
A BILL FOR AN ACT

RELATING TO RESTRICTIONS ON AGRICULTURAL USES AND ACTIVITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 205-4.6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Agricultural uses and activities as defined in
4 sections 205-2(d) and 205-4.5(a) on lands classified as
5 agricultural shall not be restricted by any private agreement
6 contained in any:

7 (1) Deed, agreement of sale, or other conveyance of land
8 recorded in the bureau of conveyances after July 8,
9 2003, that subjects the agricultural lands to any
10 servitude, including but not limited to covenants,
11 easements, or equitable and reciprocal negative
12 servitudes; provided that any private agreement
13 contained in a conveyance of land recorded on or
14 before July 8, 2003, that:

15 (A) Limits or prohibits agricultural use or activity;
16 and



1 (B) Is renewed and recorded in the bureau of
2 conveyances after July 8, 2003,
3 shall be considered a new private agreement that is
4 subject to the prohibition on agricultural use and
5 activity restrictions under this section; provided
6 further that any provision in a private agreement
7 contained in a conveyance of land recorded on or
8 before July 8, 2003, that limits or prohibits
9 agricultural use or activity and has since expired but
10 has not been renewed and recorded in the bureau of
11 conveyances shall be void; and

12 (2) Condominium declaration, map, bylaws, and other
13 documents executed and submitted in accordance with
14 chapter 514B or any predecessor thereto.

15 Any private restriction limiting or prohibiting agricultural use
16 or activity shall be voidable, subject to special restrictions
17 enacted by the county ordinance pursuant to section 46-4; except
18 that restrictions taken to protect environmental or cultural
19 resources, agricultural leases, utility easements, and access
20 easements shall not be subject to this section."

21 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon its approval.

2



Report Title:

Agricultural Lands; Expired Private Agreements; Restrictions

Description:

Clarifies that any provision in a private agreement contained in a conveyance of land recorded on or before 7/8/2003 that have since expired but have not been renewed and recorded in the bureau of conveyances are prohibited from restricting bona fide agricultural uses and activities on agricultural land. (SD1)

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