
A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:

3 "[+] (f) [+]" Notwithstanding any other law to the contrary,
4 agricultural lands may be subdivided and leased for the
5 agricultural uses or activities permitted in subsection (a);
6 provided that:

7 (1) The principal use of the leased land is agriculture;

8 (2) No permanent or temporary dwellings or farm dwellings,
9 including trailers and campers, are constructed on the
10 leased area. This restriction shall not prohibit the
11 construction of storage sheds, equipment sheds, or
12 other structures appropriate to the agricultural
13 activity carried on within the lot; [~~and~~]

14 (3) The lease term for a subdivided lot shall be for at
15 least as long as the greater of:

16 (A) The minimum real property tax agricultural
17 dedication period of the county in which the
18 subdivided lot is located; or



- 1 (B) Five years[-];
- 2 (4) Upon subdivision and lease, the owner or occupier
- 3 shall provide written notice to the appropriate county
- 4 fire department, county planning department, county
- 5 building permitting agency, and department of health
- 6 of the agricultural uses or activities for which the
- 7 agricultural lands were subdivided and leased, along
- 8 with a subdivision or lease map. Such written
- 9 notification shall be provided to the county agencies
- 10 within thirty days of the subdivision and lease. At
- 11 the discretion of the appropriate county building
- 12 permitting agency or county planning department, such
- 13 failure to provide written notice may void the
- 14 subdivision or lease, or both; and
- 15 (5) The appropriate state and county agencies shall have
- 16 the right to enter the property upon reasonable belief
- 17 of a violation, and upon reasonable notice to the
- 18 owner or occupier, to investigate for violations of
- 19 and compliance with the requirements of this
- 20 subsection. The appropriate state and county agencies



1 may issue citations and assess fines and liens on the
2 property for violations.

3 Lots created and leased pursuant to this section shall be legal
4 lots of record for mortgage lending purposes and shall be exempt
5 from county subdivision standards."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9



Report Title:

Agricultural Lands; Permissive Uses; Subdivision; Right to Enter; Notice

Description:

Requires an owner or occupier to provide notice and map of the subdivision or lease to the department of health and various county agencies when subdividing and leasing agricultural land. Grants county and state agencies the right to enter property upon reasonable belief of a violation to investigate for violations of and compliance with agricultural subdivision and lease qualifications and issue citations, fines, and liens.
(SD1)

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

