

Testimony of the Real Estate Commission
Before the
Senate Committee on Agriculture and Environment
and
Senate Committee on Water and Land
Friday, February 12, 2021
1:20 p.m.
Via Videoconference

On the following measure:
S.B. 340, RELATING TO AGRICULTURAL LANDS

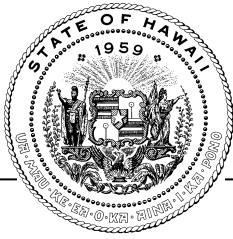
Chair Gabbard, Chair Inouye, and Members of the Committees:

My name is Carole Richelieu, Senior Condominium Specialist, testifying for Michael Pang, the Chairperson of the Real Estate Commission (Commission). The Commission supports this bill.

The purpose of this bill is to amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure condominium property regime projects within the agricultural district are used for agricultural purposes.

In particular, the Commission supports the proposed language in section 3 of the bill amending Hawaii Revised Statutes section 514B-52(b). The developer's public report is a disclosure document. The Commission supports additional disclosure to prospective buyers.

Thank you for the opportunity to testify on this bill.



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DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
OFFICE OF PLANNING

Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
AND
SENATE COMMITTEE ON WATER AND LAND

Friday, February 12, 2021

1:20 PM

Via Videoconference

in consideration of
SB 340
RELATING TO AGRICULTURAL LANDS.

Chairs Gabbard and Inouye, Vice Chairs Nishihara and Keith-Agaran, and Members of the Senate Committees on Agriculture and Environment and Water and Land.

The Office of Planning (OP) **strongly supports** SB 340 which addresses recommendations pursuant to Act 278, Session Laws of Hawaii 2019 directing OP to study subdivision and condominium property regime (CPR) issues on agricultural land. OP convened and collaborated with a broad Stakeholders Group in developing the report which was submitted to the 2021 Legislature. The Group established five goals: 1) keep suitable agricultural lands for agriculture; 2) support farmers and farming; 3) keep agricultural lands affordable for farming; 4) enable long-term access to agricultural lands for farmers; and 5) minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons.

SB 340 addresses three major issues and recommendations of the study:

1. Defines “farm dwelling” (amends HRS 205-4.5(4)). Inadequate definitions of a bona fide farm results in: proliferation of dwellings without a farm component, fake farms, and gentlemen estates.
2. Allows county enforcement of unpermitted structures in leaseholds subdivisions in the Agricultural District (amends HRS 205-4.5(f)(2)) which has created an enforcement problem.
3. Requires county comments prior to CPR registration (amends HRS 514B-52(b)). Allows counties to review and alert the buyer of infrastructure and environmental deficiencies, and conformance with county codes.

Thank you for hearing this bill and providing this opportunity to testify in support.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON AGRICULTURE AND ENVIRONMENT
AND
WATER AND LAND**

**FEBRUARY 12, 2021
1:20 P.M.
VIA VIDEO CONFERENCE**

**SENATE BILL NO. 340
RELATING TO AGRICULTURAL LANDS**

Chairpersons Gabbard, Inouye, and Members of the Committees:

Thank you for the opportunity to testify on Senate Bill 340. This measure amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure:

1. Farm dwellings on agricultural lands are accessory to a farm or where the agricultural activity provides income of no less than \$10,000 per year to the family occupying the dwelling and verified by general excise tax return filing or agricultural tax dedication;
2. Structures on subdivided leasehold subdivisions of agricultural land are subject to county enforcement authority; and
3. Applications for registration of condominium property regimes of agricultural land are to include county comments regarding the availability of supportive infrastructure, any potential impact on government plans and resources, other requirements pursuant to county ordinances and rules, and the "developer's public report" pursuant to Section 514B-52.

The Department of Agriculture strongly supports this measure that reflects the input of the Act 278 Stakeholders Group that was assembled and led by the Office of Planning. Although the Act was limited to the City and County of Honolulu, the Stakeholders Group has broad representation. We look forward to working with the Office of Planning as this bill moves forward.

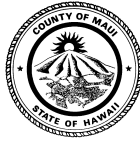


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Director of Council Services
Traci N. T. Fujita, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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February 10, 2021

TO: Honorable Mike Gabbard, Chair
Senate Committee on Agriculture and Environment

Honorable Lorraine R. Inouye, Chair
Committee on Water and Land

FROM: Alice L. Lee
Council Chair

A handwritten signature in cursive script, appearing to read "Alice L. Lee".

DATE: February 12, 2021

SUBJECT: **SUPPORT OF SB 340, RELATING TO AGRICULTURAL LANDS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to ensure Condominium Property Regime projects within the Agricultural District are used for agricultural purposes.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **SUPPORT** this measure for the following reasons:

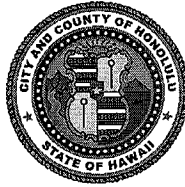
1. The measure appropriately recognizes the need for designated land to be used for agricultural purposes and the need for locally grown produce.
2. This measure responsibly implements the State Office of Planning's advice in its study of subdivision and CPRs on agricultural lands in accordance with Act 278 (2019).
3. Maintaining and expanding our agricultural lands help ensure food resilience, consistent with the State's "Increased Food Security and Food Self-Sufficiency Strategy."

For the foregoing reasons, I **SUPPORT** this measure.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR DESIGNATE
DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR
EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

February 12, 2021

The Honorable Mike Gabbard, Chair
and Members of the Committee on
Agriculture and Environment
The Honorable Lorraine R. Inouye, Chair
and Members of the Committee on Water and Land
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Gabbard, Inouye, and Committee Members:

**Subject: Senate Bill No. 340
Relating to Agricultural Lands**

The Department of Planning and Permitting (DPP) **strongly supports** Senate Bill No. 340.

This Bill will allow meaningful county input in the condominium property regime process involving agricultural lands, in order that these projects be laid out in conformity with the underlying county zoning, State land use district, and the applicable development permits for the proposed use of the land. Each county can then ensure availability of necessary supportive infrastructure, and identify and mitigate any potential negative impacts to environmentally important or culturally significant resources, prior to the piecemeal sale of the property.

Accordingly, we urge that this Bill be passed by your committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Uchida".

Dean Uchida
Director Designate



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February 12, 2021

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON SB 340
RELATING TO AGRICULTURAL LANDS

Conference Room 229
1:20 PM

Aloha Chairs Gabbard and Inouye, Vice-Chairs Nishihara and Keith-Agaran, and Members of the Committees:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau supports SB 340, which amends certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure agricultural lands that are organized under a condominium property regime are used for agricultural purposes.

HFB advocates for public policies and incentives that provide for viable farming and ranching activities on agricultural lands thereby retaining agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture for agricultural production.

We support the retention of agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow **flexibility** in agricultural production and management and discourage the fragmentation of agricultural lands to non-agricultural uses. Lands zoned for agriculture should be used primarily for productive agricultural purposes, including family farming.

The Hawaii Farm Bureau was part of the Stakeholders Group convened by the Office of Planning in response to Act 278, Session Laws of Hawaii 2019. The stakeholder group established the following goals 1) Keep suitable agricultural lands for agriculture; 2) Support farmers and farming; 3) Keep agricultural lands affordable for farming; 4) Enable

long-term access to agricultural lands for farmers, and 5) Minimize subdivision and CPR of productive agricultural lands except for bona fide agricultural reasons.

The Hawaii Farm Bureau supports SB 340 which recommends amendments to certain land subdivision and condominium property regime laws to ensure that agricultural lands be used primarily for productive agricultural purposes.

Thank you for this opportunity to testify on this important subject.



Email: communications@ulupono.com

SENATE COMMITTEES ON AGRICULTURE & ENVIRONMENT AND WATER & LAND
Friday, February 12, 2021 — 1:20 p.m.

Ulupono Initiative supports SB 340, Relating to Agricultural Lands.

Dear Chair Gabbard, Chair Inouye, and Members of the Committees:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono supports SB 340, which amends certain land subdivision and condominium property regime (CPR) laws related to agricultural land to ensure CPR projects within the agricultural district are used for agricultural purposes.

Ulupono supports the efforts to meet the legislative mandate in Act 278, SLH 2019, which was signed into law asking the Office of Planning to study and report on the ways to ensure agricultural activities on agricultural land. This measure seeks to strengthen the definition of a farm dwelling by adding an income threshold for agricultural activity (\$10,000 a year), authorizing county enforcement and fines for any violation, and a more transparent project application process.

We applaud the work of the Office of Planning in studying this issue, working with the public and vested stakeholders, and providing a legislative proposal to help address the misuse of agricultural lands.

Thank you for this opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

Investing in a Sustainable Hawai'i

SB-340

Submitted on: 2/9/2021 1:35:17 PM

Testimony for AEN on 2/12/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
R Laree McGuire	Individual	Support	No

Comments:

Strongly support.

SB-340

Submitted on: 2/9/2021 2:49:17 PM

Testimony for AEN on 2/12/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Individual	Support	No

Comments:

I support SB340. Condominium projects and subdivisions on agricultural land should be used to grow food. Please pass this bill!

SB-340

Submitted on: 2/11/2021 1:22:20 PM

Testimony for AEN on 2/12/2021 1:20:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
J Ashman	Individual	Support	No

Comments:

Strong support.