



State of Hawaii  
DEPARTMENT OF AGRICULTURE  
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TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE  
THURSDAY, FEBRUARY 6, 2014  
9:40 A.M.  
Room 312

HOUSE BILL NO. 2466  
RELATING TO AGRICULTURE

Chairperson Wooley and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2466 that establishes definitions for farm dwellings and employee housing. The Department of Agriculture supports this measure but would suggest that approval of agricultural plans be done by the counties given their familiarity with the agricultural regions in their respective counties.

This bill establishes clear definitions of who may reside in farm dwellings and employee housing, places a limit on the land area on which dwellings and housing and appurtenances are situated, limits total floor area per unit to 2,000 square feet, does not allow defacto residential subdivision of the land, clustering of dwellings and housing is encouraged, and the Department is made responsible for approving agricultural plans that support plans for dwelling and housing.

This bill will ensure that the people living in farm dwellings and employee housing actively and currently work on agricultural land upon which the structures are situated. This helps to meet the fundamental statutory requirement that farm dwellings and



employee housing are related or accessory to farming activity. This improved definition ensures that future agricultural subdivisions will have farm dwellings and employee housing with active and current agricultural production.

Thank you for the opportunity to present our testimony.



# OFFICE OF PLANNING STATE OF HAWAII

NEIL ABERCROMBIE  
GOVERNOR

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DIRECTOR  
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Statement of  
**JESSE K. SOUKI**  
Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON AGRICULTURE**  
Thursday, February 6, 2014  
9:40 AM  
State Capitol, Conference Room 312

in consideration of  
**HB 2466**  
**RELATING TO AGRICULTURE.**

Chair Wooley, Vice Chair Onishi, and Members of the House Committee on Agriculture.

The Office of Planning (OP) supports HB 2466, which would amend Hawaii Revised Statutes (HRS) §§ 205-2(d) and 205-4.5(a) to strengthen standards for farm dwellings and employee housing on lands within the state agricultural land use district.

OP supports limiting uses in the agricultural district to agricultural operations and appurtenant uses that directly support bona fide agricultural use of the land. Allowing higher-valued, non-agricultural uses on agricultural land contributes to the impermanence syndrome. The impermanence syndrome refers to the cycle of increasing land values and agricultural disinvestment that results when higher-valued non-agricultural uses are permitted on agricultural land, driving up the price of agricultural land and making land unaffordable for farming operations. As farm land prices increase, investments in agricultural production decline, farm viability becomes more tenuous, and agricultural suppliers and services contract in response to

declining agricultural production, contributing to increasing costs and declining viability of remaining agricultural operations.

HB 2466 would provide clarification for the regulation of farm dwellings and farm employee housing in the agricultural district, and help to discourage non-agricultural residential use of agricultural lands that increase the value of agricultural land.

Thank you for the opportunity to testify on this measure.

February 6, 2014

**The Honorable Jessica Wooley, Chair**

House Committee on Agriculture  
State Capitol, Room 312  
Honolulu, Hawaii 96813

**RE: H.B. 2466, Relating to Agriculture**

**HEARING: Thursday, February 6, 2014, at 9:40 a.m.**

Aloha Chair Wooley, Vice Chair Onishi, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,300 members. HAR **opposes** H.B. 2466 which limits dwellings and employee housing on agricultural land to farmers and immediate family members and establishes standards for dwellings and employee housing on agricultural land.

Agricultural subdivisions, which are primarily on the neighbor islands and often on land with poor soil for crops, grew out of the state's 1961 Land Use Act. The Act sought to preserve open space and generally permit one or two "farm dwellings" on lots.

HAR believes that there should not be a state limitation on the size of a dwelling or employee housing on agricultural land. In Hawai'i, our history has allowed for these types of housing, which likely exceeds the 2,000 square feet as proposed in this measure.

Additionally, county rules and ordinances further permit farm dwellings in its respective counties. For each zoning classification, the code specifies uses that are allowed as well as uses that are allowed with special permits. For instance, on Hawai'i Island, only one single family home is allowed. On Ag-zoned land additional farm dwellings may be permitted upon approval of an agreement submitted to the Planning Department with a farm plan or other evidence of the applicant's ongoing agricultural use. As such, the application of a State law may not apply equally to all islands.

For the forgoing reasons, HAR opposes H.B. 2466.

Mahalo for the opportunity to testify.

COMMITTEE ON AGRICULTURE

Rep. Jessica Wooley, Chair

Rep. Richard H.K. Onishi, Vice Chair

Rep. Karen Awana

Rep. James Kunane Tokioka

Rep. Tom Brower

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Rep. Romy M. Cachola

Rep. Lauren Kealohilani Matsumoto

Rep. Isaac W. Choy

Rep. Gene Ward

Rep. Takashi Ohno

NOTICE OF HEARING

DATE: Thursday, February 06, 2014

TIME: 9:40 A.M.

PLACE: Conference Room 312

**Support intent of HB 2466, with comments**

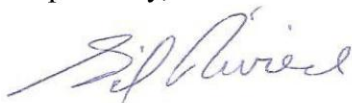
Aloha, Chair Wooley and Committee members.

I support the intent of this bill, which would allow farmers and their employees to live on lands actively farmed. However, I have several questions regarding the potential for unintended consequences.

1. Does this measure or existing law provide a clear definition of "Immediate Family Member," as mentioned in new paragraphs A and B? Who will enforce this provision and what recourse is available for situations that might be disputed or ignored?
2. What situation is foreseeable where the area needed for farm dwellings would equal 50 acres, as mentioned in new paragraph C? How many dwellings are likely per acre? Is there a limit on the number of people who could live in each dwelling? What impact would be rendered on the neighboring communities if 50 acres were developed into relatively dense employee housing? Perhaps the acreage cap should be reduced.
3. When and how often would the Department of Agriculture review the Agricultural Plan mentioned in new paragraph H? The Ag Plan should be reviewed and approved periodically, and there should be consequences for substantial non-performance.
4. What happens to the dwellings if the farm goes out of business or the land is no longer actively farmed? Will the Dept. of Agriculture step forward and evict people from living in the units? Will the dwellings be demolished?

Thank you for considering these questions as you craft a bill that supports the intended purpose without allowing unintended consequences.

Respectfully,



Gil Riviere

65-137 Hukilau Loop

Waiialua, HI 96791

## TESTIMONY IN SUPPORT OF HB 2466: RELATING TO AGRICULTURE

TO: Representative Jessica Wooley, Chair; Representative Richard Onishi, Vice Chair and Members, Committee on Agriculture

FROM: Connie Mitchell, Executive Director  
IHS, The Institute for Human Services, Inc.

Hearing: Thursday, February 6, 2014; Room 312; 9:40 a.m.

Chair Wooley, Vice Chair Onishi, and Members, Committee on Agriculture:

Thank you for the opportunity to testify in support of HB 2466 which establishes standards for dwellings and employee housing on agricultural land. IHS, The Institute for Human Services, Inc. (IHS) provides an array of homelessness prevention and post-shelter services including housing placement, rental assistance for at-risk families including children's enrichment services and job skills training.

IHS provides job skills training and supportive services to families and non-custodial parents whose gross income does not exceed 600% of the Federal Poverty Guidelines and experiencing homelessness or formerly homeless in the City and County of Honolulu. The program capitalizes on IHS's experience through its Employment Core Services Program funded by the State's Department of Labor and Industrial Relations, Office of Community Services and includes collaboration with community partners with common vision for empowering those who are homeless to learn to better care for themselves. The primary goal of the proposed program is to foster self-sufficiency and reduce the dependence of needy parents on government benefits. Program elements include case management, financial management instruction and supports, pre-vocational and vocational skills training, job placement and retention support services, and children's programs to support parent employment.

A major program component is embedded in IHS' Urban Agricultural Initiative which began in the fall of 2009 with the installation of edible wall gardens, followed by edible landscaping and most recently expanded to include a pilot Urban Agriculture Job Skills Training program funded by a private grant. The Urban Agriculture program enables IHS to continue and expand this job-training program. The Planting Seeds for Self-Sufficiency Program is also relevant to our island community, which recognizes the need to actively promote food security through agricultural workforce development to support expansion of farming or promoting personal edible gardens throughout the community.

IHS supports this measure because this bill supports the agriculture industry. This bill, if passed, would allow the development of agricultural employee housing units on agricultural land. HB 2466 outlines the standards for dwellings and employee housing. Providing options to increase housing is a vital partnership to the work training programs offered to homeless persons. Homeless people that are trained in agriculture could work agricultural jobs but there is no housing nearby in the rural areas that they can afford and having no transportation makes this work nearly impossible. Allowing for housing options for employees could therefore benefit homeless persons looking to work agricultural jobs.