

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON JUDICIARY

**FEBRUARY 24, 2023
9:30 A.M.
CONFERENCE ROOM 016
AND
VIDEOCONFERENCE**

**SENATE BILL NO. 789
RELATING TO FARM DWELLINGS**

Chairperson Rhoads and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 789. This bill Prohibits the construction of new farm dwellings on agricultural park lots beginning 1/1/2024. The measure prohibits residence within an unpermitted farm dwelling and authorizes inspections. The Department respectfully offers comments.

The Department recognizes the safety issues of unapproved farm dwellings. However, we also recognize that there are situations that farm dwellings may have a agricultural operation purpose. The presence of an occupied farm dwelling can deter agricultural theft and vandalism. It can also be used for worker housing and limited value-added processing. This is consistent with the Governor's housing initiative.

Regarding nuisances caused by the use of a farm dwelling, we are not aware of any buffer zone requirements. It is our understanding that buffer zones were created to protect farming operations from claims and complaints of the nuisances described, not to protect non-farming operations from farming operations.

Thank you for the opportunity to testify on this measure.



SB-789

Submitted on: 2/23/2023 6:58:12 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Zeb Jones	Testifying for Hydroponics Alternatives LLC	Oppose	Written Testimony Only

Comments:

SB 789 – Opposing Prohibition of Farm Dwellings

Aloha Chair Rhoads, Vice Chair Gabbard and Senate Committee Members:

We respectfully present this testimony to OPPOSE SB789, which seeks to yet again to set back Hawai'i's farmers by prohibiting construction of farm dwellings on Agricultural Park lots as of 1 Jan. 2024 AND also would prohibit farmers from sleeping or otherwise taking up residence in an unpermitted farm dwelling and authorize inspections for enforcement. It's bills like this that are causing more Hawaiians to become "priced out of paradise" and leave Hawai'i every day.

Every year, Hawai'i's citizens must import over 87% of the food they eat. This means that Hawai'i's farmers are only able to produce a meager 13% of the total demand. These few Hawaiian farmers are already under extremely difficult climatic working and financial conditions. The price of farmland is the highest in the U.S., not to mention the price of crop inputs that must be imported from the mainland. In addition to these issues, farms are constantly under attack by thieves that come in the night to steal our crops – which has happened to me numerous times. Hawai'i farmers are further crippled by antiquated insect fighting alternatives.

As customers continue to complain about the "High Prices" they must pay for fresh vegetables, they never understand what farmers must endure every day of the week. Now, with SB 789 some people with alterative motives are trying to stop farmers from protecting their farms from theft, vandalism AND storm damage -- by keeping them from remaining on their farms at night. Are we farmers expected to check out of work at 5:00 P.M. and lock our gates to keep thieves from stealing our crops and farm equipment? Maybe we should just leave our gates open so that we won't make it more difficult for the thieves to steal what little we have.

Personally, I have lost over \$400,000 in crop losses due to fire and wind damage. Over the years, I have also lost over \$20,000 of farm equipment and supplies due to outright theft. I have no idea how much money we have lost due to crop theft, but I can estimate it to be in the multiple thousands of dollars. Worse—these thefts all occurred while living on our farm! Can you imagine how much we would have lost had we not been here to protect what little we have?!!

When the sun goes down, the thieves are organizing their night crews to harvest our crops. I have actually had thieves steal crops during the daytime, because their drug habits drive them to take

the chances they won't get caught. My family is afraid to go outside during the night, because we have no idea who is watching us so they can run in to make a few dollars. An average person can steal \$20.00 worth of tomatoes in two (2) minutes. A crew of 5 thieves can steal \$100.00 of tomatoes in two minutes. We have caught thieves stealing over \$1,000 worth of tomatoes before they could carry their "Hard days work" off to their cars. I spend over \$300 a month on dog food for the limited amount of security they offer.

So, I would like for you to imagine how it would feel if you went to the grocery store and could not find any fresh vegetables, because the weekly Matson container ship failed to dock at Sand Island because of either a dock strike or natural weather event. You should also remember that California and Mexico are currently experiencing a drought. No water, no vegetables. Limited water, less farmers, and higher prices. Tomatoes are already at \$2.00 per pound, how would you like to pay \$4.00-\$5.00 a pound?

I beg you to understand that small scale farmers are not making a killing in the produce business. With this ridiculous bill SB789, small farmers would have to stop farming because they can protect their crops because they can't afford to build a \$400,000 house on their small plots of land. Maybe you should consider starting a lending program for farmers to build their homes instead of throwing them into the street. Just remember "NO farmers means NO Food."

I would like to remind these concerned citizens that proposed SB789 to remember, farmer's must make a little dust to prepare their fields. Do these complaining concerned farm neighbors understand what farmers go through to produce the food they eat? I would bet that this bill was dreamed up to make farmers move off valuable farm land so that it can be sold for more housing. Have your staff investigate how much valuable farm land has been rezoned from AG1 or AG2 to Residential and turned into housing lots? This number continues to grow. Just take a look at Aloun Farms' former Ewa, O'ahu lands that's morphed into Ho'opili-- that will give you an idea. Remember less fresh produce grown in Hawaii, the more high-priced produce will come from the continental USA and NOT Hawai'i.

Respectfully--for these reasons stated above, please OPPOSE SB789 and DO NOT pass this out of your committee. Instead, try to reach a solution to help small farmers stay in business, not put them out of business. Your children and Grandchildren will one day pay the price for your throwing farmers off their land so other people can build a home for their kids who must also pay higher and higher prices for the food they eat.

Mahalo for this opportunity to present this testimony OPPOSING SB789.

Aloha,

Zeb Jones

Hydroponics Alternatives LLC

PO Box 1462/ Wai`anae, HI 96792 / Email: zebbe3442@gmail.com

SB-789

Submitted on: 2/22/2023 1:39:52 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rosie F Davis	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support SB789.

Mahalo nui Rosie

SB-789

Submitted on: 2/22/2023 1:43:25 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gene Ross K. Davis	Individual	Support	Written Testimony Only

Comments:

Aloha

I support bill SB 789

Mahalo Gene Ross

SB-789

Submitted on: 2/23/2023 2:26:43 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dayle K. Turner	Individual	Support	Written Testimony Only

Comments:

I am in support of the proposed legislation relating to farm dwellings. This legislation would prohibit the construction of new farm dwellings on agricultural park lots beginning 1/1/2024 and prohibit residence within an unpermitted farm dwelling. Additionally, it would authorize inspections of these dwellings to ensure that they are up to safety standards.

This legislation is important because it would ensure that agricultural park lots are used for their intended purpose and not exploited by individuals looking to make a profit at the expense of the land. Additionally, it would help to ensure that any dwellings on these lots are safe and up to code, preventing potential harm to those living in them.

I strongly support this measure and believe it is necessary to ensure that agricultural park lots are used for their intended purpose and that any dwellings on these lots are safe and up to code. Thank you for considering my testimony.

SB-789

Submitted on: 2/23/2023 4:32:13 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Jones	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard and Senate Committee Members:

We respectfully present this testimony to OPPOSE SB789, which seeks to yet again stymie Hawai'i's farmers by prohibiting construction of farm dwellings on Agricultural Park lots as of 1 Jan. 2024 AND also would prohibit farmers from sleeping or otherwise taking up residence in an unpermitted farm dwelling and authorize inspections for enforcement.

While we can understand how developoing a farm site can cause some nuisances to nearby residents, we have witnessed and know of many farmers in the Ag Park system that have endured horrible crop, equipment and personal losses -- due to theft, fire, vandalism, and massive flooding, etal. -- when at least one person does not remain on-site to secure, safeguard and other wise monitor valuables and weather conditions. I shudder to think how much valuable equipment and how much damage our farm would have endured during this past weekend's torrential rainstorms and flooding in Wai`anae if we had NOT remained on our farm site. Farmers remaining onsite in dwellings/structures on ALL farm sites -- whether or not within the Ag. Park system -- deter theft, arson and crop damage from wind and rain as well. As pointed out by Chair Hurd of the Hawaii Department of Agriculture, " The presence of an occupied farm dwelling can deter agricultural theft and vandalism. It can also be used for worker housing and limited value-added processing. This is consistent with the Governor's housing initiative." With respect to the nuisances caused in the Ag. Park System on MAUI, this merits further study and attempts at resolution in an effort to help farmers. Farmers in Hawai`i operate on thin margins and typically have little disposable income to devote to tract-home-like housing construction as most of their income are generally poured back into their crops.

For all of the above reasons and in the interest of increasing/supporting Hawai`i's farm production and food security, we urge you to please OPPOSE SB789 and prevent this version from moving forward during this Legislative session. Mahalo this opportunity to present testimony.

SB-789

Submitted on: 2/23/2023 4:57:57 PM

Testimony for JDC on 2/24/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kevin Bradford Ornellas	Individual	Oppose	Written Testimony Only

Comments:

SB 789 – Opposing Prohibition of Farm Dwellings

Aloha Chair Rhoads, Vice Chair Gabbard and Senate Committee Members:

I present this testimony OPPOSING SB789, which creates another setback for Hawai`i’s farmers by prohibiting construction of farm dwellings on Agricultural Park lots as of 1 Jan. 2024 AND also would prohibit farmers from sleeping or otherwise taking up residence in an unpermitted farm dwelling and authorize inspections for enforcement.

While we can understand how farm development will cause some nuisances to nearby residents, we have witnessed and know of many farmers in the Ag Park system that have endured horrible crop, equipment and personal losses -- due to theft, fire, vandalism, and massive flooding, etal. -- if at least one person does not remain on-site to secure, safeguard and otherwise monitor valuables and weather conditions. I shudder to think how much valuable equipment and how much damage my cousin's farm would have suffered during this past weekend's downpour and flooding in Wai`anae if they had NOT remained on their farm. Farmers living onsite in dwellings/structures on ALL farm sites -- whether or not within the Ag. Park system -- deter theft, arson and crop damage from wind and rain as well. As noted by Chair Hurd of the Hawaii Department of Agriculture, " The presence of an occupied farm dwelling can deter agricultural theft and vandalism. It can also be used for worker housing and limited value-added processing. This is consistent with the Governor’s housing initiative."

With respect to the nuisances caused in the Ag. Park System on MAUI, this merits further study and attempts at resolution in an effort to help farmers. Farmers in Hawai`i operate on thin margins and typically have little disposable income to devote to tract-home-like housing construction as most of their income are generally poured back into their crops.

So in the interest of increasing/supporting Hawai`i's farm production and food security, we urge you to please OPPOSE SB789 and prevent this version from moving forward during this Legislative session. Many thanks for this opportunity to present testimony.