

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture
DEPT. COMM. NO. 219
MORRIS M. ATTA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
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December 20, 2022

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty-second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Report on Senate Concurrent Resolution 76, passed in the thirty-first legislative session of 2022. I am also informing you that the report may be viewed electronically at <https://hdoa.hawaii.gov/meetings-reports/legislative-reports/>.

Sincerely,

Phyllis Shimabukuro-Geiser
Chairperson, Board of Agriculture

Enclosures



**REPORT TO THE THIRTY-SECOND LEGISLATURE
2023 REGULAR SESSION
STATE OF HAWAII**

**IN RESPONSE TO SENATE CONCURRENT RESOLUTION 76
REQUESTING THAT THE BOARD OF AGRICULTURE ESTABLISH A PROHIBITION ON
UNAPPROVED RESIDENTIAL USES OF FARM DWELLINGS IN AGRICULTURAL PARKS AND
SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS, INCLUDING ACTIONS TAKEN,
PROGRESS MADE, AND ANY PROPOSED LEGISLATION**



Prepared by:

**THE STATE OF HAWAII
DEPARTMENT OF AGRICULTURE**

DECEMBER 2022

Background

Senate Concurrent Resolution 76 requests that the Board of Agriculture establish a prohibition on unapproved residential uses of farm dwellings in agricultural parks and prepare and submit a report of its findings and recommendations, including actions taken, progress made, and any proposed legislation to the Legislature no later than thirty days prior to the convening of the Regular Session of 2023.

Actions

Staff presented a submittal at the October 11, 2022 Board of Agriculture (BOA) meeting requesting the “Board of Agriculture to Prohibit Unapproved Residential Use of Farm Dwellings in Agricultural Parks.” A board member stated that this prohibition is unnecessary because there is already a policy in place that lessees must come before the BOA prior to construction of a farm dwelling. An amendment was made to “confirm that farm dwellings in agricultural parks require BOA approval”. This motion was approved with a 10 -0 vote.

Upon passage of SCR 76, Hawaii Department of Agriculture (HDOA) staff undertook a review of all agricultural park farm dwellings. Completing the review revealed nine farm dwellings that did not have BOA approvals in their files. In four of these instances, staff was able to verify closed building permits. Consequently, to complete HDOA files, staff submitted and received retroactive BOA approval for these farm dwellings. A fifth farm dwelling is located on a vacant parcel and an incoming lessee must request approval from the BOA to use it as a farm dwelling or the structure must be demolished. Another farm dwelling is in the process of submitting documentation for BOA approval and another has been issued an order to remove the structure or have the lease terminated. The two remaining structures have been demolished.

The HDOA notes that approval of a farm dwelling is directly tied to active production of crops under the terms of the lease. Occupancy of a farm dwelling is contingent upon compliance with lease terms.

Summary and Recommendations

The review of agricultural park farm dwelling as requested in SCR 76 identified an inconsistency in a select number of HDOA leased parcels with farm dwellings. We thank the legislature for their assistance in this matter and have implemented further inspection procedures to prevent its occurrence going forward.

No legislation is proposed at this time.