
A BILL FOR AN ACT

RELATING TO TRADITIONAL HAWAIIAN PRACTICES.

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

1 SECTION 1. The legislature finds that in 2015, the State
2 enacted Act 31, Session Laws of Hawaii (2015), which encouraged,
3 as agricultural objectives of the State, the growth and
4 development of traditional Hawaiian farming systems and
5 traditional Hawaiian crops, as well as the growth and
6 development of small-scale farms. Hawai'i's traditional farming
7 systems, such as loko i'a (fishponds), māla (cultivated gardens),
8 and lo'i (irrigated patches), were important agricultural
9 technologies that once sustained a thriving and robust island
10 community.

11 The legislature further finds that these traditional
12 Hawaiian farming systems still play a critical role in Hawai'i
13 and should be encouraged to promote greater self-sufficiency,
14 crop diversity, and food security. Moreover, traditional
15 Hawaiian crops like kalo, 'uala (sweet potato), limu (various
16 seaweeds), 'awa, hō'i'o (large native fern), and 'olena (turmeric)



1 that were cultivated using these traditional Hawaiian farming
2 techniques continue to be important agricultural products for
3 food, medicine, and cultural practices today. Supporting
4 traditional Hawaiian farming systems is critical towards helping
5 the State achieve food security and increasing domestic
6 production of a local food supply.

7 The legislature further finds that traditional farming and
8 the native Hawaiian culture generally play a vital role in
9 preserving and advancing the quality of life and cultural
10 vitality of Hawai'i. Additionally, the rights of native
11 Hawaiians are codified in articles IX and XII of the
12 Constitution of the State of Hawai'i, as well as other state laws
13 and judicial decisions.

14 The legislature further finds that the State of Hawai'i has
15 an affirmative obligation to ensure that its regulatory actions
16 do not adversely impact the constitutionally protected rights of
17 native Hawaiians.

18 The purpose of this Act is to require the department of
19 land and natural resources to develop administrative rules to
20 allow for traditional Hawaiian farming systems and tiny homes on
21 lands designated as conservation districts



1 SECTION 2. The department of land and natural resources
2 shall adopt no later than June 1, 2021, pursuant to chapter 91,
3 administrative rules to allow traditional Hawaiian farming
4 systems, such as the use of loko i'a, māla, and irrigated lo'i,
5 and growth of traditional Hawaiian crops, such as kalo, 'uala,
6 and 'ulu, as identified under section 226-7, Hawaii Revised
7 Statutes, to be a permissible use in all zones of the
8 conservation district.

9 SECTION 3. The department of land and natural resources
10 shall adopt no later than June 1, 2021, pursuant to chapter 91,
11 administrative rules to allow a legal landowner or lessee to
12 build a single "tiny home" on all zones of the conservation
13 district. For the purposes of this section, a "tiny home" means
14 a dwelling unit with less than five hundred square feet of
15 interior living space that is either stationary or mobile, in
16 association with activities covered under section 2; provided
17 that the unit shall have a water source and a sewage disposal
18 system that comply with all applicable laws, ordinances, and
19 rules.

20 SECTION 4. If the department of land and natural resources
21 fails to adopt rules pursuant to sections 2 and 3 within the



1 required time, the department shall include an explanation of
2 why rules could not be timely adopted in a report to the
3 legislature no later than twenty days prior to the convening of
4 the regular session of 2022.

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



Report Title:

Agriculture; Native Hawaiians; Traditional Farming

Description:

Requires the department of land and natural resources to develop administrative rules to allow for traditional Hawaiian farming systems and tiny homes in association with the farming systems on lands designated as conservation districts. (SD1)

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