
A BILL FOR AN ACT

RELATING TO OHANA DWELLINGS.

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

1 SECTION 1. The legislature finds that farms and
2 agriculture-based businesses in Hawaii are often family owned
3 and operated. The legislature also finds that current zoning
4 laws prevent people who own and live on agricultural land from
5 constructing non-farm dwellings on the land to house family
6 members who work on the land. Not only are these families
7 prevented from living with or near their relatives, but family
8 members who live significant distances from the land they work
9 on may be disinclined to continue working on the land because of
10 the commuting time and distance. Allowing family members that
11 work on family-owned agricultural land to live in ohana
12 dwellings on the land will enable families to live near one
13 another and near their work.

14 The purpose of this Act is to allow agricultural land
15 owners to construct and maintain ohana dwellings on their land
16 to be used by their family.



1 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Agricultural districts shall include:

4 (1) Activities or uses as characterized by the cultivation
5 of crops, crops for bioenergy, orchards, forage, and
6 forestry;

7 (2) Farming activities or uses related to animal husbandry
8 and game and fish propagation;

9 (3) Aquaculture, which means the production of aquatic
10 plant and animal life within ponds and other bodies of
11 water;

12 (4) Wind generated energy production for public, private,
13 and commercial use;

14 (5) Biofuel production, as described in section
15 205-4.5(a)(16), for public, private, and commercial
16 use;

17 (6) Solar energy facilities; provided that:

18 (A) This paragraph shall apply only to land with soil
19 classified by the land study bureau's detailed
20 land classification as overall (master)
21 productivity rating class B, C, D, or E; and



1 (B) Solar energy facilities placed within land with
2 soil classified as overall productivity rating
3 class B or C shall not occupy more than ten per
4 cent of the acreage of the parcel, or twenty
5 acres of land, whichever is lesser, unless a
6 special use permit is granted pursuant to section
7 205-6;

8 (7) Bona fide agricultural services and uses that support
9 the agricultural activities of the fee or leasehold
10 owner of the property and accessory to any of the
11 above activities, regardless of whether conducted on
12 the same premises as the agricultural activities to
13 which they are accessory, including farm dwellings as
14 defined in section 205-4.5(a)(4), employee housing,
15 farm buildings, mills, storage facilities, processing
16 facilities, photovoltaic, biogas, and other small-
17 scale renewable energy systems producing energy solely
18 for use in the agricultural activities of the fee or
19 leasehold owner of the property, agricultural-energy
20 facilities as defined in section 205-4.5(a)(17),
21 hydroelectric facilities in accordance with section



1 205-4.5(a)(23), vehicle and equipment storage areas,
2 [and] plantation community subdivisions as defined in
3 section 205-4.5(a)(12) [7], and up to two ohana
4 dwelling as permitted under a special permit issued
5 pursuant to section 205-6. For the purposes of this
6 paragraph, "ohana dwelling" means a dwelling unit
7 accessory to a farm dwelling on the same site, either
8 attached to or separate from the farm dwelling, with
9 or without its own septic system, located on and used
10 in connection with a farm or where agricultural
11 activity provides income to the occupants of the farm
12 dwelling; provided that the occupants of an ohana
13 dwelling shall be related to the farm dwelling owner
14 by blood, marriage, or adoption; and provided further
15 that an ohana dwelling shall be prohibited from being
16 designated under chapter 514B as a limited common
17 element in a condominium separate from one of the
18 lot's primary farm dwelling units or from being rented
19 in any manner as a single unit separate from the
20 primary farm dwelling units;

21 (8) Wind machines and wind farms;



- 1 (9) Small-scale meteorological, air quality, noise, and
2 other scientific and environmental data collection and
3 monitoring facilities occupying less than one-half
4 acre of land; provided that these facilities shall not
5 be used as or equipped for use as living quarters or
6 dwellings;
- 7 (10) Agricultural parks;
- 8 (11) Agricultural tourism conducted on a working farm, or a
9 farming operation as defined in section 165-2, for the
10 enjoyment, education, or involvement of visitors;
11 provided that the agricultural tourism activity is
12 accessory and secondary to the principal agricultural
13 use and does not interfere with surrounding farm
14 operations; and provided further that this paragraph
15 shall apply only to a county that has adopted
16 ordinances regulating agricultural tourism under
17 section 205-5;
- 18 (12) Agricultural tourism activities, including overnight
19 accommodations of twenty-one days or less, for any one
20 stay within a county; provided that this paragraph
21 shall apply only to a county that includes at least



1 three islands and has adopted ordinances regulating
2 agricultural tourism activities pursuant to section
3 205-5; provided further that the agricultural tourism
4 activities coexist with a bona fide agricultural
5 activity. For the purposes of this paragraph, "bona
6 fide agricultural activity" means a farming operation
7 as defined in section 165-2;

8 (13) Open area recreational facilities;

9 (14) Geothermal resources exploration and geothermal
10 resources development, as defined under section 182-1;
11 and

12 (15) Agricultural-based commercial operations, including:

13 (A) A roadside stand that is not an enclosed
14 structure, owned and operated by a producer for
15 the display and sale of agricultural products
16 grown in Hawaii and value-added products that
17 were produced using agricultural products grown
18 in Hawaii;

19 (B) Retail activities in an enclosed structure owned
20 and operated by a producer for the display and
21 sale of agricultural products grown in Hawaii,



1 value-added products that were produced using
2 agricultural products grown in Hawaii, logo items
3 related to the producer's agricultural
4 operations, and other food items; and

5 (C) A retail food establishment owned and operated by
6 a producer and permitted under title 11, chapter
7 [12] 50 of the rules of the department of health
8 that prepares and serves food at retail using
9 products grown in Hawaii and value-added products
10 that were produced using agricultural products
11 grown in Hawaii.

12 The owner of an agricultural-based commercial
13 operation shall certify, upon request of an officer or
14 agent charged with enforcement of this chapter under
15 section 205-12, that the agricultural products
16 displayed or sold by the operation meet the
17 requirements of this paragraph.

18 Agricultural districts shall not include golf courses and golf
19 driving ranges, except as provided in section 205-4.5(d).

20 Agricultural districts include areas that are not used for, or

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1 that are not suited to, agricultural and ancillary activities by
2 reason of topography, soils, and other related characteristics."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 26 2016



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Report Title:

Ohana Dwellings; Housing; Agricultural Lands

Description:

Allows the building of ohana dwellings on lands within an agricultural district under certain conditions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

