence of impeding the creation of affordable housing options, particularly on the neighbor islands where most residents live on agricultural land. Therefore, amendments to this measure are necessary to address these concerns.


Your Committees have amended this measure by:

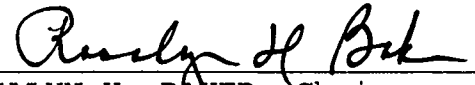
- (1) Clarifying that the required verified statement concerning the applicant's assessment and county comments regarding the availability of supportive infrastructure, potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules, shall apply only for projects containing greater than five units; and
- (2) Inserting an effective date of July 1, 2021.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 247, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 247, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committees on Commerce and
Consumer Protection and Ways
and Means,


DONOVAN M. DELA CRUZ, Chair


ROSALYN H. BAKER, Chair



