

STAND. COM. REP. NO.

3754

Honolulu, Hawaii

APR - 6 2022

RE: H.B. No. 2280
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 2280, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO REAL PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that planned community associations cannot prohibit or unreasonably restrict the use of a member's enclosed yard area for personal agriculture.

Your Committee received testimony in support of this measure from Associa and three individuals. Your Committee received testimony in opposition to this measure from the Community Associations Institute Legislative Action Committee and three individuals.

Your Committee finds that the home cultivation of food can contribute to sustainability and can promote health and food security. Accordingly, this measure would allow members of planned community associations to use their enclosed yard spaces for personal agriculture purposes. Your Committee notes the concerns raised in testimony that this measure, as currently drafted, may lead to disputes on covenants enforcement and some definitions may be considered vague relating to "reasonable restrictions". Amendments to this measure are therefore necessary



to address these concerns, but it is the clear intent and understanding of your Committee that this measure, as amended, will not grant associations the authority to restrict personal agriculture on property that is properly zoned for agricultural use.

Your Committee has amended this measure by:

- (1) Clarifying that no association shall prohibit or unreasonably restrict the use of a unit owner's enclosed yard area for personal agriculture, provided that the use is not in violation of the association's existing master landscape plan or other restrictive covenants applicable to the unit;
- (2) Amending the definition of "personal agriculture" to mean a use of land where an individual cultivates lawful edible plant crops for personal use or donation;
- (3) Amending the definition of "reasonable restrictions" to mean restrictions that are reasonably necessary to protect neighbor unit owners or residents' use and enjoyment of their property and do not unreasonably increase the cost of engaging in personal agriculture or unreasonably decrease its efficiency; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2280, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2280, H.D. 2, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

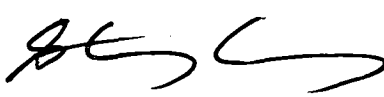
Rosalyn H Baker

ROSALYN H BAKER, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2280, HD2	AEN, CPN	03-29-2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
DECOITE, Lynn				✓
NISHIHARA, Clarence K.	✓			
RIVIERE, Gil	✓			
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt				✓
TOTAL	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes