



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**  
KA 'OIHANA HO'OMOHALA PĀ'OIHANA, 'IMI WAIWAI  
A HO'OMĀKA'IKĀ'I

**JOSH GREEN, M.D.**  
GOVERNOR

**CHRIS J. SADAYASU**  
DIRECTOR

**DANE K. WICKER**  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [dbedt.hawaii.gov](http://dbedt.hawaii.gov)

Telephone: (808) 586-2355  
Fax: (808) 586-2377

Statement of  
**CHRIS J. SADAYASU**  
Director  
Department of Business, Economic Development, and Tourism  
before the  
**HOUSE COMMITTEE ON WATER & LAND**

Tuesday, February 7, 2023  
9:30 AM

State Capitol, Conference Room 430 & Videoconference

In consideration of  
**HB996**  
**RELATING TO IMPORTANT AGRICULTURAL LANDS.**

Chair Ichiyama, Vice Chair Poepoe and members of the Committee. The Department of Business, Economic Development and Tourism (DBEDT) supports Administration Bill, HB996, which amends Hawai'i Revised Statutes (HRS) Chapter 205 to adopt an improved incentive for the construction of clustered farmer and farm employee housing on lands designated as Important Agricultural Land (IAL) by the State Land Use Commission. This measure would repeal HRS Section 204-45.5, the existing incentive for farmer and farm employee housing that was adopted in 2008 as part of a set of State incentives for the designation of IAL.

Repeal of the existing provision would eliminate what is interpreted as more restrictive use of farm dwellings on lands designated as IAL, which has concerned landowners whose land is being proposed for designation as IAL under the mandated county IAL designation procedure in HRS Section 205-49. The new incentive would make it easier to provide needed agricultural housing for farmers of IAL lands, but under conditions that provide safeguards that minimize the amount of agricultural land taken out of production.

Thank you for the opportunity to testify.

JOSH GREEN, M.D.  
Governor

SYLVIA LUKE  
Lt. Governor



SHARON HURD  
Chairperson, Board of Agriculture

MORRIS M. ATTA  
Deputy to the Chairperson

State of Hawai'i  
DEPARTMENT OF AGRICULTURE  
KA 'OIHANA MAHI'AI  
1428 South King Street  
Honolulu, Hawai'i 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON WATER AND LAND

TUESDAY, FEBRUARY 7, 2023  
ROOM 430  
9:30 A.M.

HOUSE BILL NO. 996  
RELATING TO IMPORTANT AGRICULTURAL LAND

Chairpersons Ichiyama and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 996 that repeals the existing provision for farm dwelling and farm employee housing on Important Agricultural Lands and adopts a new provision for farm cluster housing as an incentive for the designation of lands as Important Agricultural Lands pursuant to Chapter 205.

The Department of Agriculture supports this measure with the following amendment.

(Page 5, lines 10-17 Deleted language is bracketed and struck through. New language is double underscored and bold text)

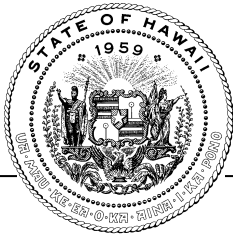
"(5) Submittal to the county of an agricultural plan or agricultural business plan that supports the plan for the farm cluster housing and evidence of a real property tax agricultural dedication granted by the county. The agricultural plan and agricultural tax dedication verification shall **be submitted to the appropriate county agency for review and comment and may** be



submitted to the department of agriculture for review and  
comment, prior to county action on the application."

The Department strongly recommends that the "agricultural plan" in support of farm cluster housing and agricultural tax dedication verification be authoritatively reviewed by the appropriate county agency prior to county action on the application. Reliance upon the Department will not result in the on-the-ground familiarity that only can come from the expertise residing in each county.

Thank you for the opportunity to provide our testimony on this measure.



**STATE OF HAWAII  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SCOTT J. GLENN**  
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846  
Fax: (808) 587-2824  
Web: <https://planning.hawaii.gov/>

Statement of  
**SCOTT GLENN, Director**

before the  
**HOUSE COMMITTEE ON WATER AND LAND**

Tuesday, February 7, 2023, 9:30 AM  
State Capitol, Conference Room 430

in consideration of  
**HB 996**  
**RELATING TO IMPORTANT AGRICULTURAL LANDS.**

Chair Ichiyama, Vice Chair Poepoe, and Members of the House Committee on Water and Land:

The Office of Planning and Sustainable Development (OPSD) **strongly supports** HB 996. The existing provision for farm worker housing on Important Agricultural Lands (IAL) in HRS § 205-45.5 was enacted in 2008 (Act 233) as part of an IAL incentives package. As currently written, HRS § 205-45.5 allows for multiple farm dwellings on IAL, provided that the occupants, including family members, are actively engaged in farming. Hearings before the Land Use Commission revealed that farmers perceived these requirements were more restrictive than that allowed for lands, in general, in the State Agricultural District. Additionally, the current law does not provide any relief from county development standards and processes.

HB 996 remedies both matters and strikes a balance between meeting the need for affordable farm worker housing and protecting agricultural lands from non-agricultural residential uses.

Thank you for the opportunity to testify on this measure.

**HB-996**

Submitted on: 2/6/2023 1:28:19 PM

Testimony for WAL on 2/7/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nani Medeiros	Chief Housing Officer, Office of the Governor, State of Hawaii	Support	Written Testimony Only

Comments:

We strongly support this administration measure to provide affordable housing for our agricultural workers. Mahalo.



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail info@hfbf.org; www.hfbf.org

February 7, 2023

HEARING BEFORE THE  
HOUSE COMMITTEE ON WATER & LAND

**TESTIMONY ON HB 996**  
RELATING TO IMPORTANT AGRICULTURAL LANDS

Conference Room 430 & Videoconference  
9:30 AM

Aloha Chair Ichiyama, Vice-Chair Poepoe, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

**The Hawai'i Farm Bureau supports HB 996**, which repeals the provision for farm dwelling and farm employee housing on Important Agricultural Lands and adopts a new provision for farm cluster housing as an incentive for the designation of lands as Important Agricultural Lands pursuant to chapter 205, Hawai'i Revised Statutes.

The identification and designation of Important Agricultural Lands (IAL) was first proposed at the 1978 Constitutional Convention and subsequently approved by voters in the same year. Enacted as Article XI, Section 3, of the Constitution of the State of Hawai'i, the State is required to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands.

Several attempts to establish IAL in statute were attempted over the years, but it was only in 2005 that Act 183 was enacted. In 2008, Act 233 was enacted to establish incentives, such as tax credits, loan guarantees, and expedited regulatory processing to encourage landowners to designate their lands as IAL.

Another incentive allows landowners to develop farm dwellings and employee housing for their immediate family members and their employees. It limits the farm dwelling to 5% of the total IAL or 50 acres, whichever is less. It also requires that plans for farm dwellings and employee housing be supported by agricultural plans approved by HDOA.

Many small landowners are unaware of how IAL designation will impact their land use and rights. Agricultural landowners are justifiably concerned about the occupancy limits on farm dwellings, especially those who plan to retire on their farm, as they believe IAL

law restricts occupation to those who are actively farming. They worry that they may be forced to leave their homes once they are no longer physically able to do the work required to farm. Additionally, some of the long-time small farmers had intended to pass on their property to each of their adult children through subdividing. Because of the limitations and uncertainty associated with approvals of that process under an IAL designation, they are understandably uneasy about their future and their succession planning. Unfortunately, they have not been able to get clarification about this and other issues associated with IAL designation.

HB 996 seeks to clarify the Legislative Intent of Act 233 SLH regarding the Farm Dwellings and Employee Housing Incentive for lands designated as IAL.

Thank you for the opportunity to testify on this measure.

**HB-996**

Submitted on: 2/4/2023 2:45:47 PM

Testimony for WAL on 2/7/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

NOT PART OF FARMING. We the people of Hawaii do not want Home less Houseing on Ag Land Period!!!!