

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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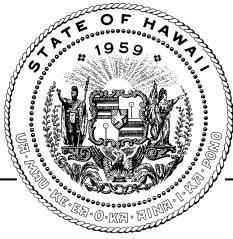
Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
House Committee on Housing
Thursday February 1, 2018
9:00 AM
State Capitol, Conference Room 423

In consideration of
HB 2632
RELATING TO HOUSING ON AGRICULTURAL LANDS

Chair Brower, Vice Chair Nakamura, and members of the Committee on Housing:

The Land Use Commission supports the intent of HB 2632 in that it seeks to clarify what constitutes housing for farmers, their families, and agricultural workers. We support the need but suggest that there are a number of terms that should be specifically defined such as: “actively and currently” and “immediate family members.” We would also suggest a restriction on the use of any such dwelling units for short-term vacation rentals.

Thank you for the opportunity to testify on this matter.



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DAVID Y. IGE
GOVERNOR

LEO R. ASUNCION
DIRECTOR
OFFICE OF PLANNING

LATE

Statement of
LEO R. ASUNCION
Director, Office of Planning
before the
HOUSE COMMITTEE ON HOUSING
Thursday, February 1, 2018
9:00 AM
State Capitol, Conference Room 423
in consideration of
HB 2632
RELATING TO HOUSING ON AGRICULTURAL LAND.

Chair Brower, Vice Chair Nakamura and Members of the House Committee on Housing.

The Office of Planning (OP) supports the intent of House Bill 2632, which establishes standards for farm dwellings and farm employee housing on agricultural land and limits farm dwellings and farm employee housing on agricultural land to farmers and immediate family members.

OP supports providing for the housing needs of agricultural working families on agricultural land which helps support farm employees. The legislation effectively limits who may inhabit the housing units, and sets good bases for ascertaining that bona fide farming is taking place with respect to farm income and farm plan approval requirements. OP has comments and concerns relative to the proposed amendments to Hawaii Revised Statutes (HRS) §205-4.5(a)(4):

1. Page 9 line 7, subsection C: the “total land area” on which the farm dwellings are situated needs clarification, as this could be interpreted to mean building footprints.
2. Page 9 line 14, subsection D: OP supports the density of “one dwelling per five acres of lot area” but there may need to be clarification of the definition of “lot area”.
3. Consideration should be given for ongoing monitoring and enforcement to ensure the lands are being used for active agricultural uses upon approval of the farm plan, and who would be responsible for monitoring and enforcement. There are funding implications for staffing.
4. It is implied but should be clarified if the five-year farm plan is subject to approval by the department of agriculture.

Finally, the measure should emphasize that the farm dwellings and farm employee housing are accessory to the primary agricultural use as defined in HRS § 205-4.5(a)(1)-(3) and the lands must continue to be in active agricultural production to enable their continued use as dwellings.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

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LATE

TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON HOUSING

FEBRUARY 1, 2018
9:00 A.M.
CONFERENCE ROOM 423

HOUSE BILL NO. 2632
RELATING TO HOUSING ON AGRICULTURAL LAND

Chairperson Brower and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2632 that amends Sections 205-2 and 205-4.5, HRS to further define the permitted uses of “farm dwellings” and “employee housing” with the following requirements and specifications:

Those who may reside in these housing units are limited to farmers and their immediate families, and employees and their immediate families that work on the land where the housing unit is located;

The total area on which farm dwellings/employee housing units may be built on is limited to five percent of the total agricultural land area controlled by the farmer or 50 acres whichever is less;

The density of farm dwellings/employee housing is limited to one per five acres of lot area, provided that the owner or lessee of the lot meet two of three criteria (gross income threshold of \$35,000 per year; agricultural land currently receives county agricultural water rates, five-year farm plan after which the income threshold must be achieved) are met;

The farm dwellings/employee housing must meet all building code requirements;

The landowner shall not plan or develop a residential subdivision on the agricultural land;



The cluster development of farm dwellings/employee housing is possible; and

The plans for farm dwellings/employee housing shall be supported by agricultural plans that are approved by the Department of Agriculture.

The Department of Agriculture supports the intent of this measure and offers comments.

This bill offers a definition of farm dwelling and employee housing that is worthy of continued discussion. All eight criteria need to be met to qualify as farm dwellings and employee housing. We strongly encourage the counties to submit testimony on this measure as they are likely responsible for administering its provisions and further refining by ordinance what the amendments require.

The Department of Agriculture is very concerned about the last requirement which is our review and approval of “agricultural plans” in support of the farm dwellings/employee housing (page 11, lines 3-6). We believe this is duplicative of the three sub-criteria in paragraph (D) (page 9, line 13 to page 10, line 11). We also do not have a program with the expertise or capacity to accomplish this function.

Thank you for the opportunity to submit our testimony.



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COMMITTEE ON HOUSING
COMMITTEE ON AGRICULTURE

Thursday, February 1, 2018, 9:00 am, Room 423

HB 2632, RELATING TO HOUSING ON AGRICULTURAL LAND
HB 2725, RELATING TO HOUSING

TESTIMONY

Nina Eejima, Legislative Committee, League of Women Voters of Hawaii

Chair Brower, Committee on Housing; Chair Creagan, Committee on Agriculture; and Committee Members:

The League of Women Voters of Hawaii supports:

- **HB 2632, that establishes standards for dwellings and employee housing on agricultural land, limiting such housing to farmers and immediate family members; and**
- **HB 2725, that allows for the development of affordable housing in agricultural and rural districts, subject to certain conditions.**

We note that together, these two proposed measures are aimed at addressing the severe lack of affordable workforce housing, specifically on agricultural lands, resulting in hardships for many low-income farmworkers and farm employers. We agree that land use restrictions need to be amended to allow agricultural land owners to develop on-farm and near-farm housing serving the needs of both farmworkers and agricultural employers; and that such development should ensure secure, safe, efficient, and affordable housing that supports Hawaii's valuable agricultural industry.

Thank you for the opportunity to submit testimony.