

**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 SENATE COMMITTEE ON  
AGRICULTURE AND ENVIRONMENT**

**FEBRUARY 8, 2023  
1:00 P.M.  
CONFERENCE ROOM 244  
AND  
VIDEOCONFERENCE**

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

Chairperson Gabbard 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: 2/5/2023 4:47:52 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rosie F Davis	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support Bill SB789, not allowing new construction dwellings on agricultural park lots..

Mahalo nui, Rosie

**SB-789**

Submitted on: 2/5/2023 6:00:43 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Faith Tuipulotu	Individual	Support	Written Testimony Only

Comments:

I am in support of SB 789

and prohibiting the construction of new farm dwellings on Agricultural park lots and prohibiting the residence within the unpermitted farm dwelling. Inspections should be required.

Thank you , Faith Tuipulotu

**SB-789**

Submitted on: 2/5/2023 7:07:45 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

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

Comments:

I support SB789

**SB-789**

Submitted on: 2/6/2023 5:54:29 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mosese Tio Tuipulotu	Individual	Support	Written Testimony Only

Comments:

I support SB789

**SB-789**

Submitted on: 2/6/2023 9:28:02 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

It's not at all clear how dwelling in a farm dwelling would cause more dust and noise than the farming itself. This would only discourage the growth of our ag sector.

**SB-789**

Submitted on: 2/6/2023 12:51:12 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lorna Dudoit	Individual	Support	Written Testimony Only

Comments:

We support SB 789

**SB-789**

Submitted on: 2/6/2023 3:15:33 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Kaholoaa	Individual	Support	Written Testimony Only

Comments:

I support the bill SB789



**SB-789**

Submitted on: 2/6/2023 3:34:01 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rick Gaffney	Individual	Oppose	Written Testimony Only

Comments:

This bill is bad for agriculture in Hawaii, and a step in the wrong direction at a time when we need more affordable housing, not less of it. Homes built in Ag.Parks provide farmers with the opportunity to live and work on the same property, with their families, protecting their farm and its assets, reducing their cost of living, contributing to their success, every day.

This bill also seems to be an example of legislation that seeks to solve an isolated problem, that will have an unintended consequence,elsewhere. I'm sure the bill's author is attempting to fix a genuine problem, but that problem is not universal in agriculture parks across the state, so this bill amounts to throwing out the baby with the bath water.

Please vote nay on SB789 and work to fix the isolated problem that led to this bill, through enforcement and existing regulations, not by hamstringing productive farmers across the State and eliminating the opportunity for ag park lessees to build and live in affordable housing.

Mahalo

**SB-789**

Submitted on: 2/6/2023 3:50:39 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Kaholoaa	Individual	Support	Written Testimony Only

Comments: I support SB789

**SB-789**

Submitted on: 2/6/2023 4:01:48 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shandalyn Sproat	Individual	Support	Written Testimony Only

Comments:

1. I support SB789

**SB-789**

Submitted on: 2/6/2023 4:11:05 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tashady Kaholoaa	Individual	Support	Written Testimony Only

Comments:

Support

**SB-789**

Submitted on: 2/6/2023 6:28:56 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hugh Starr	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Gabbard and Members:

I oppose the intent of SB789.

Agricultural theft and feral axis deer incursions are taking a very difficult toll on our Ag Park farmers; having 24-hour presence on site is critical to addressing these challenges.

I realise there are other potential negative consequences of allowing farm dwellings on these Ag Park lands, but we All need to work collaboratively to find acceptable solutions beyond the simple flat prohibition of this important use.

Thank you, Hugh Starr

OIinda, Maui

**SB-789**

Submitted on: 2/7/2023 7:29:09 AM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
sydney smith	Individual	Oppose	Written Testimony Only

Comments:

Every farmer I know who farms within an ag park has suffered terrible losses due to theft of their produce and theft of their equipment. One farmer lost his entire orchard to arson. It's imperative they live there on their farm. There are plenty of options to deal safely with wastewater if that's the reason for this bill. I can think of no other reason for it. It will just take the will of our elected officials to make this happen. Press the DOH to move into the 21st century.

Farmers have enough forces working against them, without taking away their homes and forcing them to live away from their livelihoods.

I do not support this bill.

Sydney Smith

Maliko Estate Coffee

**SB-789**

Submitted on: 2/7/2023 5:22:10 PM

Testimony for AEN on 2/8/2023 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

oppose