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Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

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

**BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**

**APRIL 21, 2022**

**1:30 P.M.**

**CONFERENCE ROOM 225 & VIA VIDEOCONFERENCE**

**SENATE CONCURENT RESOLUTION 76  
REQUESTING THE BOARD OF AGRICULTURE TO PROHIBIT UNAPPROVED  
RESIDENTIAL USE OF FARM DWELLINGS IN AGRICULTURAL PARKS**

Chairpersons Nakashima and Members of the Committees:

Thank you for the opportunity to testify on Senate Concurrent Resolution 76. This measure requests the Board of Agriculture (BOA) to establish a prohibition on unapproved residential uses of farm dwellings in agricultural parks. The Department respectfully suggests that this measure is unnecessary and offers the following comments.

Unapproved structures of any kind are already prohibited in agricultural parks. Pursuant to Hawaii Administrative Rules, §4-153, however, the BOA may approve requests for construction of farm dwellings on state leased lands if the need is clearly demonstrated. Currently, the Department is aware of a few unapproved structures and is in the process of working with these lessees to either bring them into compliance (with BOA approval) or have the structures removed.

Allowing farm dwellings on agricultural parcels may be appropriate, prudent, and advisable under certain circumstances. Agricultural parks are generally located in



remote rural country locations that do not have streetlights and the benefit of regular law enforcement patrols. Farmers must establish their own security measures to prevent losses from their farming businesses and harm from criminals wreaking havoc on agricultural properties. They are extremely vulnerable to criminal activities such as theft, burglary, property damage, trespassing, malicious mischief, etc. Farmers have increasingly reported numerous incidents involving theft of crops (vegetables, fruit, nursery, etc.), farming equipment, supplies, and vehicles, as well as vandalism and damage to property. In those situations, having an approved and permitted farm dwelling on the premises at which the farmer or farm workers can reside is critical to protecting their business investments. The presence of the farmer or farm workers on the premises 24/7 provides an effective deterrent to illegal activity. Security is often the primary reason that farmers give to justify approval for construction of a farm dwelling on a state lease lot from the Board of Agriculture.

Thank you for the opportunity to submit testimony.