

STAND. COM. REP. NO. 651 -22

Honolulu, Hawaii
FEB 18 , 2022

RE: H.B. No. 2084
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred H.B. No. 2084, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS,"

begs leave to report as follows:

The purpose of this measure is to facilitate development of housing for farmers and farm employees who actively and currently farm on important agricultural lands by:

- (1) Allowing landowners and lessees of important agricultural lands to apply to a county to develop, construct, and maintain farm cluster housing on the lands for rent to farmers and farm employees who actively and currently farm on the land;
- (2) Including farm cluster housing under a county priority permit processing procedure for facilities on lands designated as important agricultural lands; and
- (3) Removing a restriction on farm dwellings on important agricultural lands that is stricter than what is allowed under the definition of "farm dwelling" in section 205-4.5(a)(4), Hawaii Revised Statutes.



Your Committee received testimony in support of this measure from the Department of Business, Economic Development, and Tourism; Department of Agriculture; Office of Planning and Sustainable Development; Hawai'i Farm Bureau; Maui Chamber of Commerce; and one individual. Your Committee received comments on this measure from the Department of Planning and Permitting of the City and County of Honolulu.

Your Committee finds that Act 233, Session Laws of Hawaii 2008, established incentives to promote agricultural viability, sustained growth of the agricultural industry, and long-term use and protection of lands designated as important agricultural lands. Included among those incentives was an allowance for owners of important agricultural lands to develop, construct, and maintain farm dwellings and employee housing for farmers, employees, and their immediate family members, under certain conditions. Although intended as an incentive, your Committee finds that this allowance is actually more restrictive than the standard for farm dwellings and employee housing on agricultural lands that are not designated as important agricultural lands. This measure is necessary to correct this unintended discrepancy and to also allow important agricultural land owners and lessees to apply to the county to develop, construct, and maintain farm cluster housing to serve farmers and farm employees who actively and currently farm on the land.

Your Committee has amended this measure by:

- (1) Clarifying that each county is required to enact just one ordinance to allow farm cluster housing on important agricultural lands;
- (2) Providing that each county ordinance pertaining to farm cluster housing shall require the agricultural plan and verification of the real property tax agricultural dedication to first be reviewed and commented upon by the appropriate county agency and may require the plan and verification to be submitted to the Department of Agriculture for review and comment prior to county action on the application;
- (3) Clarifying that each farm cluster housing unit must not exceed eight hundred square feet of total floor area;



- (4) Exempting from the farm cluster housing incentives and requirements any county that already has a law that authorizes the development, construction, and maintenance of farm cluster housing or similar housing and imposes less restrictive requirements on that housing; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2084, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Judiciary & Hawaiian Affairs in the form attached hereto as H.B. No. 2084, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Water & Land,



DAVID A. TARNAS, Chair



