

STAND. COM. REP. NO. 2001

Honolulu, Hawaii

JAN 27 2014

RE: S.B. No. 2078
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Agriculture, to which was referred S.B. No. 2078 entitled:

"A BILL FOR AN ACT RELATING TO CONDOMINIUMS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that condominium property regimes located on agricultural lands shall not place any restrictions on agricultural uses or activities permitted on those lands pursuant to chapter 205, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Department of Agriculture, Hawaii Farm Bureau Federation, Hawaii Real Estate Commission, Hawaii Association of REALTORS, and one individual. Your Committee received testimony in opposition to this measure from Babes Against Biotech.

Your Committee finds that the Department of Agriculture is receiving complaints from occupants of condominium property regimes whose agricultural activities are being restricted by private agreements contained in the condominium declaration, maps, bylaws, or other documents. For example, some regimes are restricting the types of crops planted by its occupants, or the days and times when farming equipment may be used by its occupants. Your Committee concludes that this measure is necessary to clarify that all agricultural activities and uses permitted by law shall be permitted on agricultural lands occupied by a condominium property regime. Your Committee notes that there

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was some confusion at the hearing as to why condominium projects would be built on agricultural lands. Your Committee would like to clarify that condominium property regimes on agricultural lands are generally not high-rise structures typically found in urban areas. Instead, condominiums property regimes on agricultural lands usually consist of single family homes placed on separate lots. This type of arrangement is used when a large parcel of agricultural land cannot be subdivided and sold in smaller parcels due to state and county zoning laws.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2078, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2078, S.D. 1, and be referred to the Committee on Commerce and Consumer Protection.

Respectfully submitted on
behalf of the members of the
Committee on Agriculture,



CLARENCE K. NISHIHARA, Chair



