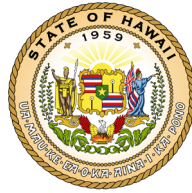


**Land Use Commission Meeting  
Board Packet  
February 11, 2026**



## **AGENDA FOR THE MEETING OF THE LAND USE COMMISSION**

**DATE:** February 11, 2026

**TIME:** 9:00 a.m.

**VIRTUAL:** <https://us02web.zoom.us/j/88544406372>

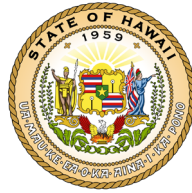
**LOCATION:** Leiopapa A Kamehameha, State Office Tower, Room 405  
235 S Beretania Street, Room 405, Honolulu, HI 96813

*Additional meeting information and instructions follow agenda on page 7.*

This agenda and the listed submittals shall be provided in the Board Packet available at:  
<https://files.hawaii.gov/luc/meetings/materials/2026/2026-02-11.pdf>

This meeting will be held using interactive conference technology under Section §92-3.7, Hawaii Revised Statutes ("HRS"). Commission members, staff, testifiers, and the public can choose to participate in person, online via Zoom, or by telephone.

- 1. Call to Order**
- 2. Approval of Meeting Minutes for January 7, 2026**  
Meeting Minutes are available at:  
<https://files.hawaii.gov/luc/meetings/minutes/2026/2026-01-07.pdf>.
- 3. Tentative Meeting Schedule**
- 4. Discussion and/or Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO THE LAND USE COMMISSION**
  - a. SB28, SB2217 and HB1845 - RELATING TO LAND USE COMMISSION**  
Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment.  
[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=28&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=28&year=2026)  
[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2217&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2217&year=2026)  
[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1845&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1845&year=2026)
  - b. SB36, SB2185, SB2218 and HB1844 - RELATING TO LAND USE COMMISSION**  
Requires the Land Use Commission to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.  
[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=36&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=36&year=2026)



[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2185&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2185&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2218&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2218&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1844&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1844&year=2026)

**c. SB1157 - RELATING TO LAND USE COMMISSION**

Allows the counties to amend district boundaries involving land areas greater than fifteen acres without appearing before the Land Use Commission if the affected lands are included in the County General Plan or County Development Plan. Requests the LUC to update the digital state land use district maps and to encourage transit-oriented development that preserves the character of the State's rural areas.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1157&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1157&year=2026)

**d. SB2537 and HB2103 - RELATING TO THE LAND USE COMMISSION**

Amends the composition of the Land Use Commission to require at least one member who has substantial experience and expertise in water resource management. Requires the Office of Hawaiian Affairs to submit a list of nominees to the Governor for the appointment of a commission member having substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2537&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2537&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=2103&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=2103&year=2026)

**e. SB2986 - RELATING TO THE LAND USE COMMISSION**

Authorizes the Land Use Commission to amend, revise, or modify a decision and order granting a district boundary amendment, or fine a petitioner, upon finding that a petitioner or its successors or assigns have not adhered to the conditions imposed by the commission, regardless of whether there has been substantial commencement of use of the land. Defines "substantial commencement".

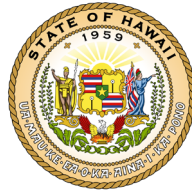
[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2986&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2986&year=2026)

**f. SB740 and HB777 - RELATING TO SPECIAL PERMITS**

Authorizes the Land Use Commission to designate another agency, including the Office of Planning and Sustainable Development, Department of Agriculture, or Agribusiness Development Corporation, to monitor compliance with any restrictions imposed in a special permit.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=740&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=740&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=777&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=777&year=2026)



**g. SB1099 - RELATING TO IMPORTANT AGRICULTURAL LANDS**

Authorizes the Land Use Commission to designate county or state lands as important agricultural lands, and adopt maps for the designated lands, in counties that fail to identify and recommend important agricultural lands by 12/31/2027. Effective 7/1/3000.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1099&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1099&year=2026)

**h. SB1332 and HB1013 - RELATING TO IMPORTANT AGRICULTURAL LANDS**

Repeals the provision authorizing farm dwellings and farm employee housing on important agricultural lands, amends the provision for priority permit processing to include farm cluster housing, and adopts a new provision establishing farm cluster housing to incentivize the designation of lands as important agricultural lands pursuant to chapter 205, HRS.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1332&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1332&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1013&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1013&year=2026)

**5. Discussion and/or Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO LAND USE**

**a. SB1079 and HB502 - RELATING TO LAND USE**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2026. Sunsets 6/30/2029.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1079&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1079&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=502&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=502&year=2026)

**b. HB2424 - RELATING TO LAND USE**

Between 7/1/2026 and 12/31/2028, authorizes each county planning commission to petition the Land Use Commission for a district boundary amendment to reclassify certain lands within the agricultural district to the rural district through the declaratory ruling process.

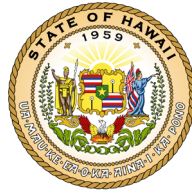
[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=2424&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=2424&year=2026)

**c. SB2015 - RELATING TO LAND USE**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2027. Sunsets 6/30/2030.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2015&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2015&year=2026)





**d. SB1334 and HB1015 - RELATING TO LAND USE**

Authorizes county petition process for review and approval of land use district boundary amendments based on adopted county general plans or county development plans.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1334&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1334&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1015&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1015&year=2026)

**e. SB516 - RELATING TO LAND USE**

Permits film production on lands that are zoned for agricultural use in counties with a population of less than five hundred thousand and that meet other conditions. Establishes the Agricultural Film Production Land Use Oversight Committee to monitor and enforce compliance with regulations on film permit activities on agricultural zoned lands.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=516&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=516&year=2026)

**f. SB2156 - RELATING TO LAND USE**

Permits film production on certain lands zoned for agricultural use under certain conditions, including obtaining land use special permits. Establishes the Agricultural Film Production Land Use Oversight Committee within the Creative Industries Division of the Department of Business, Economic Development, and Tourism to establish film permit application requirements and processes, facilitate the issuance of special permits for film production on agricultural zoned parcels, and advise and make recommendations relating to the regulation of film productions on agricultural zoned lands. Requires the Department of Business, Economic Development, and Tourism to adopt rules. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district. Includes film production on agricultural zone parcels as a permitted use of land within the agricultural district under special permits.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2156&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2156&year=2026)

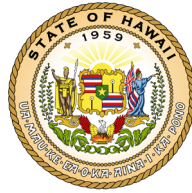
**g. SB2240, SB3006 and HB1848 - RELATING TO LAND USE**

Requires any petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide that certification to the Land Use Commission.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2240&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2240&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=3006&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=3006&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1848&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1848&year=2026)



**h. SB760 - RELATING TO LAND USE**

Authorizes rodeos on lands that are zoned for agricultural use.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=760&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=760&year=2026)

**i. SB2161 and HB1703 - RELATING TO LAND USE**

Authorizes rodeos and rodeo activities on lands that are zoned for agricultural use.

Defines the term "rodeo and rodeo activities".

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2161&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2161&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1703&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1703&year=2026)

**j. SB2007 and HB1738 - RELATING TO THE LAND USE DECISION-MAKING**

Provides the authority for counties to amend district boundaries up to 25 acres for purposes of residential housing, agricultural workforce housing, long-term rental, or workforce fee simple ownership.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2007&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2007&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1738&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1738&year=2026)

**k. SB1114 and SB2162 - RELATING TO HOUSING**

Authorizes large landowners to petition the Land Use Commission to allow the development of elderly housing on portions of agricultural lands.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1114&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1114&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2162&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2162&year=2026)

**6. Discussion and/or Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO OTHER MEASURES THAT MAY IMPACT THE LAND USE COMMISSION**

**a. HB826 - RELATING TO HOUSING**

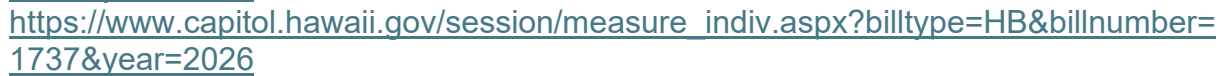
Authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for purposes of agricultural workforce housing, long-term rental, or workforce fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035. Effective 7/1/3000.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=826&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=826&year=2026)

**b. SB2006 and HB1737- RELATING TO FARM EMPLOYEE HOUSING**

Clarifies that a "farm dwelling" permitted in an agricultural district includes a single-family farm dwelling with an accessory employee housing structure, subject to certain restrictions.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2006&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2006&year=2026)

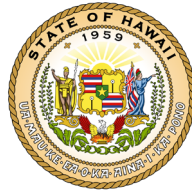


[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2740&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2740&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1979&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1979&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=541&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=541&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=197&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=197&year=2026)



**g. HB1529 - RELATING TO BOARDS AND COMMISSIONS**

Reduces the quorum requirement for boards and commissions to a majority of current voting members of a board or commission. Reduces the number of affirmative votes needed to validate action of a board or commission to a majority of members voting at a meeting with quorum.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1529&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1529&year=2026)

**7. Adjournment**

---

**NOTE:** Agenda items may be taken out of order.

**Participating Virtually via Zoom.** You may be asked to enter your name or email. The Commission requests that you enter your full name, but you may use a pseudonym or other identifier if you wish to remain anonymous.

Join the Zoom Webinar:

**February 11, 2026:** <https://us02web.zoom.us/j/88544406372>

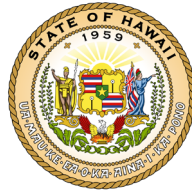
Webinar Passcode: **0211** Webinar ID: **885 4440 6372** Dial-In Number: **+1-646-568-7788**

If the audio-visual connection is lost during the public portion of the meeting, the meeting shall automatically recess for up to 30 minutes while the Commission attempts to restore connection. Online viewers should check the Land Use Commission ("LUC") website at <https://luc.hawaii.gov/> for reconnection information. If the connection is lost for more than 30 minutes, the meeting will be continued to a specific date and time, with the new link for the continued meeting to be provided at the LUC's website (<https://luc.hawaii.gov/>).

**Oral Public Testimony.** To provide oral public testimony, you can attend the Commission meeting in person at the physical meeting location or remotely via the Zoom link, as listed on page 1. Participants attending via Zoom who wish to provide oral testimony should use the Q&A feature during the scheduled meeting. We strongly encourage participants to limit to two minutes for each testifier per agenda item.

**Written Public Testimony.** We encourage interested persons to submit written testimony in advance of the meeting, which will be distributed to Commission members prior to the meeting to allow for a timely review. To ensure the Commissioners have time to review your written testimony, we suggest that it reaches us at least 24 hours before the scheduled meeting. Late written testimony will be retained as part of the record and distributed to Commission members as soon as practicable, but we cannot ensure that the Commission will receive it in sufficient time to review, prior to decision-making.

You may submit written testimony online at <https://luc.hawaii.gov/testimony>, mail your testimony at P.O. Box 2359, Honolulu, HI, 96804-2359, or send an email to [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov). Written testimonies may be posted to the LUC meeting website; as a precaution, please be mindful with any personal information prior to submitting it unless you intend for it to be shared.



**Executive Session.** During the scheduled meeting, the Commission may elect to go into Executive Session for reasons limited to those set forth in section HRS § 92-5(a)(4), to consult with its legal counsel on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

**Board Packet.** Meeting materials for this session are available for public viewing on the LUC website at <http://luc.hawaii.gov>. Meeting materials are available for public inspection at the LUC office located at 235 S. Beretania Street, Room 406, Honolulu, HI 96813. The Board Packet typically includes the draft minutes and staff reports and supporting documentation for the items listed above. In accordance with HRS § 92-7.5, these documents will be posted at least three full business days prior to the scheduled meeting.

**Special Assistance.** If you need an auxiliary aid/service or other accommodation due to a disability, please contact the State Land Use Commission at (808) 587-3823 or [dbedt.luc.web@hawaii.gov](mailto:dbedt.luc.web@hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessable formats.

## **2**

### **Approval of Meeting Minutes for January 7, 2026**

Meeting Minutes will be available at:

<https://files.hawaii.gov/luc/meetings/minutes/2026/2026-01-07.pdf>

LAND USE COMMISSION  
MEETING MINUTES  
**January 7, 2026 – 9:30 a.m.**

LOCATION: Leiopapa A Kamehameha, State Office Tower, Room 405  
235 S Beretania Street, Room 405, Honolulu, HI 96813

YOUTUBE RECORDING: <https://youtu.be/sQM3zixl0E8>

**COMMISSIONERS PRESENT:**

Brian Lee  
Bruce U'u  
Dan Giovanni  
Ken Hayashida (zoom)  
Kuike Kamakea-Ohelo (zoom)  
Mel Kahele  
Michael Yamane  
Myles Miyasato  
Nancy Carr Smith (zoom)

**STAFF PRESENT:**

Daniel Orodenker, Executive Officer  
Scott Derrickson, Chief Planner  
Martina Segura, Staff Planner  
Ariana Kwan, Chief Clerk  
John Dubiel, Esq. Deputy Attorney General

**COURT REPORTER:**

Naegeli Deposition and Trial  
(Via Zoom Recording)

**1. CALL TO ORDER** (YouTube: 00:00:00 - 00:03:45)

Chair Lee called the meeting to order at 9:31 a.m.

**2. OVERVIEW ON LAND USE COMMISSION ADMINISTRATIVE PROCEDURES**

(YouTube: 00:03:46 - 00:46:34)

The Chair opened the discussion by noting that, due to an impending investigation, all questions from commissioners were required to be directed through the Chair rather than addressed directly to staff.

The Executive Officer reminded the Commissioners that a lot of the information that we will be covering today is on the website training page at <https://luc.hawaii.gov/about/training-materials/>.

**Annual Reports**

The Executive Officer explained that the annual report review process is used to monitor petitioner compliance with conditions in LUC Decisions and Orders. Annual reports are received by staff, file-stamped, ensured electronic submission are ADA compliant and posted to the website. Reports are reviewed against applicable conditions, resulting in one of three outcomes: the report is accepted with no further action, additional information is requested, or a status hearing may be scheduled if concerns remain. In some cases, petitioners file motions to amend conditions when circumstances have changed. Commissioners asked questions regarding the receipt of annual reports and staff involvement in the review process.

**Site Visit Policy**

The Executive Officer next explained the Commission's site visit policy. Site visits are typically scheduled prior to reviewing a new district boundary amendment or at the request of the Chair. These visits are Sunshine Law meetings intended for commissioner education; while open to the public, public questioning is not permitted and no transcript is produced. Staff distinguished site visits from staff site investigations, which are conducted by staff in response to community concerns to determine whether potential violations exist. Questions regarding site visits for





special permits, logistical challenges, Sunshine Law access requirements, and the potential use of Permitted Interaction Groups were discussed, with some legal questions deferred for future discussion.

### **Staff Reports**

Staff reports were described as summaries designed to assist commissioners in preparing for hearings by identifying procedural history, key issues, and areas requiring further inquiry. They are not substitutes for full review of the docket record. Recommendations included in staff reports reflect professional judgment and expertise but are advisory only, as the Commission retains full decision-making authority. Commissioners raised concerns regarding late filings from counties and other agencies, which limit the time available for review.

### **Meeting Agendas**

Staff explained that agendas are developed based on filings and coordinated with petitioners and legal counsel to ensure compliance with Sunshine Law requirements. Additional agenda items may be placed at the Chair's discretion. A Commissioner raised concerns regarding the Chair requesting a training item on protected classes and harassment that was not placed on today's agenda. Staff explained that certain training topics may be difficult to schedule due to jurisdiction, legal, finding the appropriate presenter on certain issues, and that not all requests can be accommodated by the next meeting. The AG directed that the discussion moves forward to avoid addressing specific matters.

### **Website Maintenance**

Staff then provided an overview of website maintenance. All official docket-related filings are posted to the website and treated as public records. Staff may also post informational materials, such as news articles or correspondence, for awareness purposes only and not to influence Commission decisions. Website maintenance includes ensuring materials are filed correctly and meet ADA accessibility requirements. Commissioners had questions regarding the admin rules posted on the website. Staff explained that they are labeled "unofficial" because the official versions are maintained by the Lieutenant Governor's Office, and older rule sets remain available for reference due to their applicability to older dockets.

### **Public Testimony**

There was no written testimony, or members of the public who wished to testify on this matter.

## **3. DISCUSSION ON CHAPTER 92, HAWAII REVISED STATUTES ("HRS") §92-2.5 PERMITTED INTERACTIONS OF MEMBERS; PERMITTED INTERACTION GROUP ("PIG")**

(YouTube: 00:46:33 - 00:49:37)

### **Executive Session**

The Commission voted to enter executive session under HRS §92-5(a) to consult with legal counsel, with LUC staff invited to participate. The motion passed with 9 ayes and 0 nays. The Commission entered executive session at 10:30 a.m. and returned to open session at 10:57 a.m., where Chair Lee noted that the Commission discussed their powers, duties, privileges, immunities, and liabilities regarding to Permitted Interaction Groups.

### **Public Testimony**

There was no written testimony, or members of the public who wished to testify on this matter.

#### **4. APPROVAL OF MINUTES FOR DECEMBER 3, 2025** (YouTube: 00:49:38 - 00:51:52)

The next agenda item was the approval of the December 3, 2025, Minutes. There was no written testimony, or members of the public who wished to testify to the approval of the Minutes.

Commissioner U'u moved to adopt the minutes, and Commissioner Kahele seconded the motion. The minutes were approved with 8 ayes, 0 nays, 1 recused.

#### **5. TENTATIVE MEETING SCHEDULE** (YouTube: 00:51:53 - 00:54:40)

The Executive Officer provided the following tentative meeting dates:

February 11, 2026: Tentative Legislative Updates (O'ahu)  
February 12, 2026: DR21-73 Honoipu Hideaway, LLC (Hawai'i)  
March 11, 2026: SP92-380 Pu'unēnē Quarry (Maui)  
April 8, 2026: A89-636 Grove Farm (Kaua'i)

Chair Lee requested lunch be provided for the February 12, 2026 meeting, as the Commission intends to work through lunch.

#### **6. ADJOURNMENT** (YouTube: 00:54:41 - 00:54:51)

With no further business, the Chair adjourned the meeting at 11:02 a.m.

# **4**

## **Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO THE LAND USE COMMISSION**

## 4a

### a. **SB28, SB2217 and HB1845 - RELATING TO LAND USE COMMISSION**

Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=28&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=28&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2217&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2217&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1845&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1845&year=2026)

JAN 15 2025

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The legislature finds that delays in obtaining  
2 permits and approvals substantially increase the time and cost  
3 required to build new housing. A study by the University of  
4 Hawaii Economic Research Organization on the burden of housing  
5 regulation indicates that the average length of approval delay  
6 in Hawaii is three times the national mean, leading to  
7 uncertainty and expense that disincentivizes development.

8       According to research by the Grassroot Institute of Hawaii,  
9 the time required to navigate the approval process for new  
10 housing developments can take as long as ten years. This can  
11 considerably increase the cost associated with building new  
12 homes. In September 2012, the median home price on Oahu was  
13 \$637,000. Ten years later, in September 2022, the median home  
14 price skyrocketed to \$1,100,000.

15       Under existing law, six out of the nine members of the land  
16 use commission must affirmatively vote to approve any boundary  
17 amendment.



1       The legislature further finds that adjusting the laws  
2 governing the land use commission approval process will expedite  
3 the development process and help address the State's excessive  
4 permit and approval times.

5       Therefore, the purpose of this Act is to specify that a  
6 simple majority of affirmative votes of the members of the land  
7 use commission present at a meeting and qualified to vote is  
8 required for any boundary amendment.

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

11       "(a) There shall be a state land use commission,  
12 hereinafter called the commission. The commission shall consist  
13 of nine members who shall hold no other public office and shall  
14 be appointed in the manner and serve for the term set forth in  
15 section 26-34. One member shall be appointed from each of the  
16 counties and the remainder shall be appointed at large; provided  
17 that one member shall have substantial experience or expertise  
18 in traditional Hawaiian land usage and knowledge of cultural  
19 land practices. The commission shall elect its chairperson from  
20 one of its members. The members shall receive no compensation  
21 for their services on the commission, but shall be reimbursed



1 for actual expenses incurred in the performance of their duties.  
2 [~~Six~~] A simple majority of affirmative votes of the members  
3 present and qualified to vote shall be necessary for any  
4 boundary amendment."

5 SECTION 3. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY: 





# S.B. NO. 28

**Report Title:**

Land Use Commission; Decision-Making Process; Boundary Amendment

**Description:**

Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 21 2026

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The legislature finds that the time and cost  
2 required to construct new housing can be substantially increased  
3 by delays in obtaining required permits and approvals.

4       The legislature also finds that, according to a study  
5 conducted by the university of Hawaii economic research  
6 organization, the average length of approval delay in Hawaii is  
7 three times the national average. Similarly, research by the  
8 Grassroot Institute of Hawaii has found that it can take up to  
9 ten years to obtain necessary approvals to develop new housing  
10 in the State. These delays increase uncertainty and expenses,  
11 which disincentivize development and can considerably increase  
12 the cost to build new homes.

13       The legislature further finds that the average price of  
14 housing in the State has increased substantially in recent  
15 years. In September 2012, the median home price on Oahu was  
16 \$637,000. Ten years later, in September 2022, the median home  
17 price had skyrocketed to \$1,100,000.



## S.B. NO. 2217

1       The legislature notes that under existing state law, six  
2 out of the nine members of the land use commission must  
3 affirmatively vote to approve any boundary amendment, regardless  
4 of any vacancies or absences among commission members.  
5 Adjusting this law may help to expedite the approval process,  
6 which will help to accelerate housing development and address  
7 the State's excessive permit and approval times.

8       Accordingly, the purpose of this Act is to specify that a  
9 simple majority of affirmative votes of the members of the land  
10 use commission present at a meeting and qualified to vote is  
11 required for any boundary amendment.

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

14       "(a) There shall be a state land use commission,  
15 hereinafter called the commission. The commission shall consist  
16 of nine members who shall hold no other public office and shall  
17 be appointed in the manner and serve for the term set forth in  
18 section 26-34. One member shall be appointed from each of the  
19 counties and the remainder shall be appointed at large; provided  
20 that one member shall have substantial experience or expertise  
21 in traditional Hawaiian land usage and knowledge of cultural



1 land practices. The commission shall elect its chairperson from  
2 one of its members. The members shall receive no compensation  
3 for their services on the commission, but shall be reimbursed  
4 for actual expenses incurred in the performance of their duties.  
5 ~~[Si\*]~~ A simple majority of affirmative votes of the members  
6 present and qualified to vote shall be necessary for any  
7 boundary amendment."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.  
14

INTRODUCED BY:                     

*BS*



# S.B. NO. 2217

**Report Title:**

LUC; Decision-Making Process; Boundary Amendment

**Description:**

Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1           SECTION 1. The legislature finds that the time and cost  
2 required to construct new housing can be substantially increased  
3 by delays in obtaining required permits and approvals.

4           The legislature also finds that, according to a study  
5 conducted by the university of Hawaii economic research  
6 organization, the average length of approval delay in Hawaii is  
7 three times the national average. Similarly, research by the  
8 Grassroot Institute of Hawaii has found that it can take up to  
9 ten years to obtain necessary approvals to develop new housing  
10 in the State. These delays increase uncertainty and expenses,  
11 which disincentivize development and can considerably increase  
12 the cost to build new homes.

13           The legislature further finds that the average price of  
14 housing in the State has increased substantially in recent  
15 years. In September 2012, the median home price on Oahu was  
16 \$637,000. Ten years later, in September 2022, the median home  
17 price had skyrocketed to \$1,100,000.



1       The legislature notes that under existing state law, six  
2 out of the nine members of the land use commission must  
3 affirmatively vote to approve any boundary amendment, regardless  
4 of any vacancies or absences among commission members.  
5 Adjusting this law may help to expedite the approval process,  
6 which will help to accelerate housing development and address  
7 the State's excessive permit and approval times.

8       Accordingly, the purpose of this Act is to specify that a  
9 simple majority of affirmative votes of the members of the land  
10 use commission present at a meeting and qualified to vote is  
11 required for any boundary amendment.

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

14       "(a) There shall be a state land use commission,  
15 hereinafter called the commission. The commission shall consist  
16 of nine members who shall hold no other public office and shall  
17 be appointed in the manner and serve for the term set forth in  
18 section 26-34. One member shall be appointed from each of the  
19 counties and the remainder shall be appointed at large; provided  
20 that one member shall have substantial experience or expertise  
21 in traditional Hawaiian land usage and knowledge of cultural





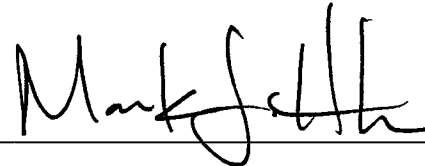
1 land practices. The commission shall elect its chairperson from  
2 one of its members. The members shall receive no compensation  
3 for their services on the commission, but shall be reimbursed  
4 for actual expenses incurred in the performance of their duties.  
5 [~~Si\*~~] A simple majority of affirmative votes of the members  
6 present and qualified to vote shall be necessary for any  
7 boundary amendment."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.  
14

INTRODUCED BY:



JAN 23 2026



# H.B. NO. 1845

**Report Title:**

LUC; Decision-Making Process; Boundary Amendment

**Description:**

Specifies that a simple majority of affirmative votes of the members of the Land Use Commission present at a meeting and qualified to vote is required for any boundary amendment.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 4b

### b. **SB36, SB2185, SB2218 and HB1844 - RELATING TO LAND USE COMMISSION**

Requires the Land Use Commission to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=36&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=36&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2185&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2185&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2218&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2218&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1844&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1844&year=2026)

JAN 15 2025

---

# A BILL FOR AN ACT

---

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The legislature finds that the current dual  
2       system of land use regulation by the State and counties creates  
3       delays and adds to the cost of affordable housing development.

4       Accordingly, the purpose of this Act is to expedite the  
5       development of affordable housing by requiring the land use  
6       commission to reclassify lands designated for urban growth under  
7       a county general or development plan as being in the urban state  
8       land use district at the request of a county.

9       SECTION 2. Chapter 205, Hawaii Revised Statutes, is  
10      amended by adding a new section to part I to be appropriately  
11      designated and to read as follows:

12      "§205-A   Amendments to urban district boundaries based on  
13      county general plan or county development plan.   (a)

14      Notwithstanding sections 205-3.1 and 205-4, upon request of a  
15      county, the commission shall reclassify lands not in the urban  
16      district, but which are designated for urban growth under a  
17      county general plan or county development plan pursuant to



1 section 226-58, as being in the urban district; provided that  
2 the requisite analyses are completed before a request is  
3 submitted to the commission.

4 (b) To effect the reclassification of lands described in  
5 this section, the county shall submit to the commission a  
6 request to amend the urban district boundary that includes a  
7 description and a metes and bounds map of the affected property.  
8 Within ninety days of receipt of the request, the commission  
9 shall:

10 (1) Update the boundary lines between land use districts  
11 on the United States Geological Survey quadrangle maps  
12 filed at the commission pursuant to the notice from  
13 the county; and

14 (2) Notify the county that the quadrangle maps filed at  
15 the commission have been updated in response to the  
16 request.

17 (c) An amendment made to state land use district  
18 boundaries pursuant to this section shall become effective on  
19 the day that the commission notifies the county that the  
20 quadrangle maps filed at the commission have been updated.



1        (d) The commission shall adopt rules in accordance with  
2 chapter 91 to implement this section."

3        SECTION 3. New statutory material is underscored.

4        SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'BLS', is written over a horizontal line.

# S.B. NO. 36

**Report Title:**

LUC; Counties; County General Plan; State Land Use Urban  
District Boundaries; Reclassification

**Description:**

Requires the Land Use Commission to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





JAN 21 2026

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The legislature finds that the State and  
2       counties have separate systems of land use regulations. This  
3       dual framework creates delays and adds to the cost of affordable  
4       housing development.

5       Accordingly, the purpose of this Act is to expedite the  
6       development of affordable housing by requiring the land use  
7       commission, at the request of a county, to reclassify lands  
8       designated for urban growth under a county general or  
9       development plan as being in the urban state land use district.

10       SECTION 2. Chapter 205, Hawaii Revised Statutes, is  
11       amended by adding a new section to part I to be appropriately  
12       designated and to read as follows:

13       "§205-       Amendments to urban district boundaries based on  
14       county general plan or county development plan.   (a)

15       Notwithstanding sections 205-3.1 and 205-4, upon request of a  
16       county, the commission shall reclassify lands not in the urban  
17       district, but that are designated for urban growth under a



1 county general plan or county development plan pursuant to  
2 section 226-58, as being in the urban district; provided that  
3 the requisite analyses are completed before a request is  
4 submitted to the commission.

5 (b) To implement the reclassification of lands described  
6 in this section, the county shall submit to the commission a  
7 request to amend the urban district boundary that includes a  
8 description and a metes and bounds map of the affected property.  
9 Within ninety days of receipt of the request, the commission  
10 shall:

11 (1) Update the boundary lines between land use districts  
12 on the United States Geological Survey quadrangle maps  
13 filed at the commission pursuant to the notice from  
14 the county; and

15 (2) Notify the county that the quadrangle maps filed at  
16 the commission have been updated in response to the  
17 request.

18 (c) An amendment made to state land use district  
19 boundaries pursuant to this section shall become effective on  
20 the day that the commission notifies the county that the  
21 quadrangle maps filed at the commission have been updated.



1       (d) The commission shall adopt rules in accordance with  
2       chapter 91 to implement this section."

**3** SECTION 3. New statutory material is underscored.

**4** SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:

JK 5



# S.B. NO. 2185

**Report Title:**

LUC; Counties; County General Plan; State Land Use Urban  
District Boundaries; Reclassification

**Description:**

Requires the Land Use Commission to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 21 2026

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The legislature finds that the State and  
2       counties have separate systems of land use regulations. This  
3       dual framework creates delays and adds to the cost of affordable  
4       housing development.

5       Accordingly, the purpose of this Act is to expedite the  
6       development of affordable housing by requiring the land use  
7       commission, at the request of a county, to reclassify lands  
8       designated for urban growth under a county general or  
9       development plan as being in the urban state land use district.

10       SECTION 2. Chapter 205, Hawaii Revised Statutes, is  
11       amended by adding a new section to part I to be appropriately  
12       designated and to read as follows:

13       "§205-       Amendments to urban district boundaries based on  
14       county general plan or county development plan.   (a)  
15       Notwithstanding sections 205-3.1 and 205-4, upon request of a  
16       county, the commission shall reclassify lands not in the urban  
17       district, but that are designated for urban growth under a



1 county general plan or county development plan pursuant to  
2 section 226-58, as being in the urban district; provided that  
3 the requisite analyses are completed before a request is  
4 submitted to the commission.

5 (b) To implement the reclassification of lands described  
6 in this section, the county shall submit to the commission a  
7 request to amend the urban district boundary that includes a  
8 description and a metes and bounds map of the affected property.  
9 Within ninety days of receipt of the request, the commission  
10 shall:

11 (1) Update the boundary lines between land use districts  
12 on the United States Geological Survey quadrangle maps  
13 filed at the commission pursuant to the notice from  
14 the county; and

15 (2) Notify the county that the quadrangle maps filed at  
16 the commission have been updated in response to the  
17 request.

18 (c) An amendment made to state land use district  
19 boundaries pursuant to this section shall become effective on  
20 the day that the commission notifies the county that the  
21 quadrangle maps filed at the commission have been updated.



1       (d) The commission shall adopt rules in accordance with  
2       chapter 91 to implement this section."

**3** SECTION 3. New statutory material is underscored.

**4** SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:

At 4



# S.B. NO. 2218

**Report Title:**

LUC; Counties; County General Plan; State Land Use Urban  
District Boundaries; Reclassification

**Description:**

Requires the Land Use Commission to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





---

# A BILL FOR AN ACT

---

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The legislature finds that the State and  
2       counties have separate systems of land use regulations. This  
3       dual framework creates delays and adds to the cost of affordable  
4       housing development.

5       Accordingly, the purpose of this Act is to expedite the  
6       development of affordable housing by requiring the land use  
7       commission, at the request of a county, to reclassify lands  
8       designated for urban growth under a county general or  
9       development plan as being in the urban state land use district.

10       SECTION 2. Chapter 205, Hawaii Revised Statutes, is  
11       amended by adding a new section to part I to be appropriately  
12       designated and to read as follows:

13       "§205-       Amendments to urban district boundaries based on  
14       county general plan or county development plan.   (a)  
15       Notwithstanding sections 205-3.1 and 205-4, upon request of a  
16       county, the commission shall reclassify lands not in the urban  
17       district, but that are designated for urban growth under a



1 county general plan or county development plan pursuant to  
2 section 226-58, as being in the urban district; provided that  
3 the requisite analyses are completed before a request is  
4 submitted to the commission.

5 (b) To implement the reclassification of lands described  
6 in this section, the county shall submit to the commission a  
7 request to amend the urban district boundary that includes a  
8 description and a metes and bounds map of the affected property.  
9 Within ninety days of receipt of the request, the commission  
10 shall:

11 (1) Update the boundary lines between land use districts  
12 on the United States Geological Survey quadrangle maps  
13 filed at the commission pursuant to the notice from  
14 the county; and

15 (2) Notify the county that the quadrangle maps filed at  
16 the commission have been updated in response to the  
17 request.

18 (c) An amendment made to state land use district  
19 boundaries pursuant to this section shall become effective on  
20 the day that the commission notifies the county that the  
21 quadrangle maps filed at the commission have been updated.



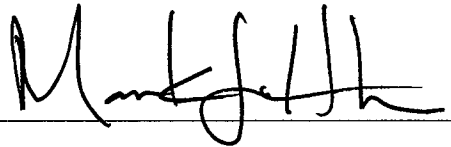
1        (d) The commission shall adopt rules in accordance with  
2        chapter 91 to implement this section."

3        SECTION 3. New statutory material is underscored.

4        SECTION 4. This Act shall take effect upon its approval.

5

INTRODUCED BY:



JAN 23 2026



# H.B. NO. 1844

**Report Title:**

LUC; Counties; County General Plan; State Land Use Urban  
District Boundaries; Reclassification

**Description:**

Requires the Land Use Commission to reclassify lands that are designated for urban growth under a county general plan or county development plan as being in the urban district at the request of the county.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## **4c**

### **c. SB1157 - RELATING TO LAND USE COMMISSION**

Allows the counties to amend district boundaries involving land areas greater than fifteen acres without appearing before the Land Use Commission if the affected lands are included in the County General Plan or County Development Plan. Requests the LUC to update the digital state land use district maps and to encourage transit-oriented development that preserves the character of the State's rural areas.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1157&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1157&year=2026)

JAN 17 2025

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

SECTION 1. Section 205-4, Hawaii Revised Statutes, is amended to read as follows:

**"§205-4 Amendments to district boundaries involving land areas greater than fifteen acres.** (a) Any department or agency of the State, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district. This section applies to all petitions for changes in district boundaries of lands within conservation districts, lands designated or sought to be designated as important agricultural lands, and lands greater than fifteen acres in the agricultural, rural, and urban districts, except as provided in section 201H-38. The land use commission shall adopt rules pursuant to chapter 91 to implement section 201H-38.

(b) District boundary amendments involving land areas greater than fifteen acres, except as provided in subsection



1 (a), shall be determined by the appropriate county land use  
2 decision-making authority for the district and shall not require  
3 consideration by the land use commission; provided that the  
4 amendments conform to the county's adopted general plan or the  
5 county's adopted development plan; provided further that the  
6 boundary amendments and approved uses are consistent with this  
7 chapter. The appropriate county land use decision-making  
8 authority may consolidate proceedings to amend state land use  
9 district boundaries pursuant to this subsection, with county  
10 proceedings to amend the general plan, development plan, zoning  
11 of the affected land, or other similar proceedings. The county  
12 land use decision-making authority may adopt appropriate  
13 ordinances and rules to allow consolidation of these  
14 proceedings.

15 ~~[(b)]~~ (c) Upon proper filing of a petition pursuant to  
16 subsection (a) the commission shall, within not less than sixty  
17 and not more than one hundred and eighty days, conduct a hearing  
18 on the appropriate island in accordance with the provisions of  
19 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

20 ~~[(e)]~~ (d) Any other provision of law to the contrary  
21 notwithstanding, notice of the hearing together with a copy of



1 the petition shall be served on the county planning commission  
2 and the county planning department of the county in which the  
3 land is located and all persons with a property interest in the  
4 land as recorded in the county's real property tax records. In  
5 addition, notice of the hearing shall be mailed to all persons  
6 who have made a timely written request for advance notice of  
7 boundary amendment proceedings, and public notice shall be given  
8 at least once in the county in which the land sought to be  
9 redistricted is situated as well as once statewide at least  
10 thirty days in advance of the hearing. The notice shall comply  
11 with section 91-9, shall indicate the time and place that maps  
12 showing the proposed district boundary may be inspected, and  
13 further shall inform all interested persons of their rights  
14 under subsection ~~[(e)]~~ (f).

15 ~~[(d)]~~ (e) Any other provisions of law to the contrary  
16 notwithstanding, prior to hearing of a petition the commission  
17 and its staff may view and inspect any land which is the subject  
18 of the petition.

19 ~~[(e)]~~ (f) Any other provisions of law to the contrary  
20 notwithstanding, agencies and persons may intervene in the  
21 proceedings in accordance with this subsection.





1           (1) The petitioner, the office of planning and sustainable  
2           development, and the county planning department shall  
3           in every case appear as parties and make  
4           recommendations relative to the proposed boundary  
5           change;

6           (2) All departments and agencies of the State and of the  
7           county in which the land is situated shall be admitted  
8           as parties upon timely application for intervention;

9           (3) All persons who have some property interest in the  
10          land, who lawfully reside on the land, or who  
11          otherwise can demonstrate that they will be so  
12          directly and immediately affected by the proposed  
13          change that their interest in the proceeding is  
14          clearly distinguishable from that of the general  
15          public shall be admitted as parties upon timely  
16          application for intervention;

17          (4) All other persons may apply to the commission for  
18          leave to intervene as parties. Leave to intervene  
19          shall be freely granted; provided that the commission  
20          or its hearing officer, if one is appointed, may deny



1 an application to intervene when in the commission's  
2 or hearing officer's sound discretion it appears that:

3 (A) The position of the applicant for intervention  
4 concerning the proposed change is substantially  
5 the same as the position of a party already  
6 admitted to the proceeding; and

7 (B) The admission of additional parties will render  
8 the proceedings inefficient and unmanageable.

9 A person whose application to intervene is denied may  
10 appeal the denial to the circuit court pursuant to  
11 section 91-14; and

12 (5) The commission, pursuant to chapter 91, shall adopt  
13 rules governing the intervention of agencies and  
14 persons under this subsection. The rules shall  
15 without limitation establish:

16 (A) The information to be set forth in any  
17 application for intervention;

18 (B) The limits within which applications shall be  
19 filed; and

20 (C) Reasonable filing fees to accompany applications.



1        [~~(f)~~] (g) Together with other witnesses that the  
2 commission may desire to hear at the hearing, it shall allow a  
3 representative of a citizen or a community group to testify who  
4 indicates a desire to express the view of [~~such~~] the citizen or  
5 community group concerning the proposed boundary change.

6        [~~(g)~~] (h) Within a period of not more than three hundred  
7 sixty-five days after the proper filing of a petition, unless  
8 otherwise ordered by a court, or unless a time extension, which  
9 shall not exceed ninety days, is established by a two-thirds  
10 vote of the members of the commission, the commission, by filing  
11 findings of fact and conclusions of law, shall act to approve  
12 the petition, deny the petition, or to modify the petition by  
13 imposing conditions necessary to uphold the intent and spirit of  
14 this chapter or the policies and criteria established pursuant  
15 to section 205-17 or to assure substantial compliance with  
16 representations made by the petitioner in seeking a boundary  
17 change. The commission may provide by condition that absent  
18 substantial commencement of use of the land in accordance with  
19 [~~such~~] the representations, the commission shall issue and serve  
20 upon the party bound by the condition an order to show cause why  
21 the property should not revert to its former land use



1 classification or be changed to a more appropriate  
2 classification. [~~Such~~] The conditions, if any, shall run with  
3 the land and be recorded in the bureau of conveyances.

4 [~~(h)~~] (i) No amendment of a land use district boundary  
5 shall be approved unless the commission finds upon the clear  
6 preponderance of the evidence that the proposed boundary is  
7 reasonable, not violative of section 205-2 and part III of this  
8 chapter, and consistent with the policies and criteria  
9 established pursuant to sections 205-16 and 205-17. Six  
10 affirmative votes of the commission shall be necessary for any  
11 boundary amendment under this section.

12 [~~(i)~~] (j) Parties to proceedings to amend land use  
13 district boundaries may obtain judicial review thereof in the  
14 manner set forth in section 91-14, provided that the court may  
15 also reverse or modify a finding of the commission if [~~such~~] the  
16 finding appears to be contrary to the clear preponderance of the  
17 evidence.

18 [~~(j)~~] (k) At the hearing, all parties may enter into  
19 appropriate stipulations as to findings of fact, conclusions of  
20 law, and conditions of reclassification concerning the proposed



1 boundary change. The commission may but shall not be required  
2 to approve [~~such~~] stipulations based on the evidence adduced."

3 SECTION 2. The land use commission is requested to:

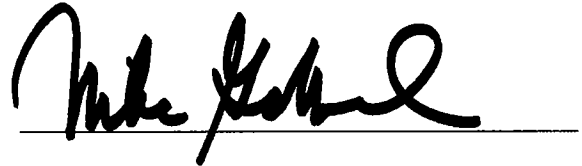
4 (1) Update the digital state land use district maps; and

5 (2) Encourage transit-oriented development that preserves  
6 the character of the State's rural areas.

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10  
INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Mike Hoban", is written over a horizontal line.

# S.B. NO. 1157

**Report Title:**

LUC; Counties; State Land Use District; Boundary Amendments;  
Transit-Oriented Development

**Description:**

Allows the counties to amend district boundaries involving land areas greater than fifteen acres without appearing before the Land Use Commission if the affected lands are included in the County General Plan or County Development Plan. Requests the LUC to update the digital state land use district maps and to encourage transit-oriented development that preserves the character of the State's rural areas.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 4d

### d. **SB2537 and HB2103 - RELATING TO THE LAND USE COMMISSION**

Amends the composition of the Land Use Commission to require at least one member who has substantial experience and expertise in water resource management. Requires the Office of Hawaiian Affairs to submit a list of nominees to the Governor for the appointment of a commission member having substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2537&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2537&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=2103&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=2103&year=2026)

JAN 23 2026

S.B. NO. 2537

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. Section 205-1, Hawaii Revised Statutes, is  
2       amended to read as follows:  
3       "**§205-1 Establishment of the commission.** (a) There shall  
4       be a state land use commission, hereinafter called the  
5       commission. The commission shall consist of nine members who  
6       shall hold no other public office and shall be appointed in the  
7       manner and serve for the term set forth in section 26-34. One  
8       member shall be appointed from each of the counties and the  
9       remainder shall be appointed at large; provided that at least  
10      one member shall have substantial experience or expertise in  
11      traditional Hawaiian land usage and knowledge of cultural land  
12      practices[?] and at least one member shall have substantial  
13      experience in the area of water resource management. The  
14      commission shall elect its chairperson from one of its members.  
15      The members shall receive no compensation for their services on  
16      the commission, but shall be reimbursed for actual expenses





1 incurred in the performance of their duties. Six affirmative  
2 votes shall be necessary for any boundary amendment.

3 (b) Appointment of members with substantial experience or  
4 expertise in traditional Hawaiian land usage and knowledge of  
5 cultural land practices shall be made from a list of nominees  
6 submitted by the office of Hawaiian affairs as follows:

7 (1) For vacancies attributable to the expiration of a  
8 term, the list shall be submitted on the first  
9 business day of December before the expiration of the  
10 term; and

11 (2) For a vacancy that occurs during a council  
12 representative's term, the list shall be submitted  
13 within ninety calendar days after the vacancy occurs.

14 ~~[(b)]~~ (c) The commission shall be a part of the office of  
15 planning and sustainable development for administrative  
16 purposes.

17 ~~[(e)]~~ (d) The commission may engage employees necessary to  
18 perform its duties, including administrative personnel and an  
19 executive officer. The executive officer shall be appointed by  
20 the commission and the executive officer's position shall be  
21 exempt from civil service. Departments of the state government



1 shall make available to the commission [~~such~~] their data,  
2 facilities, and personnel as are necessary for it to perform its  
3 duties. The commission may receive and utilize gifts and any  
4 funds from the federal or other governmental agencies. It shall  
5 adopt rules guiding its conduct, maintain a record of its  
6 activities and accomplishments, and make recommendations to the  
7 governor and to the legislature through the governor.

8 [~~(d)~~] (e) Notwithstanding any law to the contrary, the  
9 commission shall be exempt from section 26-35 with the exception  
10 of section 26-35(a)(2), (3), (7), (8), and section 26-35(b)  
11 shall apply.

12 [~~(e)~~] (f) The land use commission shall maintain its  
13 independence on matters coming before it to which the office of  
14 planning and sustainable development is a party by establishing  
15 and adhering to the process required by section 225M-2(d)."

16 SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

  
By Request



# S.B. NO. 2537

**Report Title:**

Office of Hawaiian Affairs Package; LUC; Boards and Commissions

**Description:**

Amends the composition of the Land Use Commission to require at least one member who has substantial experience and expertise in water resource management. Requires the Office of Hawaiian Affairs to submit a list of nominees to the Governor for the appointment of a commission member having substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. Section 205-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§205-1 Establishment of the commission.** (a) There shall  
4 be a state land use commission, hereinafter called the  
5 commission. The commission shall consist of nine members who  
6 shall hold no other public office and shall be appointed in the  
7 manner and serve for the term set forth in section 26-34. One  
8 member shall be appointed from each of the counties and the  
9 remainder shall be appointed at large; provided that at least  
10 one member shall have substantial experience or expertise in  
11 traditional Hawaiian land usage and knowledge of cultural land  
12 practices[-] and at least one member shall have substantial  
13 experience in the area of water resource management. The  
14 commission shall elect its chairperson from one of its members.  
15 The members shall receive no compensation for their services on  
16 the commission, but shall be reimbursed for actual expenses



1 incurred in the performance of their duties. Six affirmative  
2 votes shall be necessary for any boundary amendment.

3 (b) Appointment of members with substantial experience or  
4 expertise in traditional Hawaiian land usage and knowledge of  
5 cultural land practices shall be made from a list of nominees  
6 submitted by the office of Hawaiian affairs as follows:

7 (1) For vacancies attributable to the expiration of a  
8 term, the list shall be submitted on the first  
9 business day of December before the expiration of the  
10 term; and

11 (2) For a vacancy that occurs during a council  
12 representative's term, the list shall be submitted  
13 within ninety calendar days after the vacancy occurs.

14 ~~[(b)]~~ (c) The commission shall be a part of the office of  
15 planning and sustainable development for administrative  
16 purposes.

17 ~~[(e)]~~ (d) The commission may engage employees necessary to  
18 perform its duties, including administrative personnel and an  
19 executive officer. The executive officer shall be appointed by  
20 the commission and the executive officer's position shall be  
21 exempt from civil service. Departments of the state government



1 shall make available to the commission [~~such~~] their data,  
2 facilities, and personnel as are necessary for it to perform its  
3 duties. The commission may receive and utilize gifts and any  
4 funds from the federal or other governmental agencies. It shall  
5 adopt rules guiding its conduct, maintain a record of its  
6 activities and accomplishments, and make recommendations to the  
7 governor and to the legislature through the governor.

8 [~~(d)~~] (e) Notwithstanding any law to the contrary, the  
9 commission shall be exempt from section 26-35 with the exception  
10 of section 26-35(a)(2), (3), (7), (8), and section 26-35(b)  
11 shall apply.

12 [~~(e)~~] (f) The land use commission shall maintain its  
13 independence on matters coming before it to which the office of  
14 planning and sustainable development is a party by establishing  
15 and adhering to the process required by section 225M-2(d)."

16 SECTION 2. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

*Nathan K. Patur*

By Request

JAN 23 2026





# H.B. NO. 2103

**Report Title:**

Office of Hawaiian Affairs Package; LUC; Boards and Commissions

**Description:**

Amends the composition of the Land Use Commission to require at least one member who has substantial experience and expertise in water resource management. Requires the Office of Hawaiian Affairs to submit a list of nominees to the Governor for the appointment of a commission member having substantial experience or expertise in traditional Hawaiian land usage and knowledge of cultural land practices.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 4e

### e. **SB2986 - RELATING TO THE LAND USE COMMISSION**

Authorizes the Land Use Commission to amend, revise, or modify a decision and order granting a district boundary amendment, or fine a petitioner, upon finding that a petitioner or its successors or assigns have not adhered to the conditions imposed by the commission, regardless of whether there has been substantial commencement of use of the land. Defines "substantial commencement".

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2986&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2986&year=2026)

JAN 23 2026

---

# A BILL FOR AN ACT

RELATING TO THE LAND USE COMMISSION.

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

1       SECTION 1. The purpose of this Act is to authorize the  
2 land use commission to amend, revise, or modify a decision and  
3 order granting a land use district boundary amendment when the  
4 commission finds that a petitioner or its successors or assigns  
5 has not adhered to the conditions previously imposed by the  
6 commission.

7       SECTION 2 Section 205-4, Hawaii Revised Statutes, is  
8 amended to read as follows:

9       "**§205-4 Amendments to district boundaries involving land**  
10 **areas greater than fifteen acres.** (a) Any department or agency  
11 of the State, any department or agency of the county in which  
12 the land is situated, or any person with a property interest in  
13 the land sought to be reclassified, may petition the land use  
14 commission for a change in the boundary of a district. This  
15 section applies to all petitions for changes in district  
16 boundaries of lands within conservation districts, lands  
17 designated or sought to be designated as important agricultural



1 lands, and lands greater than fifteen acres in the agricultural,  
2 rural, and urban districts, except as provided in section  
3 201H-38. The land use commission shall adopt rules pursuant to  
4 chapter 91 to implement section 201H-38.

5 (b) Upon proper filing of a petition pursuant to  
6 subsection (a), the commission [~~shall~~], within not less than  
7 sixty and not more than one hundred and eighty days, shall  
8 conduct a hearing on the appropriate island in accordance with  
9 the provisions of sections 91-9, 91-10, 91-11, 91-12, and 91-13,  
10 as applicable.

11 (c) Any other provision of law to the contrary  
12 notwithstanding, notice of the hearing together with a copy of  
13 the petition shall be served on the county planning commission  
14 and the county planning department of the county in which the  
15 land is located and all persons with a property interest in the  
16 land as recorded in the county's real property tax records. In  
17 addition, notice of the hearing shall be mailed to all persons  
18 who have made a timely written request for advance notice of  
19 boundary amendment proceedings, and public notice shall be given  
20 at least once in the county in which the land sought to be  
21 redistricted is situated as well as once statewide at least



1 thirty days in advance of the hearing. The notice shall comply  
2 with section 91-9, shall indicate the time and place that maps  
3 showing the proposed district boundary may be inspected, and  
4 further shall inform all interested persons of their rights  
5 under subsection (e).

6 (d) Any other provisions of law to the contrary  
7 notwithstanding, prior to hearing of a petition the commission  
8 and its staff may view and inspect any land [~~which~~] that is the  
9 subject of the petition.

10 (e) Any other provisions of law to the contrary  
11 notwithstanding, agencies and persons may intervene in the  
12 proceedings in accordance with this subsection.

13 (1) The petitioner, the office of planning and sustainable  
14 development, and the county planning department shall  
15 in every case appear as parties and make  
16 recommendations relative to the proposed boundary  
17 change;

18 (2) All departments and agencies of the State and of the  
19 county in which the land is situated shall be admitted  
20 as parties upon timely application for intervention;



(3) All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention;

(4) All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted; provided that the commission or its hearing officer, if one is appointed, may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that:

(A) The position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and

(B) The admission of additional parties will render the proceedings inefficient and unmanageable.



1 A person whose application to intervene is denied may  
2 appeal the denial to the circuit court pursuant to  
3 section 91-14; and

4 (5) The commission, pursuant to chapter 91, shall adopt  
5 rules governing the intervention of agencies and  
6 persons under this subsection. The rules shall  
7 without limitation establish:

8 (A) The information to be set forth in any  
9 application for intervention;

10 (B) The limits within which applications shall be  
11 filed; and

12 (C) Reasonable filing fees to accompany applications.

13 (f) Together with other witnesses that the commission may  
14 desire to hear at the hearing, it shall allow a representative  
15 of a citizen or a community group to testify who indicates a  
16 desire to express the view of ~~such~~ the citizen or community  
17 group concerning the proposed boundary change.

18 (g) Within a period of not more than three hundred sixty-  
19 five days after the proper filing of a petition, unless  
20 otherwise ordered by a court, or unless a time extension, which  
21 shall not exceed ninety days, is established by a two-thirds



1 vote of the members of the commission, the commission, by filing  
2 findings of fact and conclusions of law, shall act to approve  
3 the petition, deny the petition, or to modify the petition by  
4 imposing conditions necessary to uphold the intent and spirit of  
5 this chapter or the policies and criteria established pursuant  
6 to section 205-17 or to assure substantial compliance with  
7 representations made by the petitioner in seeking a boundary  
8 change. The commission may provide by condition that absent  
9 substantial commencement of use of the land in accordance with  
10 ~~[such]~~ the representations, the commission, upon its own motion  
11 or upon motion by any party or interested person, shall issue  
12 and serve upon the party bound by the condition an order to show  
13 cause why the property should not revert to its former land use  
14 classification or be changed to a more appropriate  
15 classification[. — Such]; provided that, if the commission finds  
16 that the petitioner's failure to adhere to or comply with the  
17 representations or conditions does not warrant reversion to the  
18 land's former land use classification or change to a more  
19 appropriate classification, the commission may modify the  
20 conditions or impose new conditions to ensure compliance with  
21 the decision and order and to mitigate any injury resulting from





1 the failure to adhere to or comply with conditions regardless of  
2 whether there has been substantial commencement of use of the  
3 land. All conditions, if any, shall run with the land and be  
4 recorded in the bureau of conveyances.

5 (h) No amendment of a land use district boundary shall be  
6 approved unless the commission finds upon the clear  
7 preponderance of the evidence that the proposed boundary is  
8 reasonable, not violative of section 205-2 [~~and part III of this~~  
9 ~~chapter~~], and consistent with the policies and criteria  
10 established pursuant to sections 205-16 and 205-17[~~+~~] and part  
11 III of this chapter. Six affirmative votes of the commission  
12 shall be necessary for any boundary amendment under this  
13 section.

14 (i) Parties to proceedings to amend land use district  
15 boundaries may obtain judicial review thereof in the manner set  
16 forth in section 91-14, provided that the court may also reverse  
17 or modify a finding of the commission if [~~such~~] the finding  
18 appears to be contrary to the clear preponderance of the  
19 evidence.

20 (j) At the hearing, all parties may enter into appropriate  
21 stipulations as to findings of fact, conclusions of law, and



1 conditions of reclassification concerning the proposed boundary  
2 change. The commission may but shall not be required to approve  
3 ~~such~~ any stipulations based on the evidence adduced.

4 (k) Regardless of whether there has been substantial  
5 commencement of use of the land, if there has not been  
6 compliance with representations made or a condition imposed  
7 under this chapter relating to infrastructure, the environment,  
8 cultural resources, archaeological resources, or the public  
9 trust doctrine, the commission, upon its own motion or upon  
10 motion by any party or interested person, may issue and serve  
11 upon the party bound by the condition or representation an order  
12 to show cause why the commission should not take action under  
13 this section to ensure compliance with the condition or  
14 representation. Regardless of whether there has been  
15 substantial commencement of use of the land as defined by this  
16 section, if the commission finds that one or more of the  
17 conditions or representations contained in a decision and order  
18 made pursuant to this chapter have not been adhered to, the  
19 commission may assess an administrative fine against the party  
20 bound by the condition in an amount not to exceed \$50,000 per  
21 day plus the costs of enforcement including but not limited to



1 associated hearing expenses, until the party bound by the  
2 condition provides evidence to the commission showing that the  
3 violation has been cured and is not likely to be repeated. If  
4 the party bound by the condition fails to pay the fine as  
5 ordered by the commission, the commission may issue a notice of  
6 non-conformance to be recorded on the title of the property at  
7 the bureau of conveyances and pursue collection procedures in  
8 circuit court.

9 (1) For purposes of this section, "substantial  
10 commencement" means completion of all public improvements and  
11 infrastructure required by conditions imposed pursuant to this  
12 chapter, both within and outside the project area, and completed  
13 construction of twenty per cent of the physical private  
14 improvements so that they are usable or habitable."

15 SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18 INTRODUCED BY: 



# S.B. NO. 2986

**Report Title:**

Land Use Commission; District Boundary Amendments; Substantial Commencement

**Description:**

Authorizes the Land Use Commission to amend, revise, or modify a decision and order granting a district boundary amendment, or fine a petitioner, upon finding that a petitioner or its successors or assigns have not adhered to the conditions imposed by the commission, regardless of whether there has been substantial commencement of use of the land. Defines "substantial commencement".

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



**f. SB740 and HB777 - RELATING TO SPECIAL PERMITS**

Authorizes the Land Use Commission to designate another agency, including the Office of Planning and Sustainable Development, Department of Agriculture, or Agribusiness Development Corporation, to monitor compliance with any restrictions imposed in a special permit.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=740&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=740&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=777&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=777&year=2026)

JAN 17 2025

# A BILL FOR AN ACT

RELATING TO SPECIAL PERMITS.

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

SECTION 1. Section 205-6, Hawaii Revised Statutes, is amended  
by amending subsection (d) to read as follows:

"(d) Special permits for land the area of which is greater  
than fifteen acres or for lands designated as important  
agricultural lands shall be subject to approval by the land use  
commission. The land use commission may impose additional  
restrictions as may be necessary or appropriate in granting the  
approval, including the adherence to representations made by the  
applicant. The land use commission may designate another agency,  
including but not limited to the office of planning and sustainable  
development, department of agriculture, or agribusiness development  
corporation, to monitor compliance with any restrictions imposed in  
the permit."

SECTION 2. New statutory material is underscored.

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

INTRODUCED BY: 



# S.B. NO. 740

**Report Title:**

LUC; Special Permits; Agricultural District; Rural District;  
Compliance Monitoring; OPSD; HDOA; ADC

**Description:**

Authorizes the Land Use Commission to designate another agency, including the Office of Planning and Sustainable Development, Department of Agriculture, or Agribusiness Development Corporation, to monitor compliance with any restrictions imposed in a special permit.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

## A BILL FOR AN ACT

---

RELATING TO SPECIAL PERMITS.

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

1       SECTION 1. Section 205-6, Hawaii Revised Statutes, is amended  
2 by amending subsection (d) to read as follows:

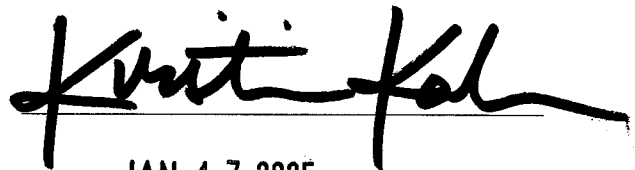
3       "(d) Special permits for land the area of which is greater  
4 than fifteen acres or for lands designated as important  
5 agricultural lands shall be subject to approval by the land use  
6 commission. The land use commission may impose additional  
7 restrictions as may be necessary or appropriate in granting the  
8 approval, including the adherence to representations made by the  
9 applicant. The land use commission may designate another agency,  
10 including but not limited to the office of planning and sustainable  
11 development, department of agriculture, or agribusiness development  
12 corporation, to monitor compliance with any restrictions imposed in  
13 the permit."

14       SECTION 2. New statutory material is underscored.

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

16

INTRODUCED BY:



JAN 17 2025





# H.B. NO. 777

**Report Title:**

LUC; Special Permits; Agricultural District; Rural District;  
Compliance Monitoring; OPSD; HDOA; ADC

**Description:**

Authorizes the Land Use Commission to designate another agency, including the Office of Planning and Sustainable Development, Department of Agriculture, or Agribusiness Development Corporation, to monitor compliance with any restrictions imposed in a special permit.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 4g

**g. SB1099 - RELATING TO IMPORTANT AGRICULTURAL LANDS**

Authorizes the Land Use Commission to designate county or state lands as important agricultural lands, and adopt maps for the designated lands, in counties that fail to identify and recommend important agricultural lands by 12/31/2027. Effective 7/1/3000.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1099&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1099&year=2026)

---

# A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1       SECTION 1. Section 205-49, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3       "**§205-49 Designation of important agricultural lands;**  
4 **adoption of important agricultural lands maps.** (a) After  
5 receipt of the maps of eligible important agricultural lands  
6 from the counties and the recommendations of the department of  
7 agriculture and the office of planning and sustainable  
8 development, the commission shall then proceed to identify and  
9 designate important agricultural lands, subject to  
10 section 205-45. The decision shall consider the county maps of  
11 eligible important agricultural lands; declaratory orders issued  
12 by the commission designating important agricultural lands  
13 during the three year period following the enactment of  
14 legislation establishing incentives and protections contemplated  
15 under section 205-46, as provided in section 9 of Act 183,  
16 Session Laws of Hawaii 2005; landowner position statements and  
17 representations; and any other relevant information.



1 In designating important agricultural lands in the State,  
2 pursuant to the recommendations of individual counties, the  
3 commission shall consider the extent to which:

4 (1) The proposed lands meet the standards and criteria  
5 under section 205-44;

6 (2) The proposed designation is necessary to meet the  
7 objectives and policies for important agricultural  
8 lands in sections 205-42 and 205-43; and

9 (3) The commission has designated lands as important  
10 agricultural lands, pursuant to section 205-45;  
11 provided that if the majority of landowners'  
12 landholdings is already designated as important  
13 agricultural lands, excluding lands held in the  
14 conservation district, pursuant to section 205-45 or  
15 any other provision of this part, the commission shall  
16 not designate any additional lands of that landowner  
17 as important agricultural lands except by a petition  
18 pursuant to section 205-45.

19 Any decision regarding the designation of lands as  
20 important agricultural lands and the adoption of maps of those  
21 lands pursuant to this section shall be based upon written



1 findings of fact and conclusions of law, presented in at least  
2 one public hearing conducted in the county where the land is  
3 located in accordance with chapter 91, that the subject lands  
4 meet the standards and criteria set forth in section 205-44 and  
5 shall be approved by two-thirds of the membership to which the  
6 commission is entitled.

7 (b) Copies of the maps of important agricultural lands  
8 adopted under this section shall be transmitted to each county  
9 planning department and county council, the department of  
10 agriculture, the agribusiness development corporation, the  
11 office of planning and sustainable development, and other state  
12 agencies involved in land use matters. The maps of important  
13 agricultural lands shall guide all decision-making on the  
14 proposed reclassification or rezoning of important agricultural  
15 lands, state agricultural development programs, and other state  
16 and county land use planning and decision-making.

17 (c) The land use commission shall have the sole authority  
18 to interpret the adopted map boundaries delineating the  
19 important agricultural lands.



1 (d) The land use commission may designate lands as  
2 important agricultural lands and adopt maps for a designation  
3 pursuant to:

4 (1) A farmer or landowner petition for declaratory ruling  
5 under section 205-45 at any time; or

6 (2) The county process for identifying and recommending  
7 lands for important agricultural lands under section  
8 205-47 no sooner than three years,

9 after the enactment of legislation establishing incentives and  
10 protections contemplated under section 205-46, as provided in  
11 section 9 of Act 183, Session Laws of Hawaii 2005.

12 (e) Subject to the process and criteria established in  
13 subsection (a), the land use commission may designate any county  
14 or state lands as important agricultural lands, and adopt maps  
15 for the designated lands, in any county that fails to identify  
16 and recommend important agricultural lands by December 31,  
17 2027."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on July 1, 3000.



**Report Title:**

Important Agricultural Lands; LUC; County Lands; State Lands

**Description:**

Authorizes the Land Use Commission to designate county or state lands as important agricultural lands, and adopt maps for the designated lands, in counties that fail to identify and recommend important agricultural lands by 12/31/2027. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 17 2025

---

# A BILL FOR AN ACT

---

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1           SECTION 1. Section 205-49, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§205-49 Designation of important agricultural lands;**  
4 **adoption of important agricultural lands maps.** (a) After  
5 receipt of the maps of eligible important agricultural lands  
6 from the counties and the recommendations of the department of  
7 agriculture and the office of planning and sustainable  
8 development, the commission shall then proceed to identify and  
9 designate important agricultural lands, subject to  
10 section 205-45. The decision shall consider the county maps of  
11 eligible important agricultural lands; declaratory orders issued  
12 by the commission designating important agricultural lands  
13 during the three year period following the enactment of  
14 legislation establishing incentives and protections contemplated  
15 under section 205-46, as provided in section 9 of Act 183,  
16 Session Laws of Hawaii 2005; landowner position statements and  
17 representations; and any other relevant information.





1 In designating important agricultural lands in the State,  
2 pursuant to the recommendations of individual counties, the  
3 commission shall consider the extent to which:

4 (1) The proposed lands meet the standards and criteria  
5 under section 205-44;

6 (2) The proposed designation is necessary to meet the  
7 objectives and policies for important agricultural  
8 lands in sections 205-42 and 205-43; and

9 (3) The commission has designated lands as important  
10 agricultural lands, pursuant to section 205-45;  
11 provided that if the majority of landowners'  
12 landholdings is already designated as important  
13 agricultural lands, excluding lands held in the  
14 conservation district, pursuant to section 205-45 or  
15 any other provision of this part, the commission shall  
16 not designate any additional lands of that landowner  
17 as important agricultural lands except by a petition  
18 pursuant to section 205-45.

19 Any decision regarding the designation of lands as  
20 important agricultural lands and the adoption of maps of those  
21 lands pursuant to this section shall be based upon written



1 findings of fact and conclusions of law, presented in at least  
2 one public hearing conducted in the county where the land is  
3 located in accordance with chapter 91, that the subject lands  
4 meet the standards and criteria set forth in section 205-44 and  
5 shall be approved by two-thirds of the membership to which the  
6 commission is entitled.

7 (b) Copies of the maps of important agricultural lands  
8 adopted under this section shall be transmitted to each county  
9 planning department and county council, the department of  
10 agriculture, the agribusiness development corporation, the  
11 office of planning and sustainable development, and other state  
12 agencies involved in land use matters. The maps of important  
13 agricultural lands shall guide all decision-making on the  
14 proposed reclassification or rezoning of important agricultural  
15 lands, state agricultural development programs, and other state  
16 and county land use planning and decision-making.

17 (c) The land use commission shall have the sole authority  
18 to interpret the adopted map boundaries delineating the  
19 important agricultural lands.



(d) The land use commission may designate lands as important agricultural lands and adopt maps for a designation pursuant to:

(1) A farmer or landowner petition for declaratory ruling under section 205-45 at any time; or

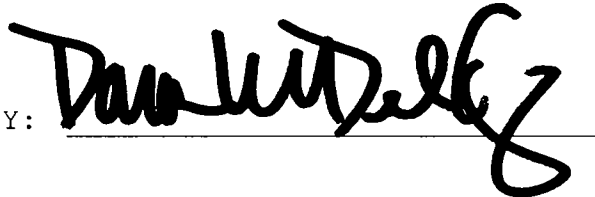
(2) The county process for identifying and recommending lands for important agricultural lands under section 205-47 no sooner than three years, after the enactment of legislation establishing incentives and protections contemplated under section 205-46, as provided in section 9 of Act 183, Session Laws of Hawaii 2005.

(e) The land use commission may designate lands as important agricultural lands and adopt maps for a designation in any county that fails to identify and recommend important agricultural lands by December 31, 2027, subject to the process and criteria established in subsection (a)."

SECTION 2. New statutory material is underscored.

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

INTRODUCED BY:



# S.B. NO. 1099

**Report Title:**

Important Agricultural Lands; LUC

**Description:**

Authorizes the Land Use Commission to designate important agricultural lands and adopt maps for the designated lands in counties that fail to identify and recommend important agricultural lands by December 31, 2027.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 4h

### **h. SB1332 and HB1013 - RELATING TO IMPORTANT AGRICULTURAL LANDS**

Repeals the provision authorizing farm dwellings and farm employee housing on important agricultural lands, amends the provision for priority permit processing to include farm cluster housing, and adopts a new provision establishing farm cluster housing to incentivize the designation of lands as important agricultural lands pursuant to chapter 205, HRS.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1332&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1332&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1013&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1013&year=2026)

JAN 23 2025

---

# A BILL FOR AN ACT

---

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1       SECTION 1. The legislature finds that in 2008, the  
2 legislature passed incentives intended to promote agricultural  
3 viability, sustained growth of the agricultural industry, and  
4 the long-term use and protection of lands designated as  
5 important agricultural lands.

6       Act 233, Session Laws of Hawaii 2008, included a provision  
7 for landowners to develop, construct, and maintain farm  
8 dwellings and employee housing for farmers, employees, and their  
9 immediate family members on lands designated as important  
10 agricultural lands, provided that occupants of these dwellings  
11 are actively engaged in farming. Although this provision was  
12 intended as an incentive for the designation and agricultural  
13 use of important agricultural lands, it is unclear whether this  
14 provision, as codified in section 205-45.5, Hawaii Revised  
15 Statutes, also imposes additional restrictions on farm dwellings  
16 and employee housing on important agricultural lands.

17       The legislature recognizes that the lack of affordable  
18 housing for farmers and farm employees is an impediment to

## S.B. NO. 1332

1 increasing food and non-food agricultural production in Hawaii.  
2 There is still a need to develop housing for farmers and farm  
3 employees on lands designated as important agricultural lands  
4 that both reduces the cost and time required to supply such  
5 housing and ensures that the housing is used in conjunction  
6 with, and located on, an active farm and is occupied by bona  
7 fide farmers or farm employees.

8 The purposes of this Act are to:

- 9 (1) Establish an important agricultural lands incentive to  
10 facilitate the development of farm cluster housing for  
11 farmers, farm employees, and their immediate family  
12 members;
- 13 (2) Include farm cluster housing under a priority permit  
14 processing procedure for facilities on lands  
15 designated as important agricultural lands; and
- 16 (3) Repeal the existing requirements for farm dwellings  
17 and employee housing on important agricultural lands  
18 to eliminate any restrictions that may be stricter  
19 than what is allowed under the existing definition of  
20 a farm dwelling.

# S.B. NO. 1332

SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding to part III a new section to be appropriately designated and to read as follows:

"§205-      **Important agricultural lands incentive; farm**

**cluster housing.** (a) There is established an important agricultural lands incentive to provide an alternative means to develop housing for farmers and farm employees who actively and currently farm lands that are designated as important agricultural lands. The incentive shall be used to support development of farmer and farm employee housing that reduces costs and time while ensuring that the housing developed does not contribute to the loss of agricultural land to non-agricultural residential uses or residential sprawl.

(b) Notwithstanding section 205-51(b) and any other law to the contrary, a landowner or lessee of lands that are designated as important agricultural lands may apply to a county for a permit, in a form to be determined by the county, that allows the landowner or lessee to develop, construct, and maintain farm cluster housing on the lands for rent to farmers and farm employees who actively and currently farm on important agricultural lands and their immediate family members.



# S.B. NO. 1332

1        (c) Each county shall enact ordinances to allow farm  
2 cluster housing on important agricultural lands. The ordinances  
3 shall provide for:

4        (1) Conformance with the conditions in subsection (d);

5        (2) Exemption from subdivision of the land and other  
6 county subdivision ordinances;

7        (3) Priority review and processing pursuant to section  
8 205-46.5;

9        (4) The development of more units per lot than allowed by  
10 the underlying county zoning; and

11       (5) The submission to the county of the landowner or  
12 lessee's agricultural plan or agricultural business  
13 plan supporting the development of farm cluster  
14 housing and providing evidence of a real property tax  
15 agricultural dedication granted by the county. The  
16 agricultural plan and agricultural tax dedication  
17 verification shall be submitted to the appropriate  
18 county agency for review and comment and may be  
19 submitted by the county to the department of  
20 agriculture for review and comment, before any county  
21 action on the application.

# S.B. NO. 1332

(d) Farm cluster housing shall be subject to the following conditions:

(1) Farm cluster housing shall be allowed only on lots of record that are at least ten acres;

(2) All farm cluster housing units shall be leased or rented to a farmer or farm employee who is farming the important agricultural lands upon which the farm cluster housing is situated. This restriction shall be stated in any applicable rental documents;

(3) The total land area upon which the farm cluster housing units and all appurtenances are situated shall occupy an area that is the lesser of:

(A) A contiguous block or area no more than five per cent of the lot of record; or

(B) A contiguous block or area not to exceed ten acres;

(4) The farm cluster housing units shall meet all applicable building code requirements and infrastructure requirements and standards necessary to ensure safe and healthful occupancy;

(5) The farm cluster housing units shall not be used for short-term vacation rentals;

## S.B. NO. 1332

1       (6) The landowner or master lessee shall be responsible  
2           for ensuring compliance with the occupancy requirement  
3           set forth in subsection (d) (1) and the restriction on  
4           use set forth in subsection (d) (5); and

5       (7) If farm cluster housing units are vacated as a result  
6           of the cessation of any agricultural operations on the  
7           important agricultural lands, the landowner or master  
8           lessee may rent the farm cluster housing units under  
9           the same restrictions imposed by this section to a  
10          farmer or farm employee of a bona fide farming  
11          operation, as defined in section 165-2, on other  
12          agricultural lands, whether or not those lands have  
13          been designated as important agricultural lands.

14       (e) The officer or agency charged with the administration  
15       of county zoning laws within each county shall enforce the  
16       building and use restrictions in this section and impose  
17       penalties for violations of any provision of this section or of  
18       any related county permit.

19       (f) Farm dwellings and employee housing units on lands  
20       designated as important agricultural lands that are not  
21       processed as farm cluster housing pursuant to this section shall

## S.B. NO. 1332

1 be subject to all applicable state laws, county ordinances, and  
2 rules.

3 (g) As used in this section, "farm cluster housing" means  
4 an agricultural housing development that concentrates farm  
5 dwelling and farm employee housing units and shared  
6 infrastructure in a compact area within the larger lot and  
7 minimizes the land area occupied by the housing development."

8 SECTION 3. Section 205-46.5, Hawaii Revised Statutes, is  
9 amended by amending its title and subsection (a) to read as  
10 follows:

11 " ~~[+] §205-46.5~~ ~~[+]~~ **Agricultural processing facilities; farm**  
12 **cluster housing; permits; priority.** (a) Any agency subject to  
13 this chapter or title 13 that issues permits for:

14 (1) Agricultural processing facilities that process crops  
15 or livestock from an agribusiness; or

16 (2) Farm cluster housing developed pursuant to section  
17 205- ;

18 shall establish and implement a procedure for the priority  
19 processing of those permit applications and renewals, at no  
20 additional cost to the applicant ~~[, for agricultural processing~~  
21 ~~facilities that process crops or livestock from an~~  
22 ~~agribusiness]~~; provided that the majority of the lands held,

# S.B. NO. 1332

1 owned, or used by the agribusiness or farm cluster housing  
2 applicant shall be land designated as important agricultural  
3 lands pursuant to this part, excluding lands held, owned, or  
4 used by the agribusiness or applicant in a conservation  
5 district.

6 Any priority permit processing procedure established  
7 pursuant to this section shall not provide or imply that any  
8 permit application filed under the priority processing procedure  
9 shall be automatically approved."

10 SECTION 4. Section 205-45.5, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"[§205-45.5] Important agricultural land; farm dwellings~~  
13 ~~and employee housing. A landowner whose agricultural lands are~~  
14 ~~designated as important agricultural lands may develop,~~  
15 ~~construct, and maintain farm dwellings and employee housing for~~  
16 ~~farmers, employees, and their immediate family members on these~~  
17 ~~lands; provided that:~~

18 ~~(1) The farm dwellings and employee housing units shall be~~  
19 ~~used exclusively by farmers and their immediate family~~  
20 ~~members who actively and currently farm on important~~  
21 ~~agricultural land upon which the dwelling is situated;~~  
22 ~~provided further that the immediate family members of~~

# S.B. NO. 1332

1       ~~a farmer may live in separate dwelling units situated~~  
2       ~~on the same designated land;~~

3       ~~(2) Employee housing units shall be used exclusively by~~  
4       ~~employees and their immediate family members who~~  
5       ~~actively and currently work on important agricultural~~  
6       ~~land upon which the housing unit is situated; provided~~  
7       ~~further that the immediate family members of the~~  
8       ~~employee shall not live in separate housing units and~~  
9       ~~shall live with the employee;~~

10       ~~(3) The total land area upon which the farm dwellings and~~  
11       ~~employee housing units and all appurtenances are~~  
12       ~~situated shall not occupy more than five per cent of~~  
13       ~~the total important agricultural land area controlled~~  
14       ~~by the farmer or the employee's employer or fifty~~  
15       ~~acres, whichever is less;~~

16       ~~(4) The farm dwellings and employee housing units shall~~  
17       ~~meet all applicable building code requirements;~~

18       ~~(5) Notwithstanding section 205 4.5(a)(12), the landowner~~  
19       ~~shall not plan or develop a residential subdivision on~~  
20       ~~the important agricultural land;~~

21       ~~(6) Consideration may be given to the cluster development~~  
22       ~~of farm dwellings and employee housing units to~~

# S.B. NO. 1332

1           ~~maximize the land area available for agricultural~~  
2           ~~production; and~~  
3       ~~(7) The plans for farm dwellings and employee housing~~  
4           ~~units shall be supported by agricultural plans that~~  
5           ~~are approved by the department of agriculture." ]~~

6           SECTION 5. This Act does not affect rights and duties that  
7   matured, penalties that were incurred, and permit proceedings  
8   begun before its effective date under the use and district  
9   standards for the state agricultural land use district and  
10   underlying county zoning.

11          SECTION 6. Statutory material to be repealed is bracketed  
12   and stricken. New statutory material is underscored.

13          SECTION 7. This Act shall take effect upon its approval.

14

15

INTRODUCED BY:



16

BY REQUEST

# S.B. NO. 1332

**Report Title:**

Important Agricultural Lands; Important Agricultural Lands Incentive; Farm Cluster Housing; Priority Permit Processing; Counties; County Ordinances

**Description:**

Repeals the provision authorizing farm dwellings and farm employee housing on important agricultural lands, amends the provision for priority permit processing to include farm cluster housing, and adopts a new provision establishing farm cluster housing to incentivize the designation of lands as important agricultural lands pursuant to chapter 205, HRS.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS.

PURPOSE: To establish an important agricultural lands (IAL) incentive to facilitate the development of farm cluster housing for farmers and farm employees; to include farm cluster housing under a priority permit processing procedure; and to eliminate existing restrictions on farm dwellings and employee housing on IAL to the extent they are stricter than what is allowed under the definition of a farm dwelling.

MEANS: Add a new section to chapter 205, part III, Hawaii Revised Statutes (HRS); amend section 205-46.5, HRS; and repeal section 205-45.5, HRS.

JUSTIFICATION: Section 205-45.5, HRS, was enacted as one of several incentives in Act 233, Session Laws of Hawaii (SLH) 2008, that were intended to provide incentives to establish and sustain viable agricultural operations on lands designated as IAL pursuant to section 3 of article XI of the Constitution of the State of Hawaii. Act 183, SLH 2005, which established standards and criteria for the designation of IAL to implement section 3 of article XI of the Constitution of the State of Hawaii, required the enactment of incentives before the designation of any IAL by the State Land Use Commission.

Section 205-45.5, HRS, authorizes the development of farm dwellings and employee housing on lands designated as IAL under chapter 205, HRS. That section was intended to incentivize IAL designation by making it easier to provide farm dwellings and employee housing on IAL on the condition that occupants must be engaged in farming.

As written, section 205-45.5, HRS, creates several problems.

First, the wording has been misinterpreted as imposing a blanket requirement that all occupants of farm dwellings and employee housing on IAL, including immediate family members, must be actively farming the land.

Second, section 205-45.5, HRS, does not provide relief from current limitations on the number of farm dwellings allowed per lot and minimum lot sizes that make it difficult to cost-effectively cluster the units, or from residential subdivision standards or processes.

Thus, section 205-45.5, HRS, has been interpreted as imposing an additional restriction on farm dwellings, beyond those in the definition of farm dwelling in section 205-4.5(a)(4), HRS. The bill would resolve this issue by repealing the current section and adding a new section that requires the enactment of county ordinances that provide appropriate relief from density, lot, and subdivision standards for farm cluster housing, which would offer more of an incentive to designate land as IAL. Additionally, this bill will amend section 205-46.5, HRS, to require that the counties prioritize permits for farm cluster housing.

Impact on the public: Section 205-45.5, HRS, is being repealed, rather than amended, to avoid any association of this incentive with the controversial section 205-45.5, HRS, that so many landowners were opposed to during the previous county IAL proceedings before the Land Use Commission. Replacing the controversial section with a new one that more clearly defines the intended incentive will help reduce fears of landowners that the designation of lands as IAL would impose stricter restrictions than what are already imposed on agricultural lands under chapter 205, HRS. This would

**SB. NO. 1332**

hopefully reduce landowners' concerns about having land designated as IAL and enable designation of IAL by the counties to proceed. In addition, relaxing certain development standards through the new section would make this a more workable incentive for landowners and lessees of IAL to develop, construct, and maintain farm cluster housing on these lands.

Impact on the department and other agencies:  
There should be no negative impact on the department or sister state agencies. The bill could facilitate the IAL designation process for the Land Use Commission and reduce the length and contentiousness of the county IAL proceedings for both the State and the counties.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED-144.

OTHER AFFECTED  
AGENCIES: Land Use Commission, Department of Agriculture, and county planning departments. These proposed revisions are not expected to any level of service or cost to the counties pursuant to section 5, article VIII of the Hawaii constitution because the revisions simply clarify existing requirements, and the counties are already responsible for enforcing regulations associated with chapter 205, HRS, which allows for farm dwellings and employee housing on IAL. However, should the counties determine that processing farm cluster housing requires more resources, the counties can charge fees to cover their costs.

EFFECTIVE DATE: Upon approval.

---

# A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1       SECTION 1. The legislature finds that in 2008, the  
2 legislature passed incentives intended to promote agricultural  
3 viability, sustained growth of the agricultural industry, and  
4 the long-term use and protection of lands designated as  
5 important agricultural lands.

6       Act 233, Session Laws of Hawaii 2008, included a provision  
7 for landowners to develop, construct, and maintain farm  
8 dwellings and employee housing for farmers, employees, and their  
9 immediate family members on lands designated as important  
10 agricultural lands; provided that occupants of these dwellings  
11 are actively engaged in farming. Although this provision was  
12 intended as an incentive for the designation and agricultural  
13 use of important agricultural lands, it is unclear whether this  
14 provision also imposes additional restrictions on farm dwellings  
15 and employee housing on important agricultural lands.

16       The legislature recognizes that the lack of affordable  
17 housing for farmers and farm employees is an impediment to



1 increasing food and non-food agricultural production in Hawaii.  
2 There is still a need to develop housing for farmers and farm  
3 employees on lands designated as important agricultural lands  
4 that reduces the cost and time required to supply such housing  
5 and ensures that the housing is used in conjunction with, and  
6 located on, an active farm and is occupied by bona fide farmers  
7 or farm employees.

8 The purpose of this Act is to:

- 9 (1) Establish an important agricultural lands incentive to  
10 facilitate the development of farm cluster housing for  
11 farmers, farm employees, and their immediate family  
12 members;
- 13 (2) Include farm cluster housing under a priority permit  
14 processing procedure for facilities on lands  
15 designated as important agricultural lands; and
- 16 (3) Repeal the existing requirements for farm dwellings  
17 and employee housing on important agricultural lands  
18 to eliminate any restrictions that may be stricter  
19 than what is allowed under the existing definition of  
20 a farm dwelling.



1 SECTION 2. Chapter 205, Hawaii Revised Statutes, is  
2 amended by adding to part III a new section to be appropriately  
3 designated and to read as follows:

4 "§205- Important agricultural lands incentive; farm  
5 cluster housing. (a) There is established an important  
6 agricultural lands incentive to provide an alternative means to  
7 develop housing for farmers and farm employees who actively and  
8 currently farm lands that are designated as important  
9 agricultural lands. The incentive shall be used to support  
10 development of farmer and farm employee housing that reduces  
11 costs and time while ensuring that the housing developed does  
12 not contribute to the loss of agricultural land to  
13 non-agricultural residential uses or residential sprawl.

14 (b) Notwithstanding section 205-51(b) and any other law to  
15 the contrary, a landowner or lessee of lands that are designated  
16 as important agricultural lands may apply to a county for a  
17 permit, in a form to be determined by the county, that allows  
18 the landowner or lessee to develop, construct, and maintain farm  
19 cluster housing on the lands for rent to farmers and farm  
20 employees who actively and currently farm on important  
21 agricultural lands and their immediate family members.



1        (c) Each county shall enact ordinances to allow farm  
2 cluster housing on important agricultural lands. The ordinances  
3 shall provide for:

4        (1) Conformance with the conditions in subsection (d);

5        (2) Exemption from subdivision of the land and other  
6 county subdivision ordinances;

7        (3) Priority review and processing pursuant to section  
8 205-46.5;

9        (4) The development of more units per lot than allowed by  
10 the underlying county zoning; and

11       (5) The submission to the county of the landowner or  
12 lessee's agricultural plan or agricultural business  
13 plan supporting the development of farm cluster  
14 housing and providing evidence of a real property  
15 agricultural tax dedication granted by the county.  
16 The agricultural plan and agricultural tax dedication  
17 verification shall be submitted to the appropriate  
18 county agency for review and comment and may be  
19 submitted by the county to the department of  
20 agriculture for review and comment, before any county  
21 action on the application.



1        (d) Farm cluster housing shall be subject to the following  
2        conditions:

3        (1) Farm cluster housing shall be allowed only on lots of  
4        record that are at least ten acres;

5        (2) All farm cluster housing units shall be leased or  
6        rented to a farmer or farm employee who is farming the  
7        important agricultural lands upon which the farm  
8        cluster housing is situated. This restriction shall  
9        be stated in any applicable rental documents;

10       (3) The total land area upon which the farm cluster  
11       housing units and all appurtenances are situated shall  
12       occupy an area that is the lesser of:

13       (A) A contiguous block or area no more than five per  
14       cent of the lot of record; or

15       (B) A contiguous block or area not to exceed ten  
16       acres;

17       (4) The farm cluster housing units shall meet all  
18       applicable building code requirements and  
19       infrastructure requirements and standards necessary to  
20       ensure safe and healthful occupancy;





1       (5) The farm cluster housing units shall not be used for  
2       short-term vacation rentals;

3       (6) The landowner or master lessee shall be responsible  
4       for ensuring compliance with the occupancy requirement  
5       set forth in paragraph (2) and the restriction on use  
6       set forth in paragraph (5); and

7       (7) If farm cluster housing units are vacated as a result  
8       of the cessation of any agricultural operations on the  
9       important agricultural lands, the landowner or master  
10       lessee may rent the farm cluster housing units under  
11       the same restrictions imposed by this section to a  
12       farmer or farm employee of a bona fide farming  
13       operation, as defined in section 165-2, on other  
14       agricultural lands, whether or not those lands have  
15       been designated as important agricultural lands.

16       (e) The officer or agency charged with the administration  
17       of county zoning laws within each county shall enforce the  
18       building and use restrictions in this section and impose  
19       penalties for violations of any provision of this section or of  
20       any related county permit.



1        (f) Farm dwellings and employee housing units on lands  
2        designated as important agricultural lands that are not  
3        processed as farm cluster housing pursuant to this section shall  
4        be subject to all applicable state laws, county ordinances, and  
5        rules.

6        (g) As used in this section:

7        "Farm cluster housing" means an agricultural housing  
8        development that concentrates farm dwellings and farm employee  
9        housing units and shared infrastructure in a compact area within  
10       the larger lot and minimizes the land area occupied by the  
11       housing development.

12       "Short-term vacation rental" means "short-term rental  
13       home", "transient vacation rental", "transient vacation unit",  
14       or "transient vacation use", as those terms are defined by  
15       county ordinance."

16       SECTION 3. Section 205-46.5, Hawaii Revised Statutes, is  
17       amended by amending its title and subsection (a) to read as  
18       follows:

19       **"[~~§~~205-46.5[~~§~~] Agricultural processing facilities; farm**  
20       **cluster housing; permits; priority. (a) Any agency subject to**  
21       **this chapter or title 13 that issues permits for:**



1        (1) Agricultural processing facilities that process crops  
2                    or livestock from an agribusiness; or

3        (2) Farm cluster housing developed pursuant to section  
4                    205-\_\_\_\_,

5 shall establish and implement a procedure for the priority  
6 processing of those permit applications and renewals, at no  
7 additional cost to the applicant[, ~~for agricultural processing~~  
8 ~~facilities that process crops or livestock from an~~  
9 ~~agribusiness~~]; provided that the majority of the lands held,  
10 owned, or used by the agribusiness or farm cluster housing  
11 applicant shall be land designated as important agricultural  
12 lands pursuant to this part, excluding lands held, owned, or  
13 used by the agribusiness or applicant in a conservation  
14 district.

15        Any priority permit processing procedure established  
16 pursuant to this section shall not provide or imply that any  
17 permit application filed under the priority processing procedure  
18 shall be automatically approved."

19        SECTION 4. Section 205-45.5, Hawaii Revised Statutes, is  
20 repealed.



1       ~~["§205-45.5] Important agricultural land; farm dwellings~~  
2 ~~and employee housing. A landowner whose agricultural lands are~~  
3 ~~designated as important agricultural lands may develop,~~  
4 ~~construct, and maintain farm dwellings and employee housing for~~  
5 ~~farmers, employees, and their immediate family members on these~~  
6 ~~lands; provided that:~~

7       ~~(1) The farm dwellings and employee housing units shall be~~  
8       ~~used exclusively by farmers and their immediate family~~  
9       ~~members who actively and currently farm on important~~  
10       ~~agricultural land upon which the dwelling is situated;~~  
11       ~~provided further that the immediate family members of~~  
12       ~~a farmer may live in separate dwelling units situated~~  
13       ~~on the same designated land;~~

14       ~~(2) Employee housing units shall be used exclusively by~~  
15       ~~employees and their immediate family members who~~  
16       ~~actively and currently work on important agricultural~~  
17       ~~land upon which the housing unit is situated; provided~~  
18       ~~further that the immediate family members of the~~  
19       ~~employee shall not live in separate housing units and~~  
20       ~~shall live with the employee;~~



~~(3) The total land area upon which the farm dwellings and employee housing units and all appurtenances are situated shall not occupy more than five per cent of the total important agricultural land area controlled by the farmer or the employee's employer or fifty acres, whichever is less;~~

~~(4) The farm dwellings and employee housing units shall meet all applicable building code requirements;~~

~~(5) Notwithstanding section 205-4.5(a)(12), the landowner shall not plan or develop a residential subdivision on the important agricultural land;~~

~~(6) Consideration may be given to the cluster development of farm dwellings and employee housing units to maximize the land area available for agricultural production; and~~

~~(7) The plans for farm dwellings and employee housing units shall be supported by agricultural plans that are approved by the department of agriculture."]~~

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and permit proceedings begun before its effective date under the use and district



1 standards for the state agricultural land use district and  
2 underlying county zoning.

3 SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 3000.



**Report Title:**

Important Agricultural Lands; Important Agricultural Lands  
Incentive; Farm Cluster Housing; County Ordinances

**Description:**

Establishes an important agricultural lands incentive to provide alternative means to develop housing for farmers and farm employees. Authorizes a landowner or lessee of important agricultural lands to apply to a county for a permit allowing the landowner or lessee to develop, construct, and maintain farm cluster housing. Requires each county to enact ordinances to allow farm cluster housing on important agricultural lands. Establishes requirements for farm cluster housing. Repeals existing requirements for farm dwellings and employee housing on important agricultural lands. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO IMPORTANT AGRICULTURAL LANDS.

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

1       SECTION 1. The legislature finds that in 2008, the  
2 legislature passed incentives intended to promote agricultural  
3 viability, sustained growth of the agricultural industry, and  
4 the long-term use and protection of lands designated as  
5 important agricultural lands.

6       Act 233, Session Laws of Hawaii 2008, included a provision  
7 for landowners to develop, construct, and maintain farm  
8 dwellings and employee housing for farmers, employees, and their  
9 immediate family members on lands designated as important  
10 agricultural lands, provided that occupants of these dwellings  
11 are actively engaged in farming. Although this provision was  
12 intended as an incentive for the designation and agricultural  
13 use of important agricultural lands, it is unclear whether this  
14 provision, as codified in section 205-45.5, Hawaii Revised  
15 Statutes, also imposes additional restrictions on farm dwellings  
16 and employee housing on important agricultural lands.

17       The legislature recognizes that the lack of affordable  
18 housing for farmers and farm employees is an impediment to



H.B. NO. 1013

1 increasing food and non-food agricultural production in Hawaii.  
2 There is still a need to develop housing for farmers and farm  
3 employees on lands designated as important agricultural lands  
4 that both reduces the cost and time required to supply such  
5 housing and ensures that the housing is used in conjunction  
6 with, and located on, an active farm and is occupied by bona  
7 fide farmers or farm employees.

8 The purposes of this Act are to:

- 9 (1) Establish an important agricultural lands incentive to  
10 facilitate the development of farm cluster housing for  
11 farmers, farm employees, and their immediate family  
12 members;
- 13 (2) Include farm cluster housing under a priority permit  
14 processing procedure for facilities on lands  
15 designated as important agricultural lands; and
- 16 (3) Repeal the existing requirements for farm dwellings  
17 and employee housing on important agricultural lands  
18 to eliminate any restrictions that may be stricter  
19 than what is allowed under the existing definition of  
20 a farm dwelling.

H.B. NO. 1013

SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding to part III a new section to be appropriately designated and to read as follows:

"§205-      Important agricultural lands incentive; farm cluster housing. (a) There is established an important agricultural lands incentive to provide an alternative means to develop housing for farmers and farm employees who actively and currently farm lands that are designated as important agricultural lands. The incentive shall be used to support development of farmer and farm employee housing that reduces costs and time while ensuring that the housing developed does not contribute to the loss of agricultural land to non-agricultural residential uses or residential sprawl.

(b) Notwithstanding section 205-51(b) and any other law to the contrary, a landowner or lessee of lands that are designated as important agricultural lands may apply to a county for a permit, in a form to be determined by the county, that allows the landowner or lessee to develop, construct, and maintain farm cluster housing on the lands for rent to farmers and farm employees who actively and currently farm on important agricultural lands and their immediate family members.

17.B. NO. 1013

1        (c) Each county shall enact ordinances to allow farm  
2 cluster housing on important agricultural lands. The ordinances  
3 shall provide for:

4        (1) Conformance with the conditions in subsection (d);

5        (2) Exemption from subdivision of the land and other  
6 county subdivision ordinances;

7        (3) Priority review and processing pursuant to section  
8 205-46.5;

9        (4) The development of more units per lot than allowed by  
10 the underlying county zoning; and

11       (5) The submission to the county of the landowner or  
12 lessee's agricultural plan or agricultural business  
13 plan supporting the development of farm cluster  
14 housing and providing evidence of a real property tax  
15 agricultural dedication granted by the county. The  
16 agricultural plan and agricultural tax dedication  
17 verification shall be submitted to the appropriate  
18 county agency for review and comment and may be  
19 submitted by the county to the department of  
20 agriculture for review and comment, before any county  
21 action on the application.

H.B. NO. 1013

(d) Farm cluster housing shall be subject to the following conditions:

(1) Farm cluster housing shall be allowed only on lots of record that are at least ten acres;

(2) All farm cluster housing units shall be leased or rented to a farmer or farm employee who is farming the important agricultural lands upon which the farm cluster housing is situated. This restriction shall be stated in any applicable rental documents;

(3) The total land area upon which the farm cluster housing units and all appurtenances are situated shall occupy an area that is the lesser of:

(A) A contiguous block or area no more than five per cent of the lot of record; or

(B) A contiguous block or area not to exceed ten acres;

(4) The farm cluster housing units shall meet all applicable building code requirements and infrastructure requirements and standards necessary to ensure safe and healthful occupancy;

(5) The farm cluster housing units shall not be used for short-term vacation rentals;

## H.B. NO. 1013

1       (6) The landowner or master lessee shall be responsible  
2       for ensuring compliance with the occupancy requirement  
3       set forth in subsection (d)(1) and the restriction on  
4       use set forth in subsection (d)(5); and

5       (7) If farm cluster housing units are vacated as a result  
6       of the cessation of any agricultural operations on the  
7       important agricultural lands, the landowner or master  
8       lessee may rent the farm cluster housing units under  
9       the same restrictions imposed by this section to a  
10       farmer or farm employee of a bona fide farming  
11       operation, as defined in section 165-2, on other  
12       agricultural lands, whether or not those lands have  
13       been designated as important agricultural lands.

14       (e) The officer or agency charged with the administration  
15       of county zoning laws within each county shall enforce the  
16       building and use restrictions in this section and impose  
17       penalties for violations of any provision of this section or of  
18       any related county permit.

19       (f) Farm dwellings and employee housing units on lands  
20       designated as important agricultural lands that are not  
21       processed as farm cluster housing pursuant to this section shall

H.B. NO. 1013

1 be subject to all applicable state laws, county ordinances, and  
2 rules.

3 (g) As used in this section, "farm cluster housing" means  
4 an agricultural housing development that concentrates farm  
5 dwellings and farm employee housing units and shared  
6 infrastructure in a compact area within the larger lot and  
7 minimizes the land area occupied by the housing development."

8 SECTION 3. Section 205-46.5, Hawaii Revised Statutes, is  
9 amended by amending its title and subsection (a) to read as  
10 follows:

11 "[+] §205-46.5 [+] Agricultural processing facilities; farm  
12 cluster housing; permits; priority. (a) Any agency subject to  
13 this chapter or title 13 that issues permits for:

14 (1) Agricultural processing facilities that process crops  
15 or livestock from an agribusiness; or

16 (2) Farm cluster housing developed pursuant to section  
17 205- ;

18 shall establish and implement a procedure for the priority  
19 processing of those permit applications and renewals, at no  
20 additional cost to the applicant [~~for agricultural processing~~  
21 ~~facilities that process crops or livestock from an~~  
22 ~~agribusiness~~]; provided that the majority of the lands held,

H.B. NO. 1013

1 owned, or used by the agribusiness or farm cluster housing  
2 applicant shall be land designated as important agricultural  
3 lands pursuant to this part, excluding lands held, owned, or  
4 used by the agribusiness or applicant in a conservation  
5 district.

6 Any priority permit processing procedure established  
7 pursuant to this section shall not provide or imply that any  
8 permit application filed under the priority processing procedure  
9 shall be automatically approved."

10 SECTION 4. Section 205-45.5, Hawaii Revised Statutes, is  
11 repealed.

12 ~~["§205-45.5] Important agricultural land, farm dwellings~~  
13 ~~and employee housing. A landowner whose agricultural lands are~~  
14 ~~designated as important agricultural lands may develop,~~  
15 ~~construct, and maintain farm dwellings and employee housing for~~  
16 ~~farmers, employees, and their immediate family members on these~~  
17 ~~lands, provided that:~~

18 ~~(1) The farm dwellings and employee housing units shall be~~  
19 ~~used exclusively by farmers and their immediate family~~  
20 ~~members who actively and currently farm on important~~  
21 ~~agricultural land upon which the dwelling is situated;~~  
22 ~~provided further that the immediate family members of~~

H.B. NO. 1013

1 ~~a farmer may live in separate dwelling units situated~~  
2 ~~on the same designated land;~~

3 ~~(2) Employee housing units shall be used exclusively by~~  
4 ~~employees and their immediate family members who~~  
5 ~~actively and currently work on important agricultural~~  
6 ~~land upon which the housing unit is situated; provided~~  
7 ~~further that the immediate family members of the~~  
8 ~~employee shall not live in separate housing units and~~  
9 ~~shall live with the employee;~~

10 ~~(3) The total land area upon which the farm dwellings and~~  
11 ~~employee housing units and all appurtenances are~~  
12 ~~situated shall not occupy more than five per cent of~~  
13 ~~the total important agricultural land area controlled~~  
14 ~~by the farmer or the employee's employer or fifty~~  
15 ~~acres, whichever is less;~~

16 ~~(4) The farm dwellings and employee housing units shall~~  
17 ~~meet all applicable building code requirements;~~

18 ~~(5) Notwithstanding section 205-4.5(a)(12), the landowner~~  
19 ~~shall not plan or develop a residential subdivision on~~  
20 ~~the important agricultural land;~~

21 ~~(6) Consideration may be given to the cluster development~~  
22 ~~of farm dwellings and employee housing units to~~



H.B. NO. 1013

1           ~~maximize the land area available for agricultural~~  
2           ~~production; and~~  
3       ~~(7) The plans for farm dwellings and employee housing~~  
4           ~~units shall be supported by agricultural plans that~~  
5           ~~are approved by the department of agriculture."]~~

6           SECTION 5. This Act does not affect rights and duties that  
7   matured, penalties that were incurred, and permit proceedings  
8   begun before its effective date under the use and district  
9   standards for the state agricultural land use district and  
10   underlying county zoning.

11           SECTION 6. Statutory material to be repealed is bracketed  
12   and stricken. New statutory material is underscored.

**13** SECTION 7. This Act shall take effect upon its approval.

14

15

INTRODUCED BY:

Nadine K. Puchner

16

BY REQUEST

JAN 21 2025

# H.B. NO. 1013

**Report Title:**

Important Agricultural Lands; Important Agricultural Lands Incentive; Farm Cluster Housing; Priority Permit Processing; Counties; County Ordinances

**Description:**

Repeals the provision authorizing farm dwellings and farm employee housing on important agricultural lands, amends the provision for priority permit processing to include farm cluster housing, and adopts a new provision establishing farm cluster housing to incentivize the designation of lands as important agricultural lands pursuant to chapter 205, HRS.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS.

PURPOSE: To establish an important agricultural lands (IAL) incentive to facilitate the development of farm cluster housing for farmers and farm employees; to include farm cluster housing under a priority permit processing procedure; and to eliminate existing restrictions on farm dwellings and employee housing on IAL to the extent they are stricter than what is allowed under the definition of a farm dwelling.

MEANS: Add a new section to chapter 205, part III, Hawaii Revised Statutes (HRS); amend section 205-46.5, HRS; and repeal section 205-45.5, HRS.

JUSTIFICATION: Section 205-45.5, HRS, was enacted as one of several incentives in Act 233, Session Laws of Hawaii (SLH) 2008, that were intended to provide incentives to establish and sustain viable agricultural operations on lands designated as IAL pursuant to section 3 of article XI of the Constitution of the State of Hawaii. Act 183, SLH 2005, which established standards and criteria for the designation of IAL to implement section 3 of article XI of the Constitution of the State of Hawaii, required the enactment of incentives before the designation of any IAL by the State Land Use Commission.

Section 205-45.5, HRS, authorizes the development of farm dwellings and employee housing on lands designated as IAL under chapter 205, HRS. That section was intended to incentivize IAL designation by making it easier to provide farm dwellings and employee housing on IAL on the condition that occupants must be engaged in farming.

As written, section 205-45.5, HRS, creates several problems.

First, the wording has been misinterpreted as imposing a blanket requirement that all occupants of farm dwellings and employee housing on IAL, including immediate family members, must be actively farming the land.

Second, section 205-45.5, HRS, does not provide relief from current limitations on the number of farm dwellings allowed per lot and minimum lot sizes that make it difficult to cost-effectively cluster the units, or from residential subdivision standards or processes.

Thus, section 205-45.5, HRS, has been interpreted as imposing an additional restriction on farm dwellings, beyond those in the definition of farm dwelling in section 205-4.5(a)(4), HRS. The bill would resolve this issue by repealing the current section and adding a new section that requires the enactment of county ordinances that provide appropriate relief from density, lot, and subdivision standards for farm cluster housing, which would offer more of an incentive to designate land as IAL. Additionally, this bill will amend section 205-46.5, HRS, to require that the counties prioritize permits for farm cluster housing.

Impact on the public: Section 205-45.5, HRS, is being repealed, rather than amended, to avoid any association of this incentive with the controversial section 205-45.5, HRS, that so many landowners were opposed to during the previous county IAL proceedings before the Land Use Commission. Replacing the controversial section with a new one that more clearly defines the intended incentive will help reduce fears of landowners that the designation of lands as IAL would impose stricter restrictions than what are already imposed on agricultural lands under chapter 205, HRS. This would

hopefully reduce landowners' concerns about having land designated as IAL and enable designation of IAL by the counties to proceed. In addition, relaxing certain development standards through the new section would make this a more workable incentive for landowners and lessees of IAL to develop, construct, and maintain farm cluster housing on these lands.

Impact on the department and other agencies:

There should be no negative impact on the department or sister state agencies. The bill could facilitate the IAL designation process for the Land Use Commission and reduce the length and contentiousness of the county IAL proceedings for both the State and the counties.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: BED-144.

OTHER AFFECTED  
AGENCIES: Land Use Commission, Department of Agriculture, and county planning departments. These proposed revisions are not expected to any level of service or cost to the counties pursuant to section 5, article VIII of the Hawaii constitution because the revisions simply clarify existing requirements, and the counties are already responsible for enforcing regulations associated with chapter 205, HRS, which allows for farm dwellings and employee housing on IAL. However, should the counties determine that processing farm cluster housing requires more resources, the counties can charge fees to cover their costs.

EFFECTIVE DATE: Upon approval.

# **5**

## **Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO LAND USE**

## 5a

### a. **SB1079 and HB502 - RELATING TO LAND USE**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2026. Sunsets 6/30/2029.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1079&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1079&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=502&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=502&year=2026)

JAN 17 2025

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that small lot  
2 subdivisions exist in agricultural districts within each county  
3 that may be more appropriately placed within rural districts.  
4 Many of these lots were created for speculative purposes before  
5 the enactment of the state land use law in 1961.

6       The legislature further finds that the counties have an  
7 interest in redistricting these lands as they may contain lots  
8 and uses that are non-conforming or lots of insufficient size to  
9 support commercial agricultural use. As a result, the ability  
10 of the counties to ensure the appropriate use of lands within  
11 agricultural districts is inhibited by the need to account for  
12 these non-conforming uses.

13       Therefore, the purpose of this Act is to temporarily allow  
14 each county to petition for the redistricting of land from an  
15 agricultural district to a rural district through the land use  
16 commission's declaratory ruling process.





SECTION 2. (a) Between July 1, 2026, and June 30, 2029,  
any county, by resolution of its county council, may submit a  
petition to the land use commission, established by chapter 205,  
Hawaii Revised Statutes, for the redistricting of land from an  
agricultural district to a rural district if the following  
requirements are met:

(1) The land has been:

(A) Developed for single-family residences that are  
currently in the agricultural district; and

(B) Subdivided into lots that are no larger than one  
acre in size;

(2) The land is part of an existing agricultural  
subdivision consisting of ten or more contiguous lots;

(3) A single-family residence is constructed on each lot,  
or the lot is part of an agricultural subdivision  
intended for single-family residential construction;

(4) The requirements of chapter 343, Hawaii Revised  
Statutes, if applicable, are met at the time of  
redistricting;

(5) The redistricting would not adversely affect the  
ability of any lots included within the petition or



1           any neighboring lands to be used for agricultural  
2           purposes;

3           (6) The area petitioned for redistricting is supported by  
4           the applicable county plan;

5           (7) The applicable county council provides written notice  
6           of the council's public hearing to each owner of each  
7           lot proposed to be included in the petition at least  
8           fifteen days before the hearing; and

9           (8) The office of planning and sustainable development has  
10          reviewed and provided a recommendation on the petition  
11          with regard to the State's interests.

12          (b) The land use commission shall process petitions under  
13          subsection (a) for declaratory order within three hundred sixty-  
14          five days from the petition being deemed complete. If the land  
15          use commission finds that there is insufficient evidence  
16          presented by the applicable county council or that significant  
17          public trust issues are presented by the petition, the land use  
18          commission may deny the petition in whole or in part.

19          (c) Lots included in a petition denied by the land use  
20          commission may be considered for inclusion in future county



1 council petitions submitted within the effective period of  
2 subsection (a).

3 (d) The land use commission shall adopt rules pursuant to  
4 chapter 91, Hawaii Revised Statutes, to implement this Act.

5 SECTION 3. This Act shall take effect on July 1, 2026, and  
6 shall be repealed on June 30, 2029.

7

INTRODUCED BY: 



# S.B. NO. 1079

**Report Title:**

LUC; Counties; Petition; Redistricting; Declaratory Order

**Description:**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2026. Sunsets 6/30/2029.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that small lot  
2 subdivisions exist in agricultural districts within each county  
3 that may be more appropriately placed within rural districts.  
4 Many of these lots were created for speculative purposes before  
5 the enactment of the state land use law in 1961.

6       The legislature further finds that the counties have an  
7 interest in redistricting these lands as they may contain lots  
8 and uses that are non-conforming or lots of insufficient size to  
9 support commercial agricultural use. Currently, the ability of  
10 the counties to ensure the appropriate use of lands within  
11 agricultural districts is inhibited by the need to account for  
12 these non-conforming uses.

13       Therefore, the purpose of this Act is to temporarily allow  
14 each county to petition for the redistricting of land from an  
15 agricultural district to a rural district through the land use  
16 commission's declaratory ruling process.



1       SECTION 2. (a) Between July 1, 2026, and June 30, 2029,  
2 any county, by resolution of its county council, may submit a  
3 petition to the land use commission, established by chapter 205,  
4 Hawaii Revised Statutes, for the redistricting of land from an  
5 agricultural district to a rural district if the following  
6 requirements are met:

7       (1) The land has not been designated as important  
8 agricultural lands pursuant to chapter 205, part III,  
9 Hawaii Revised Statutes;

10       (2) The land has been:

11           (A) Developed for single-family residences that are  
12 currently in the agricultural district; and

13           (B) Subdivided into lots that are no larger than one  
14 acre in size;

15       (3) The land is part of an existing agricultural  
16 subdivision consisting of ten or more contiguous lots;

17       (4) A single-family residence is constructed on each lot,  
18 or the lot is part of an agricultural subdivision  
19 intended for single-family residential construction;



1 (5) The requirements of chapter 343, Hawaii Revised  
2 Statutes, if applicable, are met at the time of  
3 redistricting;

4 (6) The redistricting would not adversely affect the  
5 ability of any lots included within the petition or  
6 any neighboring lands to be used for agricultural  
7 purposes;

8 (7) The area petitioned for redistricting is supported by  
9 the applicable county plan;

10 (8) The applicable county council provides written notice  
11 of the council's public hearing to each owner of each  
12 lot proposed to be included in the petition at least  
13 fifteen days before the hearing; and

14 (9) The office of planning and sustainable development has  
15 reviewed and provided a recommendation on the petition  
16 with regard to the State's interests.

17 (b) The land use commission shall process petitions under  
18 subsection (a) for declaratory order within three hundred sixty-  
19 five days from the petition being deemed complete. If the land  
20 use commission finds that there is insufficient evidence  
21 presented by the applicable county council or that significant



1 public trust issues are presented by the petition, the land use  
2 commission may deny the petition in whole or in part.

3 (c) Lots included in a petition denied by the land use  
4 commission may be considered for inclusion in future county  
5 council petitions submitted within the effective period of  
6 subsection (a).

7 (d) The land use commission shall adopt rules pursuant to  
8 chapter 91, Hawaii Revised Statutes, to implement this Act.

9 SECTION 3. This Act shall take effect on July 1, 3000, and  
10 shall be repealed on June 30, 2029.





**Report Title:**

LUC; Counties; Petition; Redistricting; Declaratory Order

**Description:**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/3000. Sunsets 6/30/2029. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that small lot  
2 subdivisions exist in agricultural districts within each county  
3 that may be more appropriately placed within rural districts.  
4 Many of these lots were created for speculative purposes before  
5 the enactment of the state land use law in 1961.

6       The legislature further finds that the counties have an  
7 interest in redistricting these lands as they may contain lots  
8 and uses that are non-conforming or lots of insufficient size to  
9 support commercial agricultural use. As a result, the ability  
10 of the counties to ensure the appropriate use of lands within  
11 agricultural districts is inhibited by the need to account for  
12 these non-conforming uses.

13       Therefore, the purpose of this Act is to temporarily allow  
14 each county to petition for the redistricting of land from an  
15 agricultural district to a rural district through the land use  
16 commission's declaratory ruling process.



SECTION 2. (a) Between July 1, 2026, and June 30, 2029,  
any county, by resolution of its county council, may submit a  
petition to the land use commission, established by chapter 205,  
Hawaii Revised Statutes, for the redistricting of land from an  
agricultural district to a rural district if the following  
requirements are met:

(1) The land has been:

(A) Developed for single-family residences that are  
currently in the agricultural district; and

(B) Subdivided into lots that are no larger than one  
acre in size;

(2) The land is part of an existing agricultural  
subdivision consisting of ten or more contiguous lots;

(3) A single-family residence is constructed on each lot,  
or the lot is part of an agricultural subdivision  
intended for single-family residential construction;

(4) The requirements of chapter 343, Hawaii Revised  
Statutes, if applicable, are met at the time of  
redistricting;

(5) The redistricting would not adversely affect the  
ability of any lots included within the petition or



1           any neighboring lands to be used for agricultural  
2           purposes;

3           (6) The area petitioned for redistricting is supported by  
4           the applicable county plan;

5           (7) The applicable county council provides written notice  
6           of the council's public hearing to each owner of each  
7           lot proposed to be included in the petition at least  
8           fifteen days before the hearing; and

9           (8) The office of planning and sustainable development has  
10          reviewed and provided a recommendation on the petition  
11          with regard to the State's interests.

12          (b) The land use commission shall process petitions under  
13          subsection (a) for declaratory order within three hundred sixty-  
14          five days from the petition being deemed complete. If the land  
15          use commission finds that there is insufficient evidence  
16          presented by the applicable county council or that significant  
17          public trust issues are presented by the petition, the land use  
18          commission may deny the petition in whole or in part.

19          (c) Lots included in a petition denied by the land use  
20          commission may be considered for inclusion in future county



# H.B. NO. 502

1 council petitions submitted within the effective period of  
2 subsection (a).

3 (d) The land use commission shall adopt rules pursuant to  
4 chapter 91, Hawaii Revised Statutes, to implement this Act.

5 SECTION 3. This Act shall take effect on July 1, 2026, and  
6 shall be repealed on June 30, 2029.

7

INTRODUCED BY:



JAN 17 2025



# H.B. NO. 502

**Report Title:**

LUC; Counties; Petition; Redistricting; Declaratory Order

**Description:**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2026. Sunsets 6/30/2029.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## **5b**

### **b. HB2424 - RELATING TO LAND USE**

Between 7/1/2026 and 12/31/2028, authorizes each county planning commission to petition the Land Use Commission for a district boundary amendment to reclassify certain lands within the agricultural district to the rural district through the declaratory ruling process.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=2424&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=2424&year=2026)

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that small lot  
2 subdivisions exist in agricultural districts within each county  
3 that may be more appropriately placed within the rural district.  
4 Many of these lots were created for speculative purposes before  
5 the enactment of the state land use law in 1961.

6       The legislature further finds that the counties have an  
7 interest in redistricting these lands as they may contain lots  
8 and uses that are non-conforming or of insufficient size to  
9 support commercial agricultural use.

10       Therefore, the purpose of this Act is to allow each of the  
11 counties a temporary opportunity to petition the land use  
12 commission for a district boundary amendment to reclassify  
13 certain lands within the agricultural district to the rural  
14 district through the declaratory ruling process.

15       SECTION 2. Section 165-1, Hawaii Revised Statutes, is  
16 amended to read as follows:





1       **"§165-1 Findings and purpose.** The legislature finds that  
2   ~~[when nonagricultural land uses extend into agricultural areas,~~  
3   ~~farming operations often become the subject of nuisance~~  
4   ~~lawsuits]~~ existing or proposed agricultural land uses occurring  
5   on former sugar cane lands are subject to permitting  
6   requirements that may be appropriate for activities in pristine  
7   ecosystems but are unnecessary for former cane lands. The  
8   requirements are often so burdensome and costly that they may  
9   result in the premature removal of lands from agricultural use  
10   and may discourage future investments in agriculture. The  
11   legislature also finds that under the Hawaii State Planning Act,  
12   it is a declared policy of this State to "foster attitudes and  
13   activities conducive to maintaining agriculture as a major  
14   sector of Hawaii's economy." Accordingly, it is the purpose of  
15   this chapter to reduce the loss to the State of its agricultural  
16   resources by limiting the circumstances under which farming  
17   operations may be deemed to be a nuisance."

18       SECTION 3. (a) Between July 1, 2026, and December 31,  
19   2028, the planning commission of any county may petition the  
20   land use commission for a district boundary amendment to



1 reclassify land within the agricultural district to the rural  
2 district; provided that the following requirements are met:

3 (1) The land has been:

4 (A) Developed, permitted or intended for single-  
5 family residences that are currently in the  
6 agricultural district; and

7 (B) Subdivided into lots that are no larger than two  
8 acres in size;

9 (2) The land is part of an existing agricultural  
10 subdivision consisting of more than twenty subdivided  
11 lots;

12 (3) A single-family residence is constructed on each lot,  
13 or the lot is part of an agricultural subdivision  
14 intended for single-family residential construction;

15 (4) The requirements of chapter 343, Hawaii Revised  
16 Statutes, if applicable, are met at the time the  
17 petition is made;

18 (5) The district boundary amendment would not adversely  
19 affect the ability of neighboring lands to be used for  
20 agricultural purposes;



(6) The area for which a district boundary amendment is petitioned is supported by the applicable county plan;

(7) The applicable county planning commission provides:

(A) All affected landowners reasonable notice of the proposed district boundary amendment petition;

(B) The public an opportunity to comment on the proposed district boundary amendment petition; and

(C) Required due process for district boundary amendments under constitutional and statutory law; and

(8) The office of planning and sustainable development shall in every case appear as a party, at both the state and county levels, and make recommendations to address state interests and public trust issues.

(b) The land use commission shall process each petition under subsection (a) as a petition for a declaratory order, pursuant to section 91-8, Hawaii Revised Statutes, for a district boundary amendment of the subject land, within three hundred sixty-five days from the date the petition is deemed complete by the land use commission. If the land use commission



1 finds that there is insufficient evidence presented by the  
2 applicable county planning commission or that significant public  
3 trust issues are presented by the petition, the land use  
4 commission may:

5 (1) Deny the petition in whole or in part; or

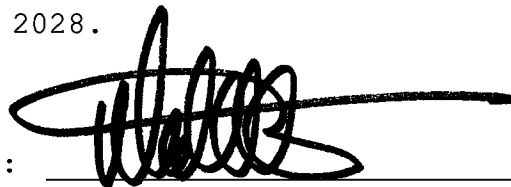
6 (2) Schedule a contested case hearing on the matter  
7 consistent with its administrative rules.

8 (c) The land use commission shall adopt rules pursuant to  
9 chapter 91, Hawaii Revised Statutes, to implement this Act.

10 SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2026, and  
13 shall be repealed on December 31, 2028.

14  
INTRODUCED BY:



JAN 27 2026



# H.B. NO. 2424

**Report Title:**

Land Use Commission; County Planning Commissions; District  
Boundary Amendment Petition; Agricultural District; Rural  
District

**Description:**

Between 7/1/2026 and 12/31/2028, authorizes each county planning commission to petition the Land Use Commission for a district boundary amendment to reclassify certain lands within the agricultural district to the rural district through the declaratory ruling process.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## **5c**

### **c. SB2015 - RELATING TO LAND USE**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2027. Sunsets 6/30/2030.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2015&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2015&year=2026)

JAN 21 2026

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that small lot  
2 subdivisions that exist in agricultural districts within each  
3 county may be more appropriately placed within rural districts.  
4 Many of these lots were created for speculative purposes before  
5 the enactment of the state land use law in 1961.

6       The legislature further finds that the counties have an  
7 interest in redistricting these lands as they may contain lots  
8 and allow for uses that are nonconforming, or lots of  
9 insufficient size to support commercial agricultural use. As a  
10 result, the ability of the counties to ensure the appropriate  
11 use of lands within agricultural districts is inhibited by the  
12 need to account for these nonconforming uses.

13       Therefore, the purpose of this Act is to temporarily allow  
14 each county to petition for the redistricting of land from an  
15 agricultural district to a rural district through the land use  
16 commission's declaratory ruling process.



SECTION 2. (a) Between July 1, 2027, and June 30, 2030, any county, by resolution of its county council, may submit a petition to the land use commission for the redistricting of land from an agricultural district to a rural district if the following requirements are met:

(1) The land has been:

(A) Developed for single-family residences that are currently in the agricultural district; and

(B) Subdivided into lots that are no larger than one acre in size;

(2) The land is part of an existing agricultural subdivision consisting of ten or more contiguous lots;

(3) A single-family residence is constructed on each lot, or the lot is part of an agricultural subdivision intended for single-family residential construction;

(4) The requirements of chapter 343, Hawaii Revised Statutes, if applicable, are met at the time of redistricting;

(5) The redistricting would not adversely affect the ability of any lots included within the petition or





any neighboring lands to be used for agricultural purposes;

(6) The area petitioned for redistricting is supported by the applicable county plan;

(7) The applicable county council provides written notice of the council's public hearing to each owner of each lot proposed to be included in the petition at least fifteen days before the hearing; and

(8) The office of planning and sustainable development has reviewed and provided a recommendation on the petition with regard to the State's interests.

(b) The land use commission shall process petitions under subsection (a) for declaratory orders within three hundred sixty-five days from a petition being deemed complete. If the land use commission finds that there is insufficient evidence presented by the applicable county council or that significant public trust issues are presented by the petition, the land use commission may deny the petition in whole or in part.

(c) Lots included in a petition denied by the land use commission may be considered for inclusion in future county



1 council petitions submitted within the effective period of  
2 subsection (a).

3 (d) The land use commission shall adopt rules pursuant to  
4 chapter 91, Hawaii Revised Statutes, to implement this Act.

5 SECTION 3. This Act shall take effect on July 1, 2027, and  
6 shall be repealed on June 30, 2030.

7

INTRODUCED BY:





# S.B. NO. 2015

**Report Title:**

LUC; Counties; Petition; Redistricting; Declaratory Order

**Description:**

Temporarily allows each county, by resolution of its county council, to petition for the redistricting of land from an agricultural district to a rural district through the Land Use Commission's declaratory ruling process. Effective 7/1/2027. Sunsets 6/30/2030.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 5d

### d. **SB1334 and HB1015 - RELATING TO LAND USE**

Authorizes county petition process for review and approval of land use district boundary amendments based on adopted county general plans or county development plans.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1334&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1334&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1015&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1015&year=2026)

JAN 23 2025

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1       SECTION 1. The office of planning and sustainable  
2 development's 2022 State Land Use Review of Districts confirmed  
3 that 65,792 acres or approximately 1.6 per cent of the total  
4 lands in the State are situated within county-designated urban  
5 growth areas but are not classified as state urban district.  
6 This discrepancy is primarily due to the incongruence between  
7 the county long-range land use planning process and the State's  
8 land use process. Under the authority set forth in chapters 46  
9 and 226, Hawaii Revised Statutes, the counties prepare general  
10 plans and community development plans that provide a long-range  
11 vision to guide the growth and development of their individual  
12 counties. These plans are adopted after extensive local  
13 community and stakeholder input in the preparation of the plans.

14       The county quasi-legislative long-range planning processes  
15 are different from the contested case district boundary  
16 amendment processes, but each process reaches a similar goal,  
17 i.e., identifying land for its appropriate use. Allowing the  
18 counties to reclassify state land use district boundaries to

## S.B. NO. 1334

1 conform to their established general and community development  
2 plans would streamline development, including housing  
3 production, in areas where the counties can and wish to support  
4 growth, as well as protect areas that are intended for  
5 agricultural purposes.

6 The purpose of this Act is to allow the county land use  
7 decision-making authorities to process district boundary  
8 amendments to align state land use district boundaries with  
9 conforming land use designations contained in adopted county  
10 land use plans.

11 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§205-3.1 Amendments to district boundaries. (a)**  
14 District boundary amendments involving lands in the conservation  
15 district, land areas greater than fifteen acres[7] except as  
16 provided in subsection (c), or lands delineated as important  
17 agricultural lands shall be processed by the land use commission  
18 pursuant to section 205-4.

19 (b) Any department or agency of the State, and department  
20 or agency of the county in which the land is situated, or any  
21 person with a property interest in the land sought to be  
22 reclassified may petition the appropriate county land use

S.B. NO. 1334

1 decision-making authority of the county in which the land is  
2 situated for a change in the boundary of a district involving  
3 ~~[lands less than fifteen acres]~~ land areas of fifteen acres or  
4 less presently in the rural and urban districts ~~[and lands less~~  
5 ~~than fifteen acres]~~ or land areas of fifteen acres or less in  
6 the agricultural district that are not designated as important  
7 agricultural lands.

8 (c) Any county planning agency of the county in which the  
9 land is situated may petition the appropriate county land use  
10 decision-making authority for a change in the boundary of a  
11 district involving lands greater than fifteen acres so as to  
12 conform with the county's general plan or development plan.

13 ~~[-(e)]~~ (d) District boundary amendments involving land  
14 areas of fifteen acres or less, except as provided in subsection  
15 (b), or initiated by the county planning agency to conform with  
16 the county's general plan or development plan pursuant to  
17 subsection (c), shall be determined by the appropriate county  
18 land use decision-making authority for the district and shall  
19 not require consideration by the land use commission pursuant to  
20 section 205-4; provided that such boundary amendments and  
21 approved uses are consistent with this chapter. The appropriate  
22 county land use decision-making authority may consolidate

## S.B. NO. 1334

1 proceedings to amend state land use district boundaries pursuant  
2 to this subsection, with county proceedings to amend the general  
3 plan, development plan, zoning of the affected land, or such  
4 other proceedings. Appropriate ordinances and rules to allow  
5 consolidation of such proceedings may be developed by the county  
6 land use decision-making authority.

7       ~~[(d)]~~ (e) The county land use decision-making authority  
8 shall serve a copy of the application for a district boundary  
9 amendment to the land use commission and the department of  
10 business, economic development, and tourism and shall notify the  
11 commission and the department of the time and place of the  
12 hearing and the proposed amendments scheduled to be heard at the  
13 hearing. A change in the state land use district boundaries  
14 pursuant to this subsection shall become effective on the day  
15 designated by the county land use decision-making authority in  
16 its decision. Within sixty days of the effective date of any  
17 decision to amend state land use district boundaries by the  
18 county land use decision-making authority, the decision and the  
19 description and map of the affected property shall be  
20 transmitted to the land use commission and the department of  
21 business, economic development, and tourism by the county  
22 planning director."



S.B. NO. 1334

1       SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 4. This Act shall take effect upon its approval.

4

5

INTRODUCED BY: 

6

BY REQUEST

# S.B. NO. 1334

**Report Title:**

Land Use; Land Use District Boundary Amendments

**Description:**

Authorizes county petition process for review and approval of land use district boundary amendments based on adopted county general plans or county development plans.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

**SB. NO. 1334**

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO LAND USE.

PURPOSE: To authorize county review and approval of district boundary amendments based on land use designations in adopted county plans.

MEANS: Amend section 205-3.1, Hawaii Revised Statutes.

JUSTIFICATION: According to the Office of Planning and Sustainable Development's 2022 "State Land Use Review of Districts," 65,792 acres or approximately 1.6 percent of the total lands in the State are situated within county-designated urban growth areas but are not classified as State Urban District. This discrepancy is primarily due to the incongruence between the county long-range land use planning process and the State's land use process. County general plans and community development plans undergo rigorous multi-year review and extensive land-use and community analysis. For example, the County of Kauai's General Plan, adopted in 2018, included six technical studies and an inclusive public engagement program involving thousands in meetings, workshops, social media, surveys, and a citizen advisory committee to inform the Plan's vision, goals, policies, objectives and actions. The County of Maui, the County of Hawaii, and the City and County of Honolulu similarly conduct in-depth and comprehensive socioeconomic, land use and infrastructure technical studies along with extensive agency and community involvement processes in updating their general plans and community development plans.

The county quasi-legislative long-range planning processes are different from the

**SB. NO. 1334**

contested case DBAs, but each process reaches a similar goal, i.e., identifying land for housing production or preservation. Allowing the counties to reclassify State Land Use District boundaries to conform to their established general and community development plans would streamline development, including housing production, in areas where the counties can and wish to support growth, as well as protect areas that they intend for agricultural purposes.

Impact on the public: This bill will facilitate boundary amendments initiated by the counties that are intended to align State and county land use policies based on adopted county land use plans. The new process would reduce the time and resources property owners (both public and private) spend on project-specific boundary amendments because these amendments would not need to go through the Land Use Commission and can instead be handled as an extension of the county general plan or development plan process.

Impact on the department and other agencies: Land use changes based on adopted county land use plans will facilitate the implementation of county plans that are vetted and adopted by county councils on behalf of public interests.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: Land Use Commission; county planning and permitting agencies.

EFFECTIVE DATE: Upon approval.

---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. The office of planning and sustainable  
2 development's 2022 State Land Use Review of Districts confirmed  
3 that 65,792 acres or approximately 1.6 per cent of the total  
4 lands in the State are situated within county-designated urban  
5 growth areas but are not classified as state urban district.  
6 This discrepancy is primarily due to the incongruence between  
7 the county long-range land use planning process and the State's  
8 land use process. Under the authority set forth in chapters 46  
9 and 226, Hawaii Revised Statutes, the counties prepare general  
10 plans and community development plans that provide a long-range  
11 vision to guide the growth and development of their individual  
12 counties. These plans are adopted after extensive local  
13 community and stakeholder input in the preparation of the plans.  
14       The county quasi-legislative long-range planning processes  
15 are different from the contested case district boundary  
16 amendment processes, but each process reaches a similar goal,  
17 i.e., identifying land for its appropriate use. Allowing the  
18 counties to reclassify state land use district boundaries to

H.B. NO. 1015

1 conform to their established general and community development  
2 plans would streamline development, including housing  
3 production, in areas where the counties can and wish to support  
4 growth, as well as protect areas that are intended for  
5 agricultural purposes.

6 The purpose of this Act is to allow the county land use  
7 decision-making authorities to process district boundary  
8 amendments to align state land use district boundaries with  
9 conforming land use designations contained in adopted county  
10 land use plans.

11 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§205-3.1 Amendments to district boundaries. (a)

14 District boundary amendments involving lands in the conservation  
15 district, land areas greater than fifteen acres<sup>[7]</sup> except as  
16 provided in subsection (c), or lands delineated as important  
17 agricultural lands shall be processed by the land use commission  
18 pursuant to section 205-4.

19 (b) Any department or agency of the State, and department  
20 or agency of the county in which the land is situated, or any  
21 person with a property interest in the land sought to be  
22 reclassified may petition the appropriate county land use

# H.B. NO. 1015

1 decision-making authority of the county in which the land is  
 2 situated for a change in the boundary of a district involving  
 3 ~~[lands less than fifteen acres]~~ land areas of fifteen acres or  
 4 less presently in the rural and urban districts ~~[and lands less~~  
 5 ~~than fifteen acres]~~ or land areas of fifteen acres or less in  
 6 the agricultural district that are not designated as important  
 7 agricultural lands.

8 (c) Any county planning agency of the county in which the  
 9 land is situated may petition the appropriate county land use  
 10 decision-making authority for a change in the boundary of a  
 11 district involving lands greater than fifteen acres so as to  
 12 conform with the county's general plan or development plan.

13 ~~[(+e)]~~ (d) District boundary amendments involving land  
 14 areas of fifteen acres or less, except as provided in subsection  
 15 (b), or initiated by the county planning agency to conform with  
 16 the county's general plan or development plan pursuant to  
 17 subsection (c), shall be determined by the appropriate county  
 18 land use decision-making authority for the district and shall  
 19 not require consideration by the land use commission pursuant to  
 20 section 205-4; provided that such boundary amendments and  
 21 approved uses are consistent with this chapter. The appropriate  
 22 county land use decision-making authority may consolidate

H.B. NO. 1015

1 proceedings to amend state land use district boundaries pursuant  
2 to this subsection, with county proceedings to amend the general  
3 plan, development plan, zoning of the affected land, or such  
4 other proceedings. Appropriate ordinances and rules to allow  
5 consolidation of such proceedings may be developed by the county  
6 land use decision-making authority.

7       ~~[(d)]~~ (e) The county land use decision-making authority  
8 shall serve a copy of the application for a district boundary  
9 amendment to the land use commission and the department of  
10 business, economic development, and tourism and shall notify the  
11 commission and the department of the time and place of the  
12 hearing and the proposed amendments scheduled to be heard at the  
13 hearing. A change in the state land use district boundaries  
14 pursuant to this subsection shall become effective on the day  
15 designated by the county land use decision-making authority in  
16 its decision. Within sixty days of the effective date of any  
17 decision to amend state land use district boundaries by the  
18 county land use decision-making authority, the decision and the  
19 description and map of the affected property shall be  
20 transmitted to the land use commission and the department of  
21 business, economic development, and tourism by the county  
22 planning director."



H.B. NO. 1015

1       SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 4. This Act shall take effect upon its approval.

4

5

INTRODUCED BY: Nedra K. Parker

6

BY REQUEST

JAN 21 2025

# H.B. NO. 1015

**Report Title:**

Land Use; Land Use District Boundary Amendments

**Description:**

Authorizes county petition process for review and approval of land use district boundary amendments based on adopted county general plans or county development plans.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO LAND USE.

PURPOSE: To authorize county review and approval of district boundary amendments based on land use designations in adopted county plans.

MEANS: Amend section 205-3.1, Hawaii Revised Statutes.

JUSTIFICATION: According to the Office of Planning and Sustainable Development's 2022 "State Land Use Review of Districts," 65,792 acres or approximately 1.6 percent of the total lands in the State are situated within county-designated urban growth areas but are not classified as State Urban District. This discrepancy is primarily due to the incongruence between the county long-range land use planning process and the State's land use process. County general plans and community development plans undergo rigorous multi-year review and extensive land-use and community analysis. For example, the County of Kauai's General Plan, adopted in 2018, included six technical studies and an inclusive public engagement program involving thousands in meetings, workshops, social media, surveys, and a citizen advisory committee to inform the Plan's vision, goals, policies, objectives and actions. The County of Maui, the County of Hawaii, and the City and County of Honolulu similarly conduct in-depth and comprehensive socioeconomic, land use and infrastructure technical studies along with extensive agency and community involvement processes in updating their general plans and community development plans.

The county quasi-legislative long-range planning processes are different from the

contested case DBAs, but each process reaches a similar goal, i.e., identifying land for housing production or preservation. Allowing the counties to reclassify State Land Use District boundaries to conform to their established general and community development plans would streamline development, including housing production, in areas where the counties can and wish to support growth, as well as protect areas that they intend for agricultural purposes.

Impact on the public: This bill will facilitate boundary amendments initiated by the counties that are intended to align State and county land use policies based on adopted county land use plans. The new process would reduce the time and resources property owners (both public and private) spend on project-specific boundary amendments because these amendments would not need to go through the Land Use Commission and can instead be handled as an extension of the county general plan or development plan process.

Impact on the department and other agencies: Land use changes based on adopted county land use plans will facilitate the implementation of county plans that are vetted and adopted by county councils on behalf of public interests.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: Land Use Commission; county planning and permitting agencies.

EFFECTIVE DATE: Upon approval.

## 5e

### e. **SB516 - RELATING TO LAND USE**

Permits film production on lands that are zoned for agricultural use in counties with a population of less than five hundred thousand and that meet other conditions. Establishes the Agricultural Film Production Land Use Oversight Committee to monitor and enforce compliance with regulations on film permit activities on agricultural zoned lands.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=516&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=516&year=2026)

JAN 17 2025

---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. Chapter 201, Hawaii Revised Statutes, is  
2       amended by adding a new part to be appropriately designated and  
3       to read as follows:

4       "PART       . AGRICULTURAL FILM PRODUCTION LAND USE ACT.

5       §201-A Short title. This part shall be known as the  
6       Agricultural Film Production Land Use Act.

7       §201-B Purpose. The purpose of this Act is to permit,  
8       facilitate, and regulate responsible film production in  
9       agricultural zoned lands while fostering collaboration with any  
10      lineal descendants of the lands and ensuring the preservation,  
11      respect, and sustainable use of these lands for future  
12      generations. Encouragement of the film tourism industry shall  
13      be fostered through responsible film production in agricultural  
14      zoned lands that aims to showcase the cultural and historical  
15      significance of agricultural zoned lands in the State.

16      §201-C Definitions. As used in this part:



"Agricultural zoned land" means land designated for agricultural purposes under county zoning regulations.

"Film permit" means the official authorization granted by relevant authorities for conducting film production on agricultural zoned lands.

"Film production" means activities related to the creation of visual media content including filming, photography, and associated activities.

"Film production area" means a designated areas within the agricultural zoned lands where film production is permitted.

"Lineal descendant" means an individual directly descended from previous generations who has historical, ancestral, or cultural ties to the film production area.

"Oversight committee" means the agricultural film production land use oversight committee established pursuant to section 201-E.

"Structural integrity check" means a periodic assessment to ensure the stability and safety of any structure built for film production purposes.

**§201-D Permissible film production within agricultural zoned lands.** (a) Film production on agricultural zoned lands



1 is permitted pursuant to this part; provided that this part  
2 shall only apply to counties with a population less than five  
3 hundred thousand; provided further that:

4 (1) The land is not:

5 (A) Designated as important agricultural land under  
6 chapter 205, part III, Hawaii Revised Statutes;

7 (B) Classified by the land study bureau's  
8 classification system as class A or B; and

9 (C) Used for active agricultural crop production;

10 (2) The film production company shall obtain all necessary  
11 film permits from the relevant government entities,  
12 outlining the scope of film production and adherence  
13 to guidelines; and

14 (3) The film production company shall make efforts to  
15 involve lineal descendants in decision-making  
16 processes concerning film production on agricultural  
17 zoned lands with ancestral value, thereby respecting  
18 the cultural heritage and historical significance of  
19 these lands.

20 (b) Film production areas may include temporary setups,  
21 such as tents for filming and catering.





1 (c) Film set pieces and temporary structures constructed  
2 for film production purposes are permitted within film  
3 production areas; provided that the film set pieces and  
4 temporary structures comply with safety standards and undergo  
5 regular structural integrity checks.

6 (d) Upon the request of the owner of the agricultural  
7 zoned land, the ownership and maintenance responsibilities of  
8 any film set piece and temporary structure may be transferred  
9 from the film production company to the owner of the  
10 agricultural zoned lands; provided that the terms of the  
11 transfer are mutually agreed upon between both parties.

12 **§201-E Agriculture film production land use oversight**  
13 **committee; establishment; responsibilities.** (a) There is  
14 established within the creative industries division of the  
15 department an agricultural film production land use oversight  
16 committee consisting of experts in agriculture, conservation,  
17 heritage, and filmmaking to monitor and enforce compliance with  
18 regulations on film permit activities on agricultural zoned  
19 lands.

20 (b) The oversight committee shall:



- (1) Establish strict guidelines and oversight regarding film production on agricultural zoned lands to ensure responsible land use;
- (2) Take adequate measures to address any environmental, cultural, or societal concerns arising from film production on agricultural zoned lands;
- (3) Ensure that all film production areas follow environmental and safety guidelines; and
- (4) Conduct periodic reviews and revisions to ensure effectiveness and alignment with evolving agricultural, environmental, and cultural preservation standards.

(c) All owners of any set pieces or temporary structures constructed for film production purposes on agricultural zoned lands shall schedule annual structural integrity checks with the oversight committee to ensure compliance with safety standards.

**§201-F Rules.** The department may adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this part.

**§201-G Violations; penalties.** Any violation of this part may result in fines, suspension or revocation of permits, and



1 other legal consequences as deemed appropriate by the oversight  
2 committee established pursuant to section 201-E.

3       **§201-H Conflict with other regulations.** Upon adoption,  
4 this part shall supersede any conflicting regulations to the  
5 extent permitted by law."

6       SECTION 2. Section 205-6, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       **"§205-6 Special permit.** (a) Subject to this section, the  
9 county planning commission may permit certain unusual and  
10 reasonable uses within agricultural and rural districts other  
11 than those for which the district is classified. Any person who  
12 desires to use the person's land within an agricultural or rural  
13 district other than for an agricultural or rural use, as the  
14 case may be, may petition the planning commission of the county  
15 within which the person's land is located for permission to use  
16 the person's land in the manner desired. Each county may  
17 establish the appropriate fee for processing the special permit  
18 petition. Copies of the special permit petition shall be  
19 forwarded to the land use commission, the office of planning and  
20 sustainable development, and the department of agriculture for  
21 their review and comment.



1           (b) The planning commission, upon consultation with the  
2 central coordinating agency, except in counties where the  
3 planning commission is advisory only in which case the central  
4 coordinating agency, shall establish by rule or regulation, the  
5 time within which the hearing and action on petition for special  
6 permit shall occur. The county planning commission shall notify  
7 the land use commission and ~~[such]~~ those persons and agencies  
8 that may have an interest in the subject matter of the time and  
9 place of the hearing.

10           (c) The county planning commission may, under ~~[such]~~  
11 protective restrictions as may be deemed necessary, permit the  
12 desired use, but only when the use would promote the  
13 effectiveness and objectives of this chapter; provided that a  
14 use proposed for designated important agricultural lands shall  
15 not conflict with any part of this chapter. A decision in favor  
16 of the applicant shall require a majority vote of the total  
17 membership of the county planning commission.

18           (d) Special permits for land the area of which is greater  
19 than fifteen acres or for lands designated as important  
20 agricultural lands shall be subject to approval by the land use  
21 commission. The land use commission may impose additional



1 restrictions as may be necessary or appropriate in granting the  
2 approval, including the adherence to representations made by the  
3 applicant.

4 (e) A copy of the decision, together with the complete  
5 record of the proceeding before the county planning commission  
6 on all special permit requests involving a land area greater  
7 than fifteen acres or for lands designated as important  
8 agricultural lands, shall be transmitted to the land use  
9 commission within sixty days after the decision is rendered.

10 Within forty-five days after receipt of the complete record  
11 from the county planning commission, the land use commission  
12 shall act to approve, approve with modification, or deny the  
13 petition. A denial either by the county planning commission or  
14 by the land use commission, or a modification by the land use  
15 commission, as the case may be, of the desired use shall be  
16 appealable to the circuit court of the circuit in which the land  
17 is situated and shall be made pursuant to the Hawaii rules of  
18 civil procedure.

19 (f) Land uses substantially involving or supporting  
20 educational ecotourism, related to the preservation of native  
21 Hawaiian endangered, threatened, proposed, and candidate



1 species, that are allowed in an approved habitat conservation  
2 plan under section 195D-21 or safe harbor agreement under  
3 section 195D-22, which are not identified as permissible uses  
4 within the agricultural district under sections 205-2 and  
5 205-4.5, may be permitted in the agricultural district by  
6 special permit under this section, on lands with soils  
7 classified by the land study bureau's detailed land  
8 classification as overall (master) productivity rating class C,  
9 D, E, or U.

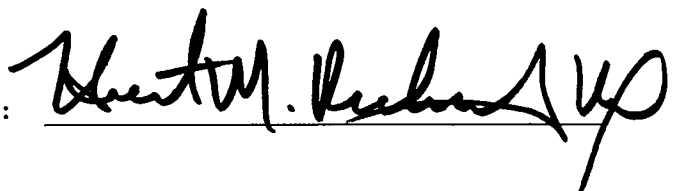
10 (g) Land uses that are allowed pursuant to section 201-D,  
11 may be permitted in the agricultural district by special permit  
12 under this section."

13 SECTION 3. In codifying the new sections added by section  
14 1 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for letters used in designating the  
16 new sections in this Act.

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

20  
INTRODUCED BY:



**Report Title:**

Department of Business, Economic Development, and Tourism;  
Creative Industries Division; Agricultural Film Production Land  
Use Act; Agricultural Film Production Land Use Oversight  
Committee

**Description:**

Permits film production on lands that are zoned for agricultural  
use in counties with a population of less than five hundred  
thousand and that meet other conditions. Establishes the  
Agricultural Film Production Land Use Oversight Committee to  
monitor and enforce compliance with regulations on film permit  
activities on agricultural zoned lands.

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*



## 5f

### f. **SB2156 - RELATING TO LAND USE**

Permits film production on certain lands zoned for agricultural use under certain conditions, including obtaining land use special permits. Establishes the Agricultural Film Production Land Use Oversight Committee within the Creative Industries Division of the Department of Business, Economic Development, and Tourism to establish film permit application requirements and processes, facilitate the issuance of special permits for film production on agricultural zoned parcels, and advise and make recommendations relating to the regulation of film productions on agricultural zoned lands. Requires the Department of Business, Economic Development, and Tourism to adopt rules. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district. Includes film production on agricultural zone parcels as a permitted use of land within the agricultural district under special permits.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2156&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2156&year=2026)



JAN 21 2026

---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that the State's pristine  
2 natural landscapes and cultural settings have long provided  
3 iconic backdrops for motion pictures, television, and other  
4 creative industries that generate significant economic activity.  
5 According to the department of business, economic development,  
6 and tourism, in 2021, the Hawaii film production industry  
7 contributed an estimated \$728 million in direct and induced  
8 economic activity and supported 51,231 jobs in the State. In  
9 addition, studies show that film-induced tourism is a powerful  
10 driver of visitor demand, with visitors frequently citing films  
11 as inspiration for travel.

12       The legislature further finds that smaller counties--  
13 Hawaii, Maui, Kauai, and Kalawao--possess abundant agricultural  
14 zoned lands suitable for limited, temporary, and carefully  
15 managed film production. Allowing film production subject to  
16 stringent oversight will stimulate rural economies and create  
17 new revenue streams for landowners without compromising



1 long-term agricultural viability. The legislature recognizes  
2 that lands designated as important agricultural lands,  
3 high-productivity soils, and culturally or environmentally  
4 sensitive areas must be safeguarded from incompatible or  
5 degrading uses. Coordination with the county planning  
6 commissions, land use commission, and other relevant state  
7 agencies is essential to maintain statutory protections and  
8 uphold constitutional obligations relating to Native Hawaiian  
9 traditional and customary practices.

10 Accordingly, the purpose of this Act is to:

- 11 (1) Permit, facilitate, and regulate responsible film  
12 production on certain agricultural zoned lands in  
13 certain counties under certain conditions; and  
14 (2) Establish the agricultural film production land use  
15 oversight committee to establish film permit  
16 application requirements and processes, facilitate the  
17 issuance of special and use permits for film  
18 production within agricultural districts, and advise  
19 and make recommendations relating to the regulation of  
20 film productions on agricultural zoned lands.



SECTION 2. Chapter 201, Hawaii Revised Statutes, is amended by adding a new subpart to part IX to be appropriately designated and to read as follows:

**"SUBPART . AGRICULTURAL FILM PRODUCTION LAND USE ACT.**

**§201-A Short title.** This subpart shall be known as the Agricultural Film Production Land Use Act.

**§201-B Purpose.** The purpose of this Act is to permit, facilitate, and regulate responsible film production in agricultural zoned lands while fostering collaboration with any lineal descendants of the lands and ensuring the preservation, respect, and sustainable use of these lands for future generations. Encouragement of the film tourism industry shall be fostered through responsible film production on agricultural zoned lands that aims to showcase the cultural and historical significance of agricultural zoned lands in the State.

**§201-C Applicability.** This subpart shall apply only to counties with a population of less than five hundred thousand.

**§201-D Definitions.** As used in this subpart:

"Agricultural zoned parcel" means land that is designated:

(1) For agricultural use under county zoning regulations;

and



1           (2) As important agricultural land within an agricultural  
2           district that may only be accessed for an approved and  
3           permitted use.

4           "Film permit" means the official authorization granted by  
5           relevant authorities for conducting film production on  
6           agricultural zoned parcels.

7           "Film production" means a short-term temporary activity  
8           related to the creation of visual media content, including  
9           motion pictures, television and streaming series, and commercial  
10          photography that are not part of ongoing agricultural  
11          operations.

12          "Film production area" means a designated areas within the  
13          agricultural zoned parcels where film production is permitted.

14          "Important agricultural land" means land identified and  
15          designated as important agricultural land pursuant to part III  
16          of chapter 205.

17          "Lineal descendant" means an individual directly descended  
18          from previous generations who has historical, ancestral, or  
19          cultural ties to the film production area.



1 "Oversight committee" means the agricultural film  
2 production land use oversight committee established pursuant to  
3 section 201-F.

4 "Structural integrity check" means a periodic assessment to  
5 ensure the stability and safety of any structure built for film  
6 production purposes.

7 **§201-E Permissible film production on an agricultural**  
8 **zoned parcel.** (a) Film production on an agricultural zoned  
9 parcel is permitted pursuant to this subpart; provided that:

10 (1) The parcel is not:

11 (A) Designated as important agricultural land;

12 (B) Land with soil classified by the land study  
13 bureau's detailed land classification as overall  
14 (master) productivity rating class A or B; and

15 (C) Used for active agricultural crop production;

16 (2) The film production company shall obtain all necessary  
17 film permits, including special permits pursuant to  
18 section 205-6, from the relevant government entities,  
19 outlining the scope of film production and adherence  
20 to guidelines; and



(3) The film production company shall make efforts to involve lineal descendants in decision-making processes concerning film production on an agricultural zoned parcel with ancestral value, thereby respecting the cultural heritage and historical significance of these lands.

(b) Film production areas may include temporary setups, including tents for filming and catering.

(c) Film set pieces and temporary structures constructed for film production purposes are permitted within film production areas; provided that the film set pieces and temporary structures comply with safety standards and undergo regular structural integrity checks.

(d) Upon the request of the owner of the agricultural zoned parcel, the ownership and maintenance responsibilities of any film set piece and temporary structure may be transferred from the film production company to the owner of the agricultural zoned parcel; provided that the terms of the transfer are mutually agreed upon between both parties.

**§201-F Agriculture film production land use oversight committee; establishment; powers and responsibilities;**



1 **penalties; rules.** (a) There is established an agricultural  
2 film production land use oversight committee, to be placed  
3 within the creative industries division of the department for  
4 administrative purposes only, to serve as a coordinating body  
5 and advise the department's regulation of filmmaking on  
6 agricultural land.

7 (b) The oversight committee shall comprise the following:

8 (1) Four ex officio, voting members, including:

9 (A) The director of business, economic development,  
10 and tourism or their designee;

11 (B) The chairperson of the board of agriculture and  
12 biosecurity or their designee;

13 (C) The chairperson of the board of land and natural  
14 resources or their designee; and

15 (D) The director of the office of planning and  
16 sustainable development or their designee; and

17 (2) Three voting members, who shall be appointed by the  
18 governor in accordance with section 26-34, including:

19 (A) One member of the board of trustees of the office  
20 of Hawaiian affairs;



(B) One member with experience in commercial film production; and

(C) One member with expertise in agriculture and conservation.

(c) The oversight committee:

(1) Shall establish, in coordination with the appropriate county planning commission or department, land use commission, office of Hawaiian affairs, office of planning and sustainable development, department of land and natural resources, and department of agriculture and biosecurity:

(A) Film permit application requirements, fees, timelines, bonding and insurance minimums, and structural inspection protocol; and

(B) Processes for cultural review and biological surveys, including requirements for mitigation and restoration efforts;

(2) Shall facilitate the issuance and approval of a special permits for film productions within agricultural districts pursuant to section 205-6, in coordination with the appropriate county planning





# S.B. NO. 2156

commission or department, land use commission, office of planning and sustainable development, and department of agriculture and biosecurity; and

(3) May advise and make recommendations on any fine or other penalty for non-compliance with this subpart; provided that:

(A) Before recommending the imposition of a fine or penalty, the oversight committee shall notify the film production in violation; and

(B) Conduct an administrative hearing; provided further that any person aggrieved by the oversight committee's decision, shall be entitled to judicial review as provided by section 91-14.

(d) The oversight committee shall advise the department on the adoption of rules pursuant to section 201-G.

**§201-G Rules.** The department shall adopt rules pursuant to chapter 91 necessary to effectuate the purposes of this subpart.

**§201-H Violations; penalties.** Any violation of this subpart may result in fines, suspension or revocation of permits, and other legal consequences as deemed appropriate by



1 the department, and in accordance with rules adopted pursuant to  
2 section 201-G.

3       **§201-I Conflict with other regulations.** This subpart  
4 shall supersede any conflicting regulations to the extent  
5 permitted by law; provided that nothing in this subpart shall be  
6 construed to supplant the authority of the counties or land use  
7 commission to issue, approve, suspend, revoke, or enforce  
8 permits, including special use permits."

9       SECTION 3. Part IX of Chapter 201, Hawaii Revised  
10 Statutes, is amended by designating sections 201-111 to 201-115  
11 as subpart A, and inserting a title before section 201-111 to  
12 read as follows:

13                       "A. GENERAL PROVISIONS"

14       SECTION 4. Section 205-4.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16       "(a) Within the agricultural district, all lands with soil  
17 classified by the land study bureau's detailed land  
18 classification as overall (master) productivity rating class A  
19 or B and for solar energy facilities, class B or C, shall be  
20 restricted to the following permitted uses:



- 1           (1) Cultivation of crops, including crops for bioenergy,  
2           flowers, vegetables, foliage, fruits, forage, and  
3           timber;
- 4           (2) Game and fish propagation;
- 5           (3) Raising of livestock, including poultry, bees, fish,  
6           or other animal or aquatic life that are propagated  
7           for economic or personal use;
- 8           (4) Farm dwellings, employee housing, farm buildings, or  
9           activities or uses related to farming and animal  
10          husbandry. For the purposes of this paragraph, "farm  
11          dwelling" means a single-family dwelling located on  
12          and accessory to a farm, including clusters of  
13          single-family farm dwellings permitted within  
14          agricultural parks developed by the State, or where  
15          agricultural activity provides income to the family  
16          occupying the dwelling;
- 17          (5) Public institutions and buildings that are necessary  
18          for agricultural practices;
- 19          (6) Public and private open area types of recreational  
20          uses, including day camps, picnic grounds, parks, and  
21          riding stables, but not including dragstrips,



airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps; provided that overnight camps in operation before January 1, 1961, may be approved by special permit;

(7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants, corporation yards, or other similar structures;

(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;

(9) Agricultural-based commercial operations as described in section 205-2(d)(15);

(10) Buildings and uses, including mills, storage, and processing facilities, maintenance facilities, photovoltaic, biogas, and other small-scale renewable energy systems producing energy solely for use in the



1 agricultural activities of the fee or leasehold owner  
2 of the property, and vehicle and equipment storage  
3 areas that are normally considered directly accessory  
4 to the above-mentioned uses and are permitted under  
5 section 205-2(d);

6 (11) Agricultural parks;

7 (12) Plantation community subdivisions, which as used in  
8 this chapter means an established subdivision or  
9 cluster of employee housing, community buildings, and  
10 agricultural support buildings on land currently or  
11 formerly owned, leased, or operated by a sugar or  
12 pineapple plantation; provided that the existing  
13 structures may be used or rehabilitated for use, and  
14 new employee housing and agricultural support  
15 buildings may be allowed on land within the  
16 subdivision as follows:

17 (A) The employee housing is occupied by employees or  
18 former employees of the plantation who have a  
19 property interest in the land;



(B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or

(C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the enjoyment, education, or involvement of visitors; provided that the agricultural tourism activity is accessory and secondary to the principal agricultural use and does not interfere with surrounding farm operations; provided further that this paragraph shall apply only to a county that has adopted ordinances regulating agricultural tourism under section 205-5;

(14) Agricultural tourism activities, including overnight accommodations of twenty-one days or less, for any one stay within a county; provided that this paragraph shall apply only to a county that includes at least three islands and has adopted ordinances regulating agricultural tourism activities pursuant to section



1           205-5; provided further that the agricultural tourism  
2           activities coexist with a bona fide agricultural  
3           activity. For the purposes of this paragraph, "bona  
4           fide agricultural activity" means a farming operation  
5           as defined in section 165-2;

6           (15) Wind energy facilities, including the appurtenances  
7           associated with the production and transmission of  
8           wind generated energy; provided that the wind energy  
9           facilities and appurtenances are compatible with  
10          agriculture uses and cause minimal adverse impact on  
11          agricultural land;

12          (16) Biofuel processing facilities, including the  
13          appurtenances associated with the production and  
14          refining of biofuels that is normally considered  
15          directly accessory and secondary to the growing of the  
16          energy feedstock; provided that biofuel processing  
17          facilities and appurtenances do not adversely impact  
18          agricultural land and other agricultural uses in the  
19          vicinity.

20               For the purposes of this paragraph:



1 "Appurtenances" means operational infrastructure  
2 of the appropriate type and scale for economic  
3 commercial storage and distribution, and other similar  
4 handling of feedstock, fuels, and other products of  
5 biofuel processing facilities.

6 "Biofuel processing facility" means a facility  
7 that produces liquid or gaseous fuels from organic  
8 sources such as biomass crops, agricultural residues,  
9 and oil crops, including palm, canola, soybean, and  
10 waste cooking oils; grease; food wastes; and animal  
11 residues and wastes that can be used to generate  
12 energy;

13 (17) Agricultural-energy facilities, including  
14 appurtenances necessary for an agricultural-energy  
15 enterprise; provided that the primary activity of the  
16 agricultural-energy enterprise is agricultural  
17 activity. To be considered the primary activity of an  
18 agricultural-energy enterprise, the total acreage  
19 devoted to agricultural activity shall be no less than  
20 ninety per cent of the total acreage of the  
21 agricultural-energy enterprise. The





1 agricultural-energy facility shall be limited to lands  
2 owned, leased, licensed, or operated by the entity  
3 conducting the agricultural activity.

4 As used in this paragraph:

5 "Agricultural activity" means any activity  
6 described in paragraphs (1) to (3) of this subsection.

7 "Agricultural-energy enterprise" means an  
8 enterprise that integrally incorporates an  
9 agricultural activity with an agricultural-energy  
10 facility.

11 "Agricultural-energy facility" means a facility  
12 that generates, stores, or distributes renewable  
13 energy as defined in section 269-91 or renewable fuel  
14 including electrical or thermal energy or liquid or  
15 gaseous fuels from products of agricultural activities  
16 from agricultural lands located in the State.

17 "Appurtenances" means operational infrastructure  
18 of the appropriate type and scale for the economic  
19 commercial generation, storage, distribution, and  
20 other similar handling of energy, including equipment,



1 feedstock, fuels, and other products of

2 agricultural-energy facilities;

3 (18) Construction and operation of wireless communication

4 antennas, including small wireless facilities;

5 provided that, for the purposes of this paragraph,

6 "wireless communication antenna" means communications

7 equipment that is either freestanding or placed upon

8 or attached to an already existing structure and that

9 transmits and receives electromagnetic radio signals

10 used in the provision of all types of wireless

11 communications services; provided further that "small

12 wireless facilities" shall have the same meaning as in

13 section 206N-2; provided further that nothing in this

14 paragraph shall be construed to permit the

15 construction of any new structure that is not deemed a

16 permitted use under this subsection;

17 (19) Agricultural education programs conducted on a farming

18 operation as defined in section 165-2, for the

19 education and participation of the general public;

20 provided that the agricultural education programs are

21 accessory and secondary to the principal agricultural



1 use of the parcels or lots on which the agricultural  
2 education programs are to occur and do not interfere  
3 with surrounding farm operations. For the purposes of  
4 this paragraph, "agricultural education programs"  
5 means activities or events designed to promote  
6 knowledge and understanding of agricultural activities  
7 and practices conducted on a farming operation as  
8 defined in section 165-2;

9 (20) Solar energy facilities that do not occupy more than  
10 ten per cent of the acreage of the parcel, or twenty  
11 acres of land, whichever is lesser or for which a  
12 special use permit is granted pursuant to section  
13 205-6; provided that this use shall not be permitted  
14 on lands with soil classified by the land study  
15 bureau's detailed land classification as overall  
16 (master) productivity rating class A;

17 (21) Solar energy facilities on lands with soil classified  
18 by the land study bureau's detailed land  
19 classification as overall (master) productivity rating  
20 B or C for which a special use permit is granted  
21 pursuant to section 205-6; provided that:



1 (A) The area occupied by the solar energy facilities  
2 is also made available for compatible  
3 agricultural activities at a lease rate that is  
4 at least fifty per cent below the fair market  
5 rent for comparable properties;

6 (B) Proof of financial security to decommission the  
7 facility is provided to the satisfaction of the  
8 appropriate county planning commission before the  
9 date of commencement of commercial generation;  
10 and

11 (C) Solar energy facilities shall be decommissioned  
12 at the owner's expense according to the following  
13 requirements:

14 (i) Removal of all equipment related to the  
15 solar energy facility within twelve months  
16 of the conclusion of operation or useful  
17 life; and

18 (ii) Restoration of the disturbed earth to  
19 substantially the same physical condition as  
20 existed before the development of the solar  
21 energy facility.



1 For the purposes of this paragraph, "agricultural  
2 activities" means the activities described in  
3 paragraphs (1) to (3);

4 (22) Geothermal resources exploration and geothermal  
5 resources development, as defined under section 182-1;

6 (23) Hydroelectric facilities, including the appurtenances  
7 associated with the production and transmission of  
8 hydroelectric energy, subject to section 205-2;  
9 provided that the hydroelectric facilities and their  
10 appurtenances:

11 (A) Shall consist of a small hydropower facility as  
12 defined by the United States Department of  
13 Energy, including:

14 (i) Impoundment facilities using a dam to store  
15 water in a reservoir;

16 (ii) A diversion or run-of-river facility that  
17 channels a portion of a river through a  
18 canal or channel; and

19 (iii) Pumped storage facilities that store energy  
20 by pumping water uphill to a reservoir at  
21 higher elevation from a reservoir at a lower



elevation to be released to turn a turbine  
to generate electricity;

(B) Comply with the state water code, chapter 174C;

(C) Shall, if over five hundred kilowatts in  
hydroelectric generating capacity, have the  
approval of the commission on water resource  
management, including a new instream flow  
standard established for any new hydroelectric  
facility; and

(D) Do not impact or impede the use of agricultural  
land or the availability of surface or ground  
water for all uses on all parcels that are served  
by the ground water sources or streams for which  
hydroelectric facilities are considered; ~~[or]~~

(24) Temporary filming activity as a conditional accessory  
use; provided that the appropriate county planning  
commission or department approves the activity and the  
department of agriculture and biosecurity finds that  
the activity is compatible with existing agricultural  
use; provided further that the activity shall not:



- 1           (A) Result in the permanent physical degradation of  
2           soil or agricultural infrastructure;
- 3           (B) Displace any active agricultural operation; and
- 4           (C) Exceed a cumulative duration of thirty days,  
5           consecutively or cumulatively per year without a  
6           special use permit; provided further that for any  
7           activity with a film production timeframe that  
8           displaces normal agricultural operations, an  
9           applicant:
- 10          (i) Shall develop and submit to the land use  
11          commission, office of planning and  
12          sustainable development, and department of  
13          agriculture and biosecurity an agricultural  
14          impact statement which shall outline the  
15          applicant's procedures for soil protection,  
16          waste management, cultural consultation, and  
17          remediation efforts, in addition to applying  
18          for the appropriate permits from a county  
19          planning commission or department; and
- 20          (ii) Seeking a permit shall be subject to ongoing  
21          and post-permit compliance checks by the



1                   appropriate county planning commission or  
2                   department and the department of agriculture  
3                   and biosecurity; or

4       [~~(24)~~] (25) Notwithstanding any other law to the contrary,  
5                   composting and co-composting operations; provided that  
6                   operations that process their own green waste and do  
7                   not require permits from the department of health  
8                   shall use the finished composting product only on the  
9                   operation's own premises to minimize the potential  
10                  spread of invasive species."

11               SECTION 5. Section 205-6, Hawaii Revised Statutes, is  
12       amended to read as follows:

13               "**§205-6 Special permit.** (a) Subject to this section, the  
14       county planning commission may permit certain unusual and  
15       reasonable uses within agricultural and rural districts other  
16       than those for which the district is classified. Any person who  
17       desires to use the person's land within an agricultural or rural  
18       district other than for an agricultural or rural use, as the  
19       case may be, may petition the planning commission of the county  
20       within which the person's land is located for permission to use  
21       the person's land in the manner desired. Each county may





1 establish the appropriate fee for processing the special permit  
2 petition. Copies of the special permit petition shall be  
3 forwarded to the land use commission, the office of planning and  
4 sustainable development, and the department of agriculture and  
5 biosecurity for their review and comment.

6 (b) The planning commission, upon consultation with the  
7 central coordinating agency, except in counties where the  
8 planning commission is advisory only in which case the central  
9 coordinating agency, shall establish by rule or regulation, the  
10 time within which the hearing and action on petition for special  
11 permit shall occur. The county planning commission shall notify  
12 the land use commission and ~~[such]~~ those persons and agencies  
13 that may have an interest in the subject matter of the time and  
14 place of the hearing.

15 (c) The county planning commission may, under ~~[such]~~  
16 protective restrictions as may be deemed necessary, permit the  
17 desired use, but only when the use would promote the  
18 effectiveness and objectives of this chapter; provided that a  
19 use proposed for designated important agricultural lands shall  
20 not conflict with any part of this chapter. A decision in favor



1 of the applicant shall require a majority vote of the total  
2 membership of the county planning commission.

3 (d) Special permits for land the area of which is greater  
4 than fifteen acres or for lands designated as important  
5 agricultural lands shall be subject to approval by the land use  
6 commission. The land use commission may impose additional  
7 restrictions as may be necessary or appropriate in granting the  
8 approval, including the adherence to representations made by the  
9 applicant.

10 (e) A copy of the decision, together with the complete  
11 record of the proceeding before the county planning commission  
12 on all special permit requests involving a land area greater  
13 than fifteen acres or for lands designated as important  
14 agricultural lands, shall be transmitted to the land use  
15 commission within sixty days after the decision is rendered.

16 Within forty-five days after receipt of the complete record  
17 from the county planning commission, the land use commission  
18 shall act to approve, approve with modification, or deny the  
19 petition. A denial either by the county planning commission or  
20 by the land use commission, or a modification by the land use  
21 commission, as the case may be, of the desired use shall be



1   appealable to the circuit court of the circuit in which the land  
2   is situated and shall be made pursuant to the Hawaii rules of  
3   civil procedure.

4           (f)   Land uses substantially involving or supporting  
5   educational ecotourism, related to the preservation of native  
6   Hawaiian endangered, threatened, proposed, and candidate  
7   species, that are allowed in an approved habitat conservation  
8   plan under section 195D-21 or safe harbor agreement under  
9   section 195D-22, which are not identified as permissible uses  
10   within the agricultural district under sections 205-2 and  
11   205-4.5, may be permitted in the agricultural district by  
12   special permit under this section, on lands with soils  
13   classified by the land study bureau's detailed land  
14   classification as overall (master) productivity rating class C,  
15   D, E, or U.

16           (g)   Authorized land uses pursuant to section 201-E may be  
17   permitted in the agricultural district by special permit  
18   obtained under this section."

19           SECTION 6.   In codifying the new sections added by  
20   section 2 of this Act, the revisor of statutes shall substitute

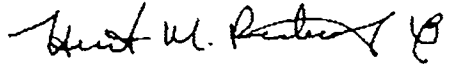


1 appropriate section numbers for letters used in designating the  
2 new sections in this Act.

3 SECTION 7. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect upon its approval.

6

INTRODUCED BY: 



# S.B. NO. 2156

**Report Title:**

DBEDT; Creative Industries Division; Agricultural Film  
Production Land Use Act; Agricultural Film Production Land Use  
Oversight Committee; Rules

**Description:**

Permits film production on certain lands zoned for agricultural use under certain conditions, including obtaining land use special permits. Establishes the Agricultural Film Production Land Use Oversight Committee within the Creative Industries Division of the Department of Business, Economic Development, and Tourism to establish film permit application requirements and processes, facilitate the issuance of special permits for film production on agricultural zoned parcels, and advise and make recommendations relating to the regulation of film productions on agricultural zoned lands. Requires the Department of Business, Economic Development, and Tourism to adopt rules. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district. Includes film production on agricultural zone parcels as a permitted use of land within the agricultural district under special permits.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 5g

### **g. SB2240, SB3006 and HB1848 - RELATING TO LAND USE**

Requires any petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide that certification to the Land Use Commission.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2240&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2240&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=3006&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=3006&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1848&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1848&year=2026)

JAN 21 2026

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1       SECTION 1. Section 205-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§205-4 Amendments to district boundaries involving land**  
4 **areas greater than fifteen acres.** (a) Any department or agency  
5 of the State, any department or agency of the county in which  
6 the land is situated, or any person with a property interest in  
7 the land sought to be reclassified, may petition the land use  
8 commission for a change in the boundary of a district. This  
9 section applies to all petitions for changes in district  
10 boundaries of lands within conservation districts, lands  
11 designated or sought to be designated as important agricultural  
12 lands, and lands greater than fifteen acres in the agricultural,  
13 rural, and urban districts, except as provided in section  
14 201H-38. The land use commission shall adopt rules pursuant to  
15 chapter 91 to implement section 201H-38.

16       (b) Upon proper filing of a petition pursuant to  
17 subsection (a) the commission shall, within not less than sixty



1 and not more than one hundred and eighty days, conduct a hearing  
2 on the appropriate island in accordance with the provisions of  
3 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

4 (c) Prior to the filing of any petition for a district  
5 boundary amendment, the petitioner shall receive certification  
6 from the commission on water resources management that  
7 sufficient water is available for the project needs without  
8 causing harm to the relevant aquifers and submit that  
9 certification to the commission.

10 ~~[(e)]~~ (d) Any other provision of law to the contrary  
11 notwithstanding, notice of the hearing together with a copy of  
12 the petition shall be served on the county planning commission  
13 and the county planning department of the county in which the  
14 land is located and all persons with a property interest in the  
15 land as recorded in the county's real property tax records. In  
16 addition, notice of the hearing shall be mailed to all persons  
17 who have made a timely written request for advance notice of  
18 boundary amendment proceedings, and public notice shall be given  
19 at least once in the county in which the land sought to be  
20 redistricted is situated as well as once statewide at least  
21 thirty days in advance of the hearing. The notice shall comply





1 with section 91-9, shall indicate the time and place that maps  
2 showing the proposed district boundary may be inspected, and  
3 further shall inform all interested persons of their rights  
4 under subsection ~~[(e)]~~ (f).

5 ~~[(d)]~~ (e) Any other provisions of law to the contrary  
6 notwithstanding, prior to hearing of a petition the commission  
7 and its staff may view and inspect any land ~~[which]~~ that is the  
8 subject of the petition.

9 ~~[(e)]~~ (f) Any other provisions of law to the contrary  
10 notwithstanding, agencies and persons may intervene in the  
11 proceedings in accordance with this subsection.

12 (1) The petitioner, the office of planning and sustainable  
13 development, and the county planning department shall  
14 in every case appear as parties and make  
15 recommendations relative to the proposed boundary  
16 change;

17 (2) All departments and agencies of the State and of the  
18 county in which the land is situated shall be admitted  
19 as parties upon timely application for intervention;

20 (3) All persons who have some property interest in the  
21 land, who lawfully reside on the land, or who



1 otherwise can demonstrate that they will be so  
2 directly and immediately affected by the proposed  
3 change that their interest in the proceeding is  
4 clearly distinguishable from that of the general  
5 public shall be admitted as parties upon timely  
6 application for intervention;

7 (4) All other persons may apply to the commission for  
8 leave to intervene as parties. Leave to intervene  
9 shall be freely granted; provided that the commission  
10 or its hearing officer, if one is appointed, may deny  
11 an application to intervene when in the commission's  
12 or hearing officer's sound discretion it appears that:

13 (A) The position of the applicant for intervention  
14 concerning the proposed change is substantially  
15 the same as the position of a party already  
16 admitted to the proceeding; and

17 (B) The admission of additional parties will render  
18 the proceedings inefficient and unmanageable.

19 A person whose application to intervene is denied may  
20 appeal the denial to the circuit court pursuant to  
21 section 91-14; and



1       (5) The commission, pursuant to chapter 91, shall adopt  
2       rules governing the intervention of agencies and  
3       persons under this subsection. The rules shall  
4       without limitation establish:

5       (A) The information to be set forth in any  
6       application for intervention;

7       (B) The limits within which applications shall be  
8       filed; and

9       (C) Reasonable filing fees to accompany applications.

10      ~~[(f)]~~ (g) Together with other witnesses that the  
11      commission may desire to hear at the hearing, it shall allow a  
12      representative of a citizen or a community group to testify who  
13      indicates a desire to express the view of ~~[such]~~ the citizen or  
14      community group concerning the proposed boundary change.

15      ~~[(g)]~~ (h) Within a period of not more than three hundred  
16      sixty-five days after the proper filing of a petition, unless  
17      otherwise ordered by a court, or unless a time extension, which  
18      shall not exceed ninety days, is established by a two-thirds  
19      vote of the members of the commission, the commission, by filing  
20      findings of fact and conclusions of law, shall act to approve  
21      the petition, deny the petition, or to modify the petition by



1 imposing conditions necessary to uphold the intent and spirit of  
2 this chapter or the policies and criteria established pursuant  
3 to section 205-17 or to assure substantial compliance with  
4 representations made by the petitioner in seeking a boundary  
5 change. The commission may provide by condition that absent  
6 substantial commencement of use of the land in accordance with  
7 ~~[such]~~ the representations, the commission shall issue and serve  
8 upon the party bound by the condition an order to show cause why  
9 the property should not revert to its former land use  
10 classification or be changed to a more appropriate  
11 classification. ~~[Such]~~ The conditions, if any, shall run with  
12 the land and be recorded in the bureau of conveyances.

13 ~~[(h)]~~ (i) No amendment of a land use district boundary  
14 shall be approved unless the commission finds upon the clear  
15 preponderance of the evidence that the proposed boundary is  
16 reasonable, not violative of section 205-2 and part III of this  
17 chapter, and consistent with the policies and criteria  
18 established pursuant to sections 205-16 and 205-17. Six  
19 affirmative votes of the commission shall be necessary for any  
20 boundary amendment under this section.



# S.B. NO. 2240

1        [~~(i)~~] (j) Parties to proceedings to amend land use  
2 district boundaries may obtain judicial review thereof in the  
3 manner set forth in section 91-14, provided that the court may  
4 also reverse or modify a finding of the commission if [~~such~~]  
5 that finding appears to be contrary to the clear preponderance  
6 of the evidence.

7        [~~(j)~~] (k) At the hearing, all parties may enter into  
8 appropriate stipulations as to findings of fact, conclusions of  
9 law, and conditions of reclassification concerning the proposed  
10 boundary change. The commission may but shall not be required  
11 to approve [~~such~~] stipulations based on the evidence adduced."

12        SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

15  
INTRODUCED BY: 



# S.B. NO. 2240

**Report Title:**

Land Use Commission; Commission on Water Resources Management;  
District Boundary Amendment

**Description:**

Requires any petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide that certification to the Land Use Commission.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 23 2026

---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. Section 205-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§205-4 Amendments to district boundaries involving land**  
4 **areas greater than fifteen acres.** (a) Any department or agency  
5 of the State, any department or agency of the county in which  
6 the land is situated, or any person with a property interest in  
7 the land sought to be reclassified, may petition the land use  
8 commission for a change in the boundary of a district. This  
9 section applies to all petitions for changes in district  
10 boundaries of lands within conservation districts, lands  
11 designated or sought to be designated as important agricultural  
12 lands, and lands greater than fifteen acres in the agricultural,  
13 rural, and urban districts, except as provided in section  
14 201H-38. The land use commission shall adopt rules pursuant to  
15 chapter 91 to implement section 201H-38.

16       (b) Upon proper filing of a petition pursuant to  
17 subsection (a) the commission shall, within not less than sixty



1 and not more than one hundred and eighty days, conduct a hearing  
2 on the appropriate island in accordance with the provisions of  
3 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

4 (c) Prior to the filing of any petition for a district  
5 boundary amendment, the petitioner shall receive certification  
6 from the commission on water resources management that  
7 sufficient water is available for the project needs without  
8 causing harm to the relevant aquifers and submit that  
9 certification to the commission.

10 ~~[(e)]~~ (d) Any other provision of law to the contrary  
11 notwithstanding, notice of the hearing together with a copy of  
12 the petition shall be served on the county planning commission  
13 and the county planning department of the county in which the  
14 land is located and all persons with a property interest in the  
15 land as recorded in the county's real property tax records. In  
16 addition, notice of the hearing shall be mailed to all persons  
17 who have made a timely written request for advance notice of  
18 boundary amendment proceedings, and public notice shall be given  
19 at least once in the county in which the land sought to be  
20 redistricted is situated as well as once statewide at least  
21 thirty days in advance of the hearing. The notice shall comply





1 with section 91-9, shall indicate the time and place that maps  
2 showing the proposed district boundary may be inspected, and  
3 further shall inform all interested persons of their rights  
4 under subsection ~~[(e)]~~ (f).

5 ~~[(d)]~~ (e) Any other provisions of law to the contrary  
6 notwithstanding, prior to hearing of a petition the commission  
7 and its staff may view and inspect any land ~~[which]~~ that is the  
8 subject of the petition.

9 ~~[(e)]~~ (f) Any other provisions of law to the contrary  
10 notwithstanding, agencies and persons may intervene in the  
11 proceedings in accordance with this subsection.

12 (1) The petitioner, the office of planning and sustainable  
13 development, and the county planning department shall  
14 in every case appear as parties and make  
15 recommendations relative to the proposed boundary  
16 change;

17 (2) All departments and agencies of the State and of the  
18 county in which the land is situated shall be admitted  
19 as parties upon timely application for intervention;

20 (3) All persons who have some property interest in the  
21 land, who lawfully reside on the land, or who



1 otherwise can demonstrate that they will be so  
2 directly and immediately affected by the proposed  
3 change that their interest in the proceeding is  
4 clearly distinguishable from that of the general  
5 public shall be admitted as parties upon timely  
6 application for intervention;

7 (4) All other persons may apply to the commission for  
8 leave to intervene as parties. Leave to intervene  
9 shall be freely granted; provided that the commission  
10 or its hearing officer, if one is appointed, may deny  
11 an application to intervene when in the commission's  
12 or hearing officer's sound discretion it appears that:

13 (A) The position of the applicant for intervention  
14 concerning the proposed change is substantially  
15 the same as the position of a party already  
16 admitted to the proceeding; and

17 (B) The admission of additional parties will render  
18 the proceedings inefficient and unmanageable.

19 A person whose application to intervene is denied may  
20 appeal the denial to the circuit court pursuant to  
21 section 91-14; and



1       (5) The commission, pursuant to chapter 91, shall adopt  
2       rules governing the intervention of agencies and  
3       persons under this subsection. The rules shall  
4       without limitation establish:

5       (A) The information to be set forth in any  
6       application for intervention;

7       (B) The limits within which applications shall be  
8       filed; and

9       (C) Reasonable filing fees to accompany applications.

10      ~~[(f)]~~ (g) Together with other witnesses that the  
11      commission may desire to hear at the hearing, it shall allow a  
12      representative of a citizen or a community group to testify who  
13      indicates a desire to express the view of ~~[such]~~ the citizen or  
14      community group concerning the proposed boundary change.

15      ~~[(g)]~~ (h) Within a period of not more than three hundred  
16      sixty-five days after the proper filing of a petition, unless  
17      otherwise ordered by a court, or unless a time extension, which  
18      shall not exceed ninety days, is established by a two-thirds  
19      vote of the members of the commission, the commission, by filing  
20      findings of fact and conclusions of law, shall act to approve  
21      the petition, deny the petition, or to modify the petition by



1 imposing conditions necessary to uphold the intent and spirit of  
2 this chapter or the policies and criteria established pursuant  
3 to section 205-17 or to assure substantial compliance with  
4 representations made by the petitioner in seeking a boundary  
5 change. The commission may provide by condition that absent  
6 substantial commencement of use of the land in accordance with  
7 ~~[such]~~ the representations, the commission shall issue and serve  
8 upon the party bound by the condition an order to show cause why  
9 the property should not revert to its former land use  
10 classification or be changed to a more appropriate  
11 classification. ~~[Such]~~ The conditions, if any, shall run with  
12 the land and be recorded in the bureau of conveyances.

13 ~~[(h)]~~ (i) No amendment of a land use district boundary  
14 shall be approved unless the commission finds upon the clear  
15 preponderance of the evidence that the proposed boundary is  
16 reasonable, not violative of section 205-2 and part III of this  
17 chapter, and consistent with the policies and criteria  
18 established pursuant to sections 205-16 and 205-17. Six  
19 affirmative votes of the commission shall be necessary for any  
20 boundary amendment under this section.



1       ~~[(i)]~~ (j) Parties to proceedings to amend land use  
2 district boundaries may obtain judicial review thereof in the  
3 manner set forth in section 91-14, provided that the court may  
4 also reverse or modify a finding of the commission if ~~[such]~~  
5 that finding appears to be contrary to the clear preponderance  
6 of the evidence.

7       ~~[(j)]~~ (k) At the hearing, all parties may enter into  
8 appropriate stipulations as to findings of fact, conclusions of  
9 law, and conditions of reclassification concerning the proposed  
10 boundary change. The commission may but shall not be required  
11 to approve ~~[such]~~ stipulations based on the evidence adduced."

12       SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

15  
INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 3006

**Report Title:**

Land Use Commission; Commission on Water Resources Management;  
District Boundary Amendment

**Description:**

Requires any petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide that certification to the Land Use Commission.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1           SECTION 1. Section 205-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§205-4 Amendments to district boundaries involving land**  
4 **areas greater than fifteen acres.** (a) Any department or agency  
5 of the State, any department or agency of the county in which  
6 the land is situated, or any person with a property interest in  
7 the land sought to be reclassified, may petition the land use  
8 commission for a change in the boundary of a district. This  
9 section applies to all petitions for changes in district  
10 boundaries of lands within conservation districts, lands  
11 designated or sought to be designated as important agricultural  
12 lands, and lands greater than fifteen acres in the agricultural,  
13 rural, and urban districts, except as provided in section  
14 201H-38. The land use commission shall adopt rules pursuant to  
15 chapter 91 to implement section 201H-38.

16           (b) Upon proper filing of a petition pursuant to  
17 subsection (a) the commission shall, within not less than sixty



1 and not more than one hundred and eighty days, conduct a hearing  
2 on the appropriate island in accordance with the provisions of  
3 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

4 (c) Prior to the filing of any petition for a district  
5 boundary amendment, the petitioner shall receive certification  
6 from the commission on water resources management that  
7 sufficient water is available for the project needs without  
8 causing harm to the relevant aquifers and submit that  
9 certification to the commission.

10 [~~(e)~~] (d) Any other provision of law to the contrary  
11 notwithstanding, notice of the hearing together with a copy of  
12 the petition shall be served on the county planning commission  
13 and the county planning department of the county in which the  
14 land is located and all persons with a property interest in the  
15 land as recorded in the county's real property tax records. In  
16 addition, notice of the hearing shall be mailed to all persons  
17 who have made a timely written request for advance notice of  
18 boundary amendment proceedings, and public notice shall be given  
19 at least once in the county in which the land sought to be  
20 redistricted is situated as well as once statewide at least  
21 thirty days in advance of the hearing. The notice shall comply





1 with section 91-9, shall indicate the time and place that maps  
2 showing the proposed district boundary may be inspected, and  
3 further shall inform all interested persons of their rights  
4 under subsection [~~e~~] (f).

5 [~~d~~] (e) Any other provisions of law to the contrary  
6 notwithstanding, prior to hearing of a petition the commission  
7 and its staff may view and inspect any land [~~which~~] that is the  
8 subject of the petition.

9 [~~e~~] (f) Any other provisions of law to the contrary  
10 notwithstanding, agencies and persons may intervene in the  
11 proceedings in accordance with this subsection.

12 (1) The petitioner, the office of planning and sustainable  
13 development, and the county planning department shall  
14 in every case appear as parties and make  
15 recommendations relative to the proposed boundary  
16 change;

17 (2) All departments and agencies of the State and of the  
18 county in which the land is situated shall be admitted  
19 as parties upon timely application for intervention;

20 (3) All persons who have some property interest in the  
21 land, who lawfully reside on the land, or who



1 otherwise can demonstrate that they will be so  
2 directly and immediately affected by the proposed  
3 change that their interest in the proceeding is  
4 clearly distinguishable from that of the general  
5 public shall be admitted as parties upon timely  
6 application for intervention;

7 (4) All other persons may apply to the commission for  
8 leave to intervene as parties. Leave to intervene  
9 shall be freely granted; provided that the commission  
10 or its hearing officer, if one is appointed, may deny  
11 an application to intervene when in the commission's  
12 or hearing officer's sound discretion it appears that:

13 (A) The position of the applicant for intervention  
14 concerning the proposed change is substantially  
15 the same as the position of a party already  
16 admitted to the proceeding; and

17 (B) The admission of additional parties will render  
18 the proceedings inefficient and unmanageable.

19 A person whose application to intervene is denied may  
20 appeal the denial to the circuit court pursuant to  
21 section 91-14; and



1           (5) The commission, pursuant to chapter 91, shall adopt  
2           rules governing the intervention of agencies and  
3           persons under this subsection. The rules shall  
4           without limitation establish:

5           (A) The information to be set forth in any  
6           application for intervention;

7           (B) The limits within which applications shall be  
8           filed; and

9           (C) Reasonable filing fees to accompany applications.

10          [~~(f)~~] (g) Together with other witnesses that the  
11          commission may desire to hear at the hearing, it shall allow a  
12          representative of a citizen or a community group to testify who  
13          indicates a desire to express the view of [~~such~~] the citizen or  
14          community group concerning the proposed boundary change.

15          [~~(g)~~] (h) Within a period of not more than three hundred  
16          sixty-five days after the proper filing of a petition, unless  
17          otherwise ordered by a court, or unless a time extension, which  
18          shall not exceed ninety days, is established by a two-thirds  
19          vote of the members of the commission, the commission, by filing  
20          findings of fact and conclusions of law, shall act to approve  
21          the petition, deny the petition, or to modify the petition by



1 imposing conditions necessary to uphold the intent and spirit of  
2 this chapter or the policies and criteria established pursuant  
3 to section 205-17 or to assure substantial compliance with  
4 representations made by the petitioner in seeking a boundary  
5 change. The commission may provide by condition that absent  
6 substantial commencement of use of the land in accordance with  
7 ~~[such]~~ the representations, the commission shall issue and serve  
8 upon the party bound by the condition an order to show cause why  
9 the property should not revert to its former land use  
10 classification or be changed to a more appropriate  
11 classification. ~~[Such]~~ The conditions, if any, shall run with  
12 the land and be recorded in the bureau of conveyances.

13 ~~[-h-]~~ (i) No amendment of a land use district boundary  
14 shall be approved unless the commission finds upon the clear  
15 preponderance of the evidence that the proposed boundary is  
16 reasonable, not violative of section 205-2 and part III of this  
17 chapter, and consistent with the policies and criteria  
18 established pursuant to sections 205-16 and 205-17. Six  
19 affirmative votes of the commission shall be necessary for any  
20 boundary amendment under this section.



1        [~~(i)~~] (j) Parties to proceedings to amend land use  
2 district boundaries may obtain judicial review thereof in the  
3 manner set forth in section 91-14, provided that the court may  
4 also reverse or modify a finding of the commission if [~~such~~]  
5 that finding appears to be contrary to the clear preponderance  
6 of the evidence.

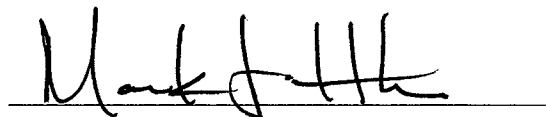
7        [~~(j)~~] (k) At the hearing, all parties may enter into  
8 appropriate stipulations as to findings of fact, conclusions of  
9 law, and conditions of reclassification concerning the proposed  
10 boundary change. The commission may but shall not be required  
11 to approve [~~such~~] stipulations based on the evidence adduced."

12        SECTION 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

15

INTRODUCED BY:



JAN 23 2026



# H.B. NO. 1848

**Report Title:**

Land Use Commission; Commission on Water Resources Management;  
District Boundary Amendment

**Description:**

Requires any petitioner for a district boundary amendment to obtain certification from the Commission on Water Resources Management that enough water is available for the project needs without causing harm to the relevant aquifers and provide that certification to the Land Use Commission.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 5h

### **h. SB760 - RELATING TO LAND USE**

Authorizes rodeos on lands that are zoned for agricultural use.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=760&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=760&year=2026)

JAN 17 2025

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that the State possesses  
2 a rich ranching history and cowboy culture preceding that of the  
3 American west. In 1793, Captain James Vancouver presented  
4 Kamehameha I with six cows and a bull. Kamehameha I placed a  
5 kapu on the cattle to prevent them from being hunted or killed.  
6 Over time, the herd flourished and turned feral, becoming a  
7 nuisance to Native Hawaiians. Cattle would rampage through  
8 villages and destroy crops, eat the thatch off the roofs of  
9 houses, and occasionally hurt or kill people. In 1832,  
10 Kamehameha III sent one of his chiefs to Alta California to  
11 enlist cowboys who could teach his people how to work cattle.  
12 The chief returned with three vaqueros who taught aspiring  
13 Native Hawaiian cowboys to rope, slaughter, and breed cattle;  
14 cure hides; construct fences and paddocks; and ride horses.  
15 Native Hawaiians took quickly to the skills and techniques that  
16 the vaqueros introduced. Native Hawaiian cowboys, known as  
17 paniolo, iterated on these skills and techniques, creating a





1 distinct Hawaiian cowboy culture. Paniolo crafted their saddles  
2 and gear in a style unique to them, created their own genre of  
3 music accompanied by the guitar and ukulele, and also developed  
4 a singular Hawaiian style of open-tuning for the guitar called  
5 kihoalu, or slack key.

6       The legislature further finds that in 1908, three paniolo,  
7 Ikua Purdy, Archie Kaaua, and Jack Low traveled to Cheyenne,  
8 Wyoming, to compete in the biggest rodeo at the time, Frontier  
9 Days. In the world championship finals, Ikua Purdy won the  
10 steer-roping contest in fifty-six seconds, Archie Kaaua came  
11 second, and Jack Low came sixth. The paniolo shocked much of  
12 the American public with their victory over many of America's  
13 best cowboys. When the three paniolo returned to Hawaii, they  
14 were hailed as heroes with poetry and hula being composed in  
15 their honor.

16       Therefore, the purpose of this Act is to honor the State's  
17 rich ranching and paniolo culture by authorizing rodeos on lands  
18 zoned for agricultural use.

19       SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is  
20 amended by amending subsection (a) to read as follows:



1        "(a) Within the agricultural district, all lands with soil  
2        classified by the land study bureau's detailed land  
3        classification as overall (master) productivity rating class A  
4        or B and for solar energy facilities, class B or C, shall be  
5        restricted to the following permitted uses:

6            (1) Cultivation of crops, including crops for bioenergy,  
7            flowers, vegetables, foliage, fruits, forage, and  
8            timber;

9            (2) Game and fish propagation;

10          (3) Raising of livestock, including poultry, bees, fish,  
11          or other animal or aquatic life that are propagated  
12          for economic or personal use;

13          (4) Farm dwellings, employee housing, farm buildings, or  
14          activities or uses related to farming and animal  
15          husbandry. For the purposes of this paragraph, "farm  
16          dwelling" means a single-family dwelling located on  
17          and accessory to a farm, including clusters of single-  
18          family farm dwellings permitted within agricultural  
19          parks developed by the State, or where agricultural  
20          activity provides income to the family occupying the  
21          dwelling;



# S.B. NO. 760

- 1           (5) Public institutions and buildings that are necessary  
2           for agricultural practices;
- 3           (6) Public and private open area types of recreational  
4           uses, including day camps, picnic grounds, parks,  
5           ~~[and]~~ riding stables, and rodeos, but not including  
6           dragstrips, airports, drive-in theaters, golf courses,  
7           golf driving ranges, country clubs, and overnight  
8           camps; provided that overnight camps in operation  
9           before January 1, 1961, may be approved by special  
10          permit;
- 11          (7) Public, private, and quasi-public utility lines and  
12          roadways, transformer stations, communications  
13          equipment buildings, solid waste transfer stations,  
14          major water storage tanks, and appurtenant small  
15          buildings such as booster pumping stations, but not  
16          including offices or yards for equipment, material,  
17          vehicle storage, repair or maintenance, treatment  
18          plants, corporation yards, or other similar  
19          structures;
- 20          (8) Retention, restoration, rehabilitation, or improvement  
21          of buildings or sites of historic or scenic interest;



- 1           (9)   Agricultural-based commercial operations as described  
2                in section 205-2(d) (15);
- 3           (10)   Buildings and uses, including mills, storage, and  
4                processing facilities, maintenance facilities,  
5                photovoltaic, biogas, and other small-scale renewable  
6                energy systems producing energy solely for use in the  
7                agricultural activities of the fee or leasehold owner  
8                of the property, and vehicle and equipment storage  
9                areas that are normally considered directly accessory  
10              to the above-mentioned uses and are permitted under  
11              section 205-2(d);
- 12          (11)   Agricultural parks;
- 13          (12)   Plantation community subdivisions, which as used in  
14                this chapter means an established subdivision or  
15                cluster of employee housing, community buildings, and  
16                agricultural support buildings on land currently or  
17                formerly owned, leased, or operated by a sugar or  
18                pineapple plantation; provided that the existing  
19                structures may be used or rehabilitated for use, and  
20                new employee housing and agricultural support



1 buildings may be allowed on land within the  
2 subdivision as follows:

3 (A) The employee housing is occupied by employees or  
4 former employees of the plantation who have a  
5 property interest in the land;

6 (B) The employee housing units not owned by their  
7 occupants shall be rented or leased at affordable  
8 rates for agricultural workers; or

9 (C) The agricultural support buildings shall be  
10 rented or leased to agricultural business  
11 operators or agricultural support services;

12 (13) Agricultural tourism conducted on a working farm, or a  
13 farming operation as defined in section 165-2, for the  
14 enjoyment, education, or involvement of visitors;  
15 provided that the agricultural tourism activity is  
16 accessory and secondary to the principal agricultural  
17 use and does not interfere with surrounding farm  
18 operations; provided further that this paragraph shall  
19 apply only to a county that has adopted ordinances  
20 regulating agricultural tourism under section 205-5;



1       (14) Agricultural tourism activities, including overnight  
2       accommodations of twenty-one days or less, for any one  
3       stay within a county; provided that this paragraph  
4       shall apply only to a county that includes at least  
5       three islands and has adopted ordinances regulating  
6       agricultural tourism activities pursuant to section  
7       205-5; provided further that the agricultural tourism  
8       activities coexist with a bona fide agricultural  
9       activity. For the purposes of this paragraph, "bona  
10      fide agricultural activity" means a farming operation  
11      as defined in section 165-2;

12      (15) Wind energy facilities, including the appurtenances  
13      associated with the production and transmission of  
14      wind generated energy; provided that the wind energy  
15      facilities and appurtenances are compatible with  
16      agriculture uses and cause minimal adverse impact on  
17      agricultural land;

18      (16) Biofuel processing facilities, including the  
19      appurtenances associated with the production and  
20      refining of biofuels that is normally considered  
21      directly accessory and secondary to the growing of the



1 energy feedstock; provided that biofuel processing  
2 facilities and appurtenances do not adversely impact  
3 agricultural land and other agricultural uses in the  
4 vicinity.

5 For the purposes of this paragraph:

6 "Appurtenances" means operational infrastructure  
7 of the appropriate type and scale for economic  
8 commercial storage and distribution, and other similar  
9 handling of feedstock, fuels, and other products of  
10 biofuel processing facilities.

11 "Biofuel processing facility" means a facility  
12 that produces liquid or gaseous fuels from organic  
13 sources such as biomass crops, agricultural residues,  
14 and oil crops, including palm, canola, soybean, and  
15 waste cooking oils; grease; food wastes; and animal  
16 residues and wastes that can be used to generate  
17 energy;

18 (17) Agricultural-energy facilities, including  
19 appurtenances necessary for an agricultural-energy  
20 enterprise; provided that the primary activity of the  
21 agricultural-energy enterprise is agricultural



1 activity. To be considered the primary activity of an  
2 agricultural-energy enterprise, the total acreage  
3 devoted to agricultural activity shall be no less than  
4 ninety per cent of the total acreage of the  
5 agricultural-energy enterprise. The agricultural-  
6 energy facility shall be limited to lands owned,  
7 leased, licensed, or operated by the entity conducting  
8 the agricultural activity.

9 ~~[As used in]~~ For the purposes of this paragraph:

10 "Agricultural activity" means any activity  
11 described in paragraphs (1) to (3) of this subsection.

12 "Agricultural-energy enterprise" means an  
13 enterprise that integrally incorporates an  
14 agricultural activity with an agricultural-energy  
15 facility.

16 "Agricultural-energy facility" means a facility  
17 that generates, stores, or distributes renewable  
18 energy as defined in section 269-91 or renewable fuel  
19 including electrical or thermal energy or liquid or  
20 gaseous fuels from products of agricultural activities  
21 from agricultural lands located in the State.





## S.B. NO. 760

1           "Appurtenances" means operational infrastructure  
2           of the appropriate type and scale for the economic  
3           commercial generation, storage, distribution, and  
4           other similar handling of energy, including equipment,  
5           feedstock, fuels, and other products of agricultural-  
6           energy facilities;

7       (18) Construction and operation of wireless communication  
8           antennas, including small wireless facilities;  
9           provided that, for the purposes of this paragraph,  
10          "wireless communication antenna" means communications  
11          equipment that is either freestanding or placed upon  
12          or attached to an already existing structure and that  
13          transmits and receives electromagnetic radio signals  
14          used in the provision of all types of wireless  
15          communications services; provided further that "small  
16          wireless facilities" shall have the same meaning as  
17          defined in section 206N-2; provided further that  
18          nothing in this paragraph shall be construed to permit  
19          the construction of any new structure that is not  
20          deemed a permitted use under this subsection;

1       (19) Agricultural education programs conducted on a farming  
2       operation as defined in section 165-2, for the  
3       education and participation of the general public;  
4       provided that the agricultural education programs are  
5       accessory and secondary to the principal agricultural  
6       use of the parcels or lots on which the agricultural  
7       education programs are to occur and do not interfere  
8       with surrounding farm operations. For the purposes of  
9       this paragraph, "agricultural education programs"  
10      means activities or events designed to promote  
11      knowledge and understanding of agricultural activities  
12      and practices conducted on a farming operation as  
13      defined in section 165-2;

14      (20) Solar energy facilities that do not occupy more than  
15      ten per cent of the acreage of the parcel, or twenty  
16      acres of land, whichever is lesser or for which a  
17      special use permit is granted pursuant to section  
18      205-6; provided that this use shall not be permitted  
19      on lands with soil classified by the land study  
20      bureau's detailed land classification as overall  
21      (master) productivity rating class A;



1       (21) Solar energy facilities on lands with soil classified  
2           by the land study bureau's detailed land  
3           classification as overall (master) productivity rating  
4           B or C for which a special use permit is granted  
5           pursuant to section 205-6; provided that:

6           (A) The area occupied by the solar energy facilities  
7                is also made available for compatible  
8                agricultural activities at a lease rate that is  
9                at least fifty per cent below the fair market  
10              rent for comparable properties;

11          (B) Proof of financial security to decommission the  
12              facility is provided to the satisfaction of the  
13              appropriate county planning commission before the  
14              date of commencement of commercial generation;  
15              and

16          (C) Solar energy facilities shall be decommissioned  
17              at the owner's expense according to the following  
18              requirements:

19            (i) Removal of all equipment related to the  
20               solar energy facility within twelve months

# S.B. NO. 760

1 of the conclusion of operation or useful  
2 life; and

3 (ii) Restoration of the disturbed earth to  
4 substantially the same physical condition as  
5 existed before the development of the solar  
6 energy facility.

7 For the purposes of this paragraph, "agricultural  
8 activities" means the activities described in  
9 paragraphs (1) to (3);

10 (22) Geothermal resources exploration and geothermal  
11 resources development, as defined under section 182-1;

12 (23) Hydroelectric facilities, including the appurtenances  
13 associated with the production and transmission of  
14 hydroelectric energy, subject to section 205-2;  
15 provided that the hydroelectric facilities and their  
16 appurtenances:

17 (A) Shall consist of a small hydropower facility as  
18 defined by the United States Department of  
19 Energy, including:

20 (i) Impoundment facilities using a dam to store  
21 water in a reservoir;



(ii) A diversion or run-of-river facility that channels a portion of a river through a canal or channel; and

(iii) Pumped storage facilities that store energy by pumping water uphill to a reservoir at higher elevation from a reservoir at a lower elevation to be released to turn a turbine to generate electricity;

(B) Comply with the state water code, chapter 174C;

(C) Shall, if over five hundred kilowatts in hydroelectric generating capacity, have the approval of the commission on water resource management, including a new instream flow standard established for any new hydroelectric facility; and

(D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served by the ground water sources or streams for which hydroelectric facilities are considered; or



# S.B. NO. 760

1 (24) Notwithstanding any other law to the contrary,  
2 composting and co-composting operations; provided that  
3 operations that process their own green waste and do  
4 not require permits from the department of health  
5 shall use the finished composting product only on the  
6 operation's own premises to minimize the potential  
7 spread of invasive species."

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11  
INTRODUCED BY:





# S.B. NO. 760

**Report Title:**

Department of Agriculture; Land Use; Rodeos

**Description:**

Authorizes rodeos on lands that are zoned for agricultural use.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 5i

### i. **SB2161 and HB1703 - RELATING TO LAND USE**

Authorizes rodeos and rodeo activities on lands that are zoned for agricultural use. Defines the term "rodeo and rodeo activities".

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2161&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2161&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1703&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1703&year=2026)



JAN 21 2026

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE.

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

1           SECTION 1. The legislature finds that the State possesses  
2 a rich ranching history and cowboy culture preceding that of the  
3 American west. In 1793, Captain James Vancouver presented  
4 Kamehameha I with six cows and a bull. Kamehameha I placed a  
5 kapu on the cattle to prevent them from being hunted or killed.  
6 Over time, the herd flourished and turned feral, becoming a  
7 nuisance to Native Hawaiians. Cattle would rampage through  
8 villages and destroy crops, eat the thatch off the roofs of  
9 houses, and occasionally hurt or kill people. In 1832,  
10 Kamehameha III sent one of his chiefs to Alta California, to  
11 enlist cowboys who could teach his people how to work cattle.  
12 The chief returned with three vaqueros who taught aspiring  
13 Native Hawaiian cowboys to rope, slaughter, and breed cattle;  
14 cure hides; construct fences and paddocks; and ride horses.  
15 Native Hawaiians took quickly to the skills and techniques that  
16 the vaqueros introduced. Native Hawaiian cowboys, known as  
17 paniolo, iterated on these skills and techniques, creating a



1 distinct Hawaiian cowboy culture. Paniolo crafted their saddles  
2 and gear in a style unique to them, created their own genre of  
3 music accompanied by the guitar and ukulele, and also developed  
4 a singular Hawaiian style of open-tuning for the guitar called  
5 kihoalu, or slack key.

6 The legislature further finds that in 1908, three paniolo,  
7 Ikua Purdy, Archie Kaaua, and Jack Low traveled to Cheyenne,  
8 Wyoming, to compete in the biggest rodeo at the time, Frontier  
9 Days. In the world championship finals, Ikua Purdy won the  
10 steer-roping contest in fifty-six seconds, Archie Kaaua came  
11 second, and Jack Low came sixth. The paniolo shocked much of  
12 the American public with their victory over many of America's  
13 best cowboys. When the three paniolo returned to Hawaii, they  
14 were hailed as heroes with poetry and hula being composed in  
15 their honor.

16 Therefore, the purpose of this Act is to honor the State's  
17 rich ranching and paniolo culture by authorizing rodeos on lands  
18 zoned for agricultural use.

19 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           **"§205-4.5 Permissible uses within the agricultural**  
2 **districts.** (a) Within the agricultural district, all lands  
3 with soil classified by the land study bureau's detailed land  
4 classification as overall (master) productivity rating class A  
5 or B and for solar energy facilities, class B or C, shall be  
6 restricted to the following permitted uses:

7           (1) Cultivation of crops, including crops for bioenergy,  
8                 flowers, vegetables, foliage, fruits, forage, and  
9                 timber;

10          (2) Game and fish propagation;

11          (3) Raising of livestock, including poultry, bees, fish,  
12                 or other animal or aquatic life that are propagated  
13                 for economic or personal use;

14          (4) Farm dwellings, employee housing, farm buildings, or  
15                 activities or uses related to farming and animal  
16                 husbandry. For the purposes of this paragraph, "farm  
17                 dwelling" means a single-family dwelling located on  
18                 and accessory to a farm, including clusters of  
19                 single-family farm dwellings permitted within  
20                 agricultural parks developed by the State, or where



1 agricultural activity provides income to the family  
2 occupying the dwelling;

3 (5) Public institutions and buildings that are necessary  
4 for agricultural practices;

5 (6) Public and private open area types of recreational  
6 uses, including day camps, picnic grounds, parks,  
7 ~~[and]~~ riding stables, and rodeos or rodeo activities  
8 as defined in subsection (g), but not including  
9 dragstrips, airports, drive-in theaters, golf courses,  
10 golf driving ranges, country clubs, and overnight  
11 camps; provided that overnight camps in operation  
12 before January 1, 1961, may be approved by special  
13 permit;

14 (7) Public, private, and quasi-public utility lines and  
15 roadways, transformer stations, communications  
16 equipment buildings, solid waste transfer stations,  
17 major water storage tanks, and appurtenant small  
18 buildings such as booster pumping stations, but not  
19 including offices or yards for equipment, material,  
20 vehicle storage, repair or maintenance, treatment



1 plants, corporation yards, or other similar  
2 structures;

3 (8) Retention, restoration, rehabilitation, or improvement  
4 of buildings or sites of historic or scenic interest;

5 (9) Agricultural-based commercial operations as described  
6 in section 205-2(d)(15);

7 (10) Buildings and uses, including mills, storage, and  
8 processing facilities, maintenance facilities,  
9 photovoltaic, biogas, and other small-scale renewable  
10 energy systems producing energy solely for use in the  
11 agricultural activities of the fee or leasehold owner  
12 of the property, and vehicle and equipment storage  
13 areas that are normally considered directly accessory  
14 to the above-mentioned uses and are permitted under  
15 section 205-2(d);

16 (11) Agricultural parks;

17 (12) Plantation community subdivisions, which as used in  
18 this chapter means an established subdivision or  
19 cluster of employee housing, community buildings, and  
20 agricultural support buildings on land currently or  
21 formerly owned, leased, or operated by a sugar or



1 pineapple plantation; provided that the existing  
2 structures may be used or rehabilitated for use, and  
3 new employee housing and agricultural support  
4 buildings may be allowed on land within the  
5 subdivision as follows:

6 (A) The employee housing is occupied by employees or  
7 former employees of the plantation who have a  
8 property interest in the land;

9 (B) The employee housing units not owned by their  
10 occupants shall be rented or leased at affordable  
11 rates for agricultural workers; or

12 (C) The agricultural support buildings shall be  
13 rented or leased to agricultural business  
14 operators or agricultural support services;

15 (13) Agricultural tourism conducted on a working farm, or a  
16 farming operation as defined in section 165-2, for the  
17 enjoyment, education, or involvement of visitors;  
18 provided that the agricultural tourism activity is  
19 accessory and secondary to the principal agricultural  
20 use and does not interfere with surrounding farm  
21 operations; provided further that this paragraph shall



1           apply only to a county that has adopted ordinances  
2           regulating agricultural tourism under section 205-5;

3       (14) Agricultural tourism activities, including overnight  
4           accommodations of twenty-one days or less, for any one  
5           stay within a county; provided that this paragraph  
6           shall apply only to a county that includes at least  
7           three islands and has adopted ordinances regulating  
8           agricultural tourism activities pursuant to section  
9           205-5; provided further that the agricultural tourism  
10          activities coexist with a bona fide agricultural  
11          activity. For the purposes of this paragraph, "bona  
12          fide agricultural activity" means a farming operation  
13          as defined in section 165-2;

14       (15) Wind energy facilities, including the appurtenances  
15           associated with the production and transmission of  
16           wind generated energy; provided that the wind energy  
17           facilities and appurtenances are compatible with  
18           agriculture uses and cause minimal adverse impact on  
19           agricultural land;

20       (16) Biofuel processing facilities, including the  
21           appurtenances associated with the production and



1 refining of biofuels that is normally considered  
2 directly accessory and secondary to the growing of the  
3 energy feedstock; provided that biofuel processing  
4 facilities and appurtenances do not adversely impact  
5 agricultural land and other agricultural uses in the  
6 vicinity.

7 For the purposes of this paragraph:

8 "Appurtenances" means operational infrastructure  
9 of the appropriate type and scale for economic  
10 commercial storage and distribution, and other similar  
11 handling of feedstock, fuels, and other products of  
12 biofuel processing facilities.

13 "Biofuel processing facility" means a facility  
14 that produces liquid or gaseous fuels from organic  
15 sources such as biomass crops, agricultural residues,  
16 and oil crops, including palm, canola, soybean, and  
17 waste cooking oils; grease; food wastes; and animal  
18 residues and wastes that can be used to generate  
19 energy;

20 (17) Agricultural-energy facilities, including  
21 appurtenances necessary for an agricultural-energy





1 enterprise; provided that the primary activity of the  
2 agricultural-energy enterprise is agricultural  
3 activity. To be considered the primary activity of an  
4 agricultural-energy enterprise, the total acreage  
5 devoted to agricultural activity shall be ~~[ne]~~ not  
6 less than ninety per cent of the total acreage of the  
7 agricultural-energy enterprise. The  
8 agricultural-energy facility shall be limited to lands  
9 owned, leased, licensed, or operated by the entity  
10 conducting the agricultural activity.

11 ~~[As used in]~~ For the purposes of this paragraph:

12 "Agricultural activity" means any activity  
13 described in paragraphs (1) to (3) of this subsection.

14 "Agricultural-energy enterprise" means an  
15 enterprise that integrally incorporates an  
16 agricultural activity with an agricultural-energy  
17 facility.

18 "Agricultural-energy facility" means a facility  
19 that generates, stores, or distributes renewable  
20 energy as defined in section 269-91 or renewable fuel  
21 including electrical or thermal energy or liquid or



1 gaseous fuels from products of agricultural activities  
2 from agricultural lands located in the State.

3 "Appurtenances" means operational infrastructure  
4 of the appropriate type and scale for the economic  
5 commercial generation, storage, distribution, and  
6 other similar handling of energy, including equipment,  
7 feedstock, fuels, and other products of  
8 agricultural-energy facilities;

9 (18) Construction and operation of wireless communication  
10 antennas, including small wireless facilities;  
11 provided that, for the purposes of this paragraph,  
12 "wireless communication antenna" means communications  
13 equipment that is either freestanding or placed upon  
14 or attached to an already existing structure and that  
15 transmits and receives electromagnetic radio signals  
16 used in the provision of all types of wireless  
17 communications services; provided further that "small  
18 wireless facilities" shall have the same meaning as  
19 defined in section 206N-2; provided further that  
20 nothing in this paragraph shall be construed to permit



1 the construction of any new structure that is not  
2 deemed a permitted use under this subsection;

3 (19) Agricultural education programs conducted on a farming  
4 operation as defined in section 165-2, for the  
5 education and participation of the general public;  
6 provided that the agricultural education programs are  
7 accessory and secondary to the principal agricultural  
8 use of the parcels or lots on which the agricultural  
9 education programs are to occur and do not interfere  
10 with surrounding farm operations. For the purposes of  
11 this paragraph, "agricultural education programs"  
12 means activities or events designed to promote  
13 knowledge and understanding of agricultural activities  
14 and practices conducted on a farming operation as  
15 defined in section 165-2;

16 (20) Solar energy facilities that do not occupy more than  
17 ten per cent of the acreage of the parcel, or twenty  
18 acres of land, whichever is lesser or for which a  
19 special use permit is granted pursuant to section  
20 205-6; provided that this use shall not be permitted  
21 on lands with soil classified by the land study



bureau's detailed land classification as overall

(master) productivity rating class A;

(21) Solar energy facilities on lands with soil classified

by the land study bureau's detailed land

classification as overall (master) productivity rating

B or C for which a special use permit is granted

pursuant to section 205-6; provided that:

(A) The area occupied by the solar energy facilities

is also made available for compatible

agricultural activities at a lease rate that is

at least fifty per cent below the fair market

rent for comparable properties;

(B) Proof of financial security to decommission the

facility is provided to the satisfaction of the

appropriate county planning commission before the

date of commencement of commercial generation;

and

(C) Solar energy facilities shall be decommissioned

at the owner's expense according to the following

requirements:



(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and

(ii) Restoration of the disturbed earth to substantially the same physical condition as existed before the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3);

(22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;

(23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:

(A) Shall consist of a small hydropower facility as defined by the United States Department of Energy, including:



- 1 (i) Impoundment facilities using a dam to store  
2 water in a reservoir;
- 3 (ii) A diversion or run-of-river facility that  
4 channels a portion of a river through a  
5 canal or channel; and
- 6 (iii) Pumped storage facilities that store energy  
7 by pumping water uphill to a reservoir at  
8 higher elevation from a reservoir at a lower  
9 elevation to be released to turn a turbine  
10 to generate electricity;
- 11 (B) Comply with the state water code, chapter 174C;
- 12 (C) Shall, if over five hundred kilowatts in  
13 hydroelectric generating capacity, have the  
14 approval of the commission on water resource  
15 management, including a new instream flow  
16 standard established for any new hydroelectric  
17 facility; and
- 18 (D) Do not impact or impede the use of agricultural  
19 land or the availability of surface or ground  
20 water for all uses on all parcels that are served



1 by the ground water sources or streams for which

2 hydroelectric facilities are considered; or

3 (24) Notwithstanding any other law to the contrary,

4 composting and co-composting operations; provided that

5 operations that process their own green waste and do

6 not require permits from the department of health

7 shall use the finished composting product only on the

8 operation's own premises to minimize the potential

9 spread of invasive species.

10 (b) Uses not expressly permitted in subsection (a),

11 including landfill units, as defined in section 342H-52, located

12 on land within the agricultural district that has soil

13 classified by the land study bureau's detailed land

14 classification as overall (master) productivity rating class A

15 in a county with a population greater than five hundred

16 thousand, shall be prohibited, except the uses permitted as

17 provided in sections 205-6 and 205-8, and construction of

18 single-family dwellings on lots existing before June 4, 1976.

19 Any other law to the contrary notwithstanding, no subdivision of

20 land within the agricultural district with soil classified by

21 the land study bureau's detailed land classification as overall



1 (master) productivity rating class A or B shall be approved by a  
2 county unless those A and B lands within the subdivision are  
3 made subject to the restriction on uses as prescribed in this  
4 section and to the condition that the uses shall be primarily in  
5 pursuit of an agricultural activity.

6 Any deed, lease, agreement of sale, mortgage, or other  
7 instrument of conveyance covering any land within the  
8 agricultural subdivision shall expressly contain the restriction  
9 on uses and the condition, as prescribed in this section, that  
10 these restrictions and conditions shall be encumbrances running  
11 with the land until the land is reclassified to a land use  
12 district other than an agricultural district.

13 If the foregoing requirement of encumbrances running with  
14 the land jeopardizes the owner or lessee in obtaining mortgage  
15 financing from any of the mortgage lending agencies set forth in  
16 the following paragraph, and the requirement is the sole reason  
17 for failure to obtain mortgage financing, then the requirement  
18 of encumbrances shall, insofar as the mortgage financing is  
19 jeopardized, be conditionally waived by the appropriate county  
20 enforcement officer; provided that the conditional waiver shall





1 become effective only in the event that the property is  
2 subjected to foreclosure proceedings by the mortgage lender.

3 The mortgage lending agencies referred to in the preceding  
4 paragraph are the Federal Housing Administration, Federal  
5 National Mortgage Association, Department of Veterans Affairs,  
6 Small Business Administration, United States Department of  
7 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate  
8 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any  
9 other federal, state, or private mortgage lending agency  
10 qualified to do business in Hawaii, and their respective  
11 successors and assigns.

12 (c) Within the agricultural district, all lands with soil  
13 classified by the land study bureau's detailed land  
14 classification as overall (master) productivity rating class C,  
15 D, E, or U shall be restricted to the uses permitted for  
16 agricultural districts as set forth in section 205-5(b).

17 (d) Notwithstanding any other provision of this chapter to  
18 the contrary, golf courses and golf driving ranges approved by a  
19 county before July 1, 2005, for development within the  
20 agricultural district shall be permitted uses within the  
21 agricultural district.



(e) Notwithstanding any other provision of this chapter to the contrary, plantation community subdivisions as defined in this section shall be permitted uses within the agricultural district, and section 205-8 shall not apply.

(f) Notwithstanding any other law to the contrary, agricultural lands may be subdivided and leased for the agricultural uses or activities permitted in subsection (a); provided that:

(1) The principal use of the leased land is agriculture;

(2) No permanent or temporary dwellings or farm dwellings, including trailers and campers, are constructed on the leased area. This restriction shall not prohibit the construction of storage sheds, equipment sheds, or other structures appropriate to the agricultural activity carried on within the lot; provided that any violation of this paragraph shall be subject to county enforcement authority and fines pursuant to sections 46-4, 205-12, and 205-13; and

(3) The lease term for a subdivided lot shall be for at least as long as the greater of:



(A) The minimum real property tax agricultural  
dedication period of the county in which the  
subdivided lot is located; or

(B) Five years.

Lots created and leased pursuant to this section shall be legal  
lots of record for mortgage lending purposes and shall be exempt  
from county subdivision standards.

(g) For the purposes of this section, "rodeo or rodeo  
activities", as used in subsection (a)(6), means a structured,  
organized, and permitted agricultural, equestrian, or cultural  
event conducted on lands classified as an agricultural district  
pursuant to section 205-2; on agricultural or pastoral lands  
owned, managed, controlled, or leased by the department of  
agriculture and biosecurity or department of land and natural  
resources; and on lands encumbered under the authority of the  
board of agriculture and biosecurity or board of land and  
natural resources. "Rodeo or rodeo activities" includes but is  
not limited to:

(1) Activities that demonstrate, train, or competitively  
apply livestock-handling and horsemanship skills



associated with ranching, cattle management, and  
paniolo traditions, including:

(A) Competitive or demonstration events utilizing  
livestock- and equestrian-based competitions or  
exhibitions that reflect customary ranching  
practices, including team roping, breakaway  
roping, calf or steer roping, and related timed  
roping events;

(B) Riding events, including saddle bronc, bareback,  
bull riding, ranch bronc riding, and related  
livestock-mounted competitions;

(C) Saddle bronc riding, bareback riding, bull  
riding, ranch bronc riding, and other mounted or  
livestock-interaction events;

(D) Barrel racing, pole bending, mounted agility  
competitions, and similar speed events; and

(E) Steer wrestling, ranch sorting, cattle penning,  
and other demonstrations of practical livestock  
management proficiency;

(2) Ancillary functions necessary for the safe, humane,  
and effective conduct of rodeo events, including:



- 1           (A) Veterinary care, livestock inspection, feeding,  
2                   watering, conditioning, and temporary stabling or  
3                   penning;
- 4           (B) Transportation, staging, and handling of  
5                   livestock before, during, and after events; and
- 6           (C) Construction, maintenance, installation, or  
7                   temporary placement of chutes, arenas, corrals,  
8                   fencing, livestock enclosures, and other  
9                   infrastructure reasonably required for event  
10                  operations;
- 11       (3) Support functions essential to organizing and hosting  
12                  rodeo events, including:
- 13           (A) Event management, setup, administration, and  
14                  post-event restoration;
- 15           (B) Accessory spectator facilities such as parking  
16                  areas, seating, concessions, restroom facilities,  
17                  and safety stations; provided that the facilities  
18                  remain subordinate to, and supportive of, the  
19                  principal rodeo use; and
- 20           (C) Participation by vendors, cultural practitioners,  
21                  and agricultural organizations when incidental

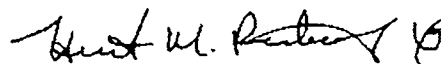


1                   and reasonably related to the rodeo or when  
2                   agricultural, ranching, or paniolo heritage is  
3                   promoted; and

4       (4) Any educational, cultural, ceremonial, or  
5       community-based activity associated with the State's  
6       paniolo history, ranching traditions, livestock  
7       stewardship, and equestrian culture, including  
8       demonstrations, exhibitions, cultural protocols,  
9       community gatherings, or heritage programming  
10       conducted as part of or in connection with rodeos."

11       SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13       SECTION 4. This Act shall take effect upon its approval.

14  
INTRODUCED BY: 



# S.B. NO. 2161

**Report Title:**

Department of Agriculture and Biosecurity; Department of land and Natural Resources; Land Use; Rodeos; Rodeo Activities

**Description:**

Authorizes rodeos and rodeo activities on lands that are zoned for agricultural use. Defines the term "rodeo and rodeo activities".

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1       SECTION 1. The legislature finds that the State possesses  
2 a rich ranching history and cowboy culture preceding that of the  
3 American west. In 1793, Captain James Vancouver presented  
4 Kamehameha I with six cows and a bull. Kamehameha I placed a  
5 kapu on the cattle to prevent them from being hunted or killed.  
6 Over time, the herd flourished and turned feral, becoming a  
7 nuisance to Native Hawaiians. Cattle would rampage through  
8 villages and destroy crops, eat the thatch off the roofs of  
9 houses, and occasionally hurt or kill people. In 1832,  
10 Kamehameha III sent one of his chiefs to Alta California, to  
11 enlist cowboys who could teach his people how to work cattle.  
12 The chief returned with three vaqueros who taught aspiring  
13 Native Hawaiian cowboys to rope, slaughter, and breed cattle;  
14 cure hides; construct fences and paddocks; and ride horses.  
15 Native Hawaiians took quickly to the skills and techniques that  
16 the vaqueros introduced. Native Hawaiian cowboys, known as  
17 paniolo, iterated on these skills and techniques, creating a





1 distinct Hawaiian cowboy culture. Paniolo crafted their saddles  
2 and gear in a style unique to them, created their own genre of  
3 music accompanied by the guitar and ukulele, and also developed  
4 a singular Hawaiian style of open-tuning for the guitar called  
5 kihoalu, or slack key.

6 The legislature further finds that in 1908, three paniolo,  
7 Ikua Purdy, Archie Kaaua, and Jack Low traveled to Cheyenne,  
8 Wyoming, to compete in the biggest rodeo at the time, Frontier  
9 Days. In the world championship finals, Ikua Purdy won the  
10 steer-roping contest in fifty-six seconds, Archie Kaaua came  
11 second, and Jack Low came sixth. The paniolo shocked much of  
12 the American public with their victory over many of America's  
13 best cowboys. When the three paniolo returned to Hawaii, they  
14 were hailed as heroes with poetry and hula being composed in  
15 their honor.

16 Therefore, the purpose of this Act is to honor the State's  
17 rich ranching and paniolo culture by authorizing rodeos on lands  
18 zoned for agricultural use.

19 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1       "§205-4.5 Permissible uses within the agricultural  
2 **districts.** (a) Within the agricultural district, all lands  
3 with soil classified by the land study bureau's detailed land  
4 classification as overall (master) productivity rating class A  
5 or B and for solar energy facilities, class B or C, shall be  
6 restricted to the following permitted uses:

7       (1) Cultivation of crops, including crops for bioenergy,  
8           flowers, vegetables, foliage, fruits, forage, and  
9           timber;

10       (2) Game and fish propagation;

11       (3) Raising of livestock, including poultry, bees, fish,  
12           or other animal or aquatic life that are propagated  
13           for economic or personal use;

14       (4) Farm dwellings, employee housing, farm buildings, or  
15           activities or uses related to farming and animal  
16           husbandry. For the purposes of this paragraph, "farm  
17           dwelling" means a single-family dwelling located on  
18           and accessory to a farm, including clusters of  
19           single-family farm dwellings permitted within  
20           agricultural parks developed by the State, or where



1 agricultural activity provides income to the family  
2 occupying the dwelling;

3 (5) Public institutions and buildings that are necessary  
4 for agricultural practices;

5 (6) Public and private open area types of recreational  
6 uses, including day camps, picnic grounds, parks,  
7 [and] riding stables, and rodeos or rodeo activities  
8 as defined in subsection (g), but not including  
9 dragstrips, airports, drive-in theaters, golf courses,  
10 golf driving ranges, country clubs, and overnight  
11 camps; provided that overnight camps in operation  
12 before January 1, 1961, may be approved by special  
13 permit;

14 (7) Public, private, and quasi-public utility lines and  
15 roadways, transformer stations, communications  
16 equipment buildings, solid waste transfer stations,  
17 major water storage tanks, and appurtenant small  
18 buildings such as booster pumping stations, but not  
19 including offices or yards for equipment, material,  
20 vehicle storage, repair or maintenance, treatment



1 plants, corporation yards, or other similar  
2 structures;

3 (8) Retention, restoration, rehabilitation, or improvement  
4 of buildings or sites of historic or scenic interest;

5 (9) Agricultural-based commercial operations as described  
6 in section 205-2(d)(15);

7 (10) Buildings and uses, including mills, storage, and  
8 processing facilities, maintenance facilities,  
9 photovoltaic, biogas, and other small-scale renewable  
10 energy systems producing energy solely for use in the  
11 agricultural activities of the fee or leasehold owner  
12 of the property, and vehicle and equipment storage  
13 areas that are normally considered directly accessory  
14 to the above-mentioned uses and are permitted under  
15 section 205-2(d);

16 (11) Agricultural parks;

17 (12) Plantation community subdivisions, which as used in  
18 this chapter means an established subdivision or  
19 cluster of employee housing, community buildings, and  
20 agricultural support buildings on land currently or  
21 formerly owned, leased, or operated by a sugar or



1 pineapple plantation; provided that the existing  
2 structures may be used or rehabilitated for use, and  
3 new employee housing and agricultural support  
4 buildings may be allowed on land within the  
5 subdivision as follows:

6 (A) The employee housing is occupied by employees or  
7 former employees of the plantation who have a  
8 property interest in the land;

9 (B) The employee housing units not owned by their  
10 occupants shall be rented or leased at affordable  
11 rates for agricultural workers; or

12 (C) The agricultural support buildings shall be  
13 rented or leased to agricultural business  
14 operators or agricultural support services;

15 (13) Agricultural tourism conducted on a working farm, or a  
16 farming operation as defined in section 165-2, for the  
17 enjoyment, education, or involvement of visitors;  
18 provided that the agricultural tourism activity is  
19 accessory and secondary to the principal agricultural  
20 use and does not interfere with surrounding farm  
21 operations; provided further that this paragraph shall



1           apply only to a county that has adopted ordinances  
2           regulating agricultural tourism under section 205-5;

3       (14) Agricultural tourism activities, including overnight  
4           accommodations of twenty-one days or less, for any one  
5           stay within a county; provided that this paragraph  
6           shall apply only to a county that includes at least  
7           three islands and has adopted ordinances regulating  
8           agricultural tourism activities pursuant to section  
9           205-5; provided further that the agricultural tourism  
10          activities coexist with a bona fide agricultural  
11          activity. For the purposes of this paragraph, "bona  
12          fide agricultural activity" means a farming operation  
13          as defined in section 165-2;

14       (15) Wind energy facilities, including the appurtenances  
15           associated with the production and transmission of  
16           wind generated energy; provided that the wind energy  
17           facilities and appurtenances are compatible with  
18           agriculture uses and cause minimal adverse impact on  
19           agricultural land;

20       (16) Biofuel processing facilities, including the  
21           appurtenances associated with the production and



1 refining of biofuels that is normally considered  
2 directly accessory and secondary to the growing of the  
3 energy feedstock; provided that biofuel processing  
4 facilities and appurtenances do not adversely impact  
5 agricultural land and other agricultural uses in the  
6 vicinity.

7 For the purposes of this paragraph:

8 "Appurtenances" means operational infrastructure  
9 of the appropriate type and scale for economic  
10 commercial storage and distribution, and other similar  
11 handling of feedstock, fuels, and other products of  
12 biofuel processing facilities.

13 "Biofuel processing facility" means a facility  
14 that produces liquid or gaseous fuels from organic  
15 sources such as biomass crops, agricultural residues,  
16 and oil crops, including palm, canola, soybean, and  
17 waste cooking oils; grease; food wastes; and animal  
18 residues and wastes that can be used to generate  
19 energy;

20 (17) Agricultural-energy facilities, including  
21 appurtenances necessary for an agricultural-energy



1 enterprise; provided that the primary activity of the  
2 agricultural-energy enterprise is agricultural  
3 activity. To be considered the primary activity of an  
4 agricultural-energy enterprise, the total acreage  
5 devoted to agricultural activity shall be ~~[no]~~ not  
6 less than ninety per cent of the total acreage of the  
7 agricultural-energy enterprise. The  
8 agricultural-energy facility shall be limited to lands  
9 owned, leased, licensed, or operated by the entity  
10 conducting the agricultural activity.

11 ~~[As used in]~~ For the purposes of this paragraph:

12 "Agricultural activity" means any activity  
13 described in paragraphs (1) to (3) of this subsection.

14 "Agricultural-energy enterprise" means an  
15 enterprise that integrally incorporates an  
16 agricultural activity with an agricultural-energy  
17 facility.

18 "Agricultural-energy facility" means a facility  
19 that generates, stores, or distributes renewable  
20 energy as defined in section 269-91 or renewable fuel  
21 including electrical or thermal energy or liquid or





1 gaseous fuels from products of agricultural activities  
2 from agricultural lands located in the State.

3 "Appurtenances" means operational infrastructure  
4 of the appropriate type and scale for the economic  
5 commercial generation, storage, distribution, and  
6 other similar handling of energy, including equipment,  
7 feedstock, fuels, and other products of  
8 agricultural-energy facilities;

9 (18) Construction and operation of wireless communication  
10 antennas, including small wireless facilities;  
11 provided that, for the purposes of this paragraph,  
12 "wireless communication antenna" means communications  
13 equipment that is either freestanding or placed upon  
14 or attached to an already existing structure and that  
15 transmits and receives electromagnetic radio signals  
16 used in the provision of all types of wireless  
17 communications services; provided further that "small  
18 wireless facilities" shall have the same meaning as  
19 defined in section 206N-2; provided further that  
20 nothing in this paragraph shall be construed to permit



1 the construction of any new structure that is not  
2 deemed a permitted use under this subsection;

3 (19) Agricultural education programs conducted on a farming  
4 operation as defined in section 165-2, for the  
5 education and participation of the general public;  
6 provided that the agricultural education programs are  
7 accessory and secondary to the principal agricultural  
8 use of the parcels or lots on which the agricultural  
9 education programs are to occur and do not interfere  
10 with surrounding farm operations. For the purposes of  
11 this paragraph, "agricultural education programs"  
12 means activities or events designed to promote  
13 knowledge and understanding of agricultural activities  
14 and practices conducted on a farming operation as  
15 defined in section 165-2;

16 (20) Solar energy facilities that do not occupy more than  
17 ten per cent of the acreage of the parcel, or twenty  
18 acres of land, whichever is lesser or for which a  
19 special use permit is granted pursuant to section  
20 205-6; provided that this use shall not be permitted  
21 on lands with soil classified by the land study



bureau's detailed land classification as overall  
(master) productivity rating class A;

(21) Solar energy facilities on lands with soil classified  
by the land study bureau's detailed land  
classification as overall (master) productivity rating  
B or C for which a special use permit is granted  
pursuant to section 205-6; provided that:

(A) The area occupied by the solar energy facilities  
is also made available for compatible  
agricultural activities at a lease rate that is  
at least fifty per cent below the fair market  
rent for comparable properties;

(B) Proof of financial security to decommission the  
facility is provided to the satisfaction of the  
appropriate county planning commission before the  
date of commencement of commercial generation;  
and

(C) Solar energy facilities shall be decommissioned  
at the owner's expense according to the following  
requirements:



(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and

(ii) Restoration of the disturbed earth to substantially the same physical condition as existed before the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3);

(22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;

(23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:

(A) Shall consist of a small hydropower facility as defined by the United States Department of Energy, including:



(i) Impoundment facilities using a dam to store water in a reservoir;

(ii) A diversion or run-of-river facility that channels a portion of a river through a canal or channel; and

(iii) Pumped storage facilities that store energy by pumping water uphill to a reservoir at higher elevation from a reservoir at a lower elevation to be released to turn a turbine to generate electricity;

(B) Comply with the state water code, chapter 174C;

(C) Shall, if over five hundred kilowatts in hydroelectric generating capacity, have the approval of the commission on water resource management, including a new instream flow standard established for any new hydroelectric facility; and

(D) Do not impact or impede the use of agricultural land or the availability of surface or ground water for all uses on all parcels that are served



1 by the ground water sources or streams for which

2 hydroelectric facilities are considered; or

3 (24) Notwithstanding any other law to the contrary,

4 composting and co-composting operations; provided that

5 operations that process their own green waste and do

6 not require permits from the department of health

7 shall use the finished composting product only on the

8 operation's own premises to minimize the potential

9 spread of invasive species.

10 (b) Uses not expressly permitted in subsection (a),

11 including landfill units, as defined in section 342H-52, located

12 on land within the agricultural district that has soil

13 classified by the land study bureau's detailed land

14 classification as overall (master) productivity rating class A

15 in a county with a population greater than five hundred

16 thousand, shall be prohibited, except the uses permitted as

17 provided in sections 205-6 and 205-8, and construction of

18 single-family dwellings on lots existing before June 4, 1976.

19 Any other law to the contrary notwithstanding, no subdivision of

20 land within the agricultural district with soil classified by

21 the land study bureau's detailed land classification as overall



1 (master) productivity rating class A or B shall be approved by a  
2 county unless those A and B lands within the subdivision are  
3 made subject to the restriction on uses as prescribed in this  
4 section and to the condition that the uses shall be primarily in  
5 pursuit of an agricultural activity.

6 Any deed, lease, agreement of sale, mortgage, or other  
7 instrument of conveyance covering any land within the  
8 agricultural subdivision shall expressly contain the restriction  
9 on uses and the condition, as prescribed in this section, that  
10 these restrictions and conditions shall be encumbrances running  
11 with the land until the land is reclassified to a land use  
12 district other than an agricultural district.

13 If the foregoing requirement of encumbrances running with  
14 the land jeopardizes the owner or lessee in obtaining mortgage  
15 financing from any of the mortgage lending agencies set forth in  
16 the following paragraph, and the requirement is the sole reason  
17 for failure to obtain mortgage financing, then the requirement  
18 of encumbrances shall, insofar as the mortgage financing is  
19 jeopardized, be conditionally waived by the appropriate county  
20 enforcement officer; provided that the conditional waiver shall



1 become effective only in the event that the property is  
2 subjected to foreclosure proceedings by the mortgage lender.

3 The mortgage lending agencies referred to in the preceding  
4 paragraph are the Federal Housing Administration, Federal  
5 National Mortgage Association, Department of Veterans Affairs,  
6 Small Business Administration, United States Department of  
7 Agriculture, Federal Land Bank of Berkeley, Federal Intermediate  
8 Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and any  
9 other federal, state, or private mortgage lending agency  
10 qualified to do business in Hawaii, and their respective  
11 successors and assigns.

12 (c) Within the agricultural district, all lands with soil  
13 classified by the land study bureau's detailed land  
14 classification as overall (master) productivity rating class C,  
15 D, E, or U shall be restricted to the uses permitted for  
16 agricultural districts as set forth in section 205-5(b).

17 (d) Notwithstanding any other provision of this chapter to  
18 the contrary, golf courses and golf driving ranges approved by a  
19 county before July 1, 2005, for development within the  
20 agricultural district shall be permitted uses within the  
21 agricultural district.





1 (e) Notwithstanding any other provision of this chapter to  
2 the contrary, plantation community subdivisions as defined in  
3 this section shall be permitted uses within the agricultural  
4 district, and section 205-8 shall not apply.

5 (f) Notwithstanding any other law to the contrary,  
6 agricultural lands may be subdivided and leased for the  
7 agricultural uses or activities permitted in subsection (a);  
8 provided that:

9 (1) The principal use of the leased land is agriculture;

10 (2) No permanent or temporary dwellings or farm dwellings,  
11 including trailers and campers, are constructed on the  
12 leased area. This restriction shall not prohibit the  
13 construction of storage sheds, equipment sheds, or  
14 other structures appropriate to the agricultural  
15 activity carried on within the lot; provided that any  
16 violation of this paragraph shall be subject to county  
17 enforcement authority and fines pursuant to sections  
18 46-4, 205-12, and 205-13; and

19 (3) The lease term for a subdivided lot shall be for at  
20 least as long as the greater of:



(A) The minimum real property tax agricultural dedication period of the county in which the subdivided lot is located; or

(B) Five years.

Lots created and leased pursuant to this section shall be legal lots of record for mortgage lending purposes and shall be exempt from county subdivision standards.

(g) For the purposes of this section, "rodeo or rodeo activities", as used in subsection (a) (6), means a structured, organized, and permitted agricultural, equestrian, or cultural event conducted on lands classified as an agricultural district pursuant to section 205-2; on agricultural or pastoral lands owned, managed, controlled, or leased by the department of agriculture and biosecurity or department of land and natural resources; and on lands encumbered under the authority of the board of agriculture and biosecurity or board of land and natural resources. "Rodeo or rodeo activities" includes but is not limited to:

(1) Activities that demonstrate, train, or competitively apply livestock-handling and horsemanship skills



1 associated with ranching, cattle management, and  
2 paniolo traditions, including:

3 (A) Competitive or demonstration events utilizing  
4 livestock- and equestrian-based competitions or  
5 exhibitions that reflect customary ranching  
6 practices, including team roping, breakaway  
7 roping, calf or steer roping, and related timed  
8 roping events;

9 (B) Riding events, including saddle bronc, bareback,  
10 bull riding, ranch bronc riding, and related  
11 livestock-mounted competitions;

12 (C) Saddle bronc riding, bareback riding, bull  
13 riding, ranch bronc riding, and other mounted or  
14 livestock-interaction events;

15 (D) Barrel racing, pole bending, mounted agility  
16 competitions, and similar speed events; and

17 (E) Steer wrestling, ranch sorting, cattle penning,  
18 and other demonstrations of practical livestock  
19 management proficiency;

20 (2) Ancillary functions necessary for the safe, humane,  
21 and effective conduct of rodeo events, including:



1        (A) Veterinary care, livestock inspection, feeding,  
2        watering, conditioning, and temporary stabling or  
3        penning;

4        (B) Transportation, staging, and handling of  
5        livestock before, during, and after events; and

6        (C) Construction, maintenance, installation, or  
7        temporary placement of chutes, arenas, corrals,  
8        fencing, livestock enclosures, and other  
9        infrastructure reasonably required for event  
10       operations;

11       (3) Support functions essential to organizing and hosting  
12       rodeo events, including:

13       (A) Event management, setup, administration, and  
14       post-event restoration;

15       (B) Accessory spectator facilities such as parking  
16       areas, seating, concessions, restroom facilities,  
17       and safety stations; provided that the facilities  
18       remain subordinate to, and supportive of, the  
19       principal rodeo use; and

20       (C) Participation by vendors, cultural practitioners,  
21       and agricultural organizations when incidental



and reasonably related to the rodeo or when  
agricultural, ranching, or paniolo heritage is  
promoted; and

(4) Any educational, cultural, ceremonial, or community-based activity associated with the State's paniolo history, ranching traditions, livestock stewardship, and equestrian culture, including demonstrations, exhibitions, cultural protocols, community gatherings, or heritage programming conducted as part of or in connection with rodeos."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY

JAN 20 2026



# H.B. NO. 1703

**Report Title:**

Department of Agriculture and Biosecurity; Department of land and Natural Resources; Land Use; Rodeos; Rodeo Activities

**Description:**

Authorizes rodeos and rodeo activities on lands that are zoned for agricultural use. Defines the term "rodeo and rodeo activities".

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 5j

### j. **SB2007 and HB1738 - RELATING TO THE LAND USE DECISION-MAKING**

Provides the authority for counties to amend district boundaries up to 25 acres for purposes of residential housing, agricultural workforce housing, long-term rental, or workforce fee simple ownership.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2007&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2007&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1738&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1738&year=2026)

JAN 21 2026

---

# A BILL FOR AN ACT

---

RELATING TO LAND USE DECISION-MAKING.

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

1       SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§205-3.1 Amendments to district boundaries.** (a)  
4 District boundary amendments involving lands in the conservation  
5 district, land areas greater than fifteen acres, or lands  
6 delineated as important agricultural lands shall be processed by  
7 the land use commission pursuant to section 205-4.

8       (b) Any department or agency of the State, and department  
9 or agency of the county in which the land is situated, or any  
10 person with a property interest in the land sought to be  
11 reclassified may petition the appropriate county land use  
12 decision-making authority of the county in which the land is  
13 situated for a change in the boundary of a district involving  
14 lands less than fifteen acres presently in the rural and urban  
15 districts and lands less than fifteen acres in the agricultural  
16 district that are not designated as important agricultural  
17 lands.





1 (c) District boundary amendments involving land areas of  
2 fifteen acres or less, except as provided in subsection (b),  
3 shall be determined by the appropriate county land use  
4 decision-making authority for the district and shall not require  
5 consideration by the land use commission pursuant to section  
6 205-4; provided that ~~[such]~~ the boundary amendments and approved  
7 uses are consistent with this chapter. The appropriate county  
8 land use decision-making authority may consolidate proceedings  
9 to amend state land use district boundaries pursuant to this  
10 subsection, with county proceedings to amend the general plan,  
11 development plan, zoning of the affected land, or ~~[such]~~ other  
12 proceedings. Appropriate ordinances and rules to allow  
13 consolidation of ~~[such]~~ the proceedings may be developed by the  
14 county land use decision-making authority.

15 (d) District boundary amendments involving land areas of  
16 twenty-five acres or less exclusively for purposes of  
17 residential housing, agricultural workforce housing, long-term  
18 rental, or workforce fee simple ownership shall be determined by  
19 the appropriate county land use decision-making authority for  
20 the district and shall not require consideration by the land use  
21 commission pursuant to section 205-4; provided that the boundary



1 amendments and approved uses are consistent with this chapter  
2 and the project area is:

3 (1) Immediately adjacent to the urban district and not  
4 including the conservation district;

5 (2) Not important agricultural lands;

6 (3) On lands with soils classified by the land study  
7 bureau's detailed land classification as overall  
8 (master) productivity rating class C, D, E, or U if  
9 within the agricultural district; and

10 (4) Identified on planning maps for only residential use  
11 in a county comprehensive general plan adopted no  
12 earlier than twenty years prior to application by the  
13 respective county council pursuant to section 46-4.

14 The appropriate county land use decision-making authority may  
15 consolidate proceedings to amend state land use district  
16 boundaries pursuant to this subsection, with county proceedings  
17 to amend the general plan, development plan, zoning of the  
18 affected land, or other proceedings.

19 ~~[(d)]~~ (e) The county land use decision-making authority  
20 shall serve a copy of the application for a district boundary  
21 amendment to the land use commission and the department of



1 business, economic development, and tourism and shall notify the  
2 commission and the department of the time and place of the  
3 hearing and the proposed amendments scheduled to be heard at the  
4 hearing. A change in the state land use district boundaries  
5 pursuant to this subsection shall become effective on the day  
6 designated by the county land use decision-making authority in  
7 its decision. Within sixty days of the effective date of any  
8 decision to amend state land use district boundaries by the  
9 county land use decision-making authority, the decision and the  
10 description and map of the affected property shall be  
11 transmitted to the land use commission and the department of  
12 business, economic development, and tourism by the county  
13 planning director."

14 SECTION 2. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2026.

2

INTRODUCED BY: *James R. Thompson*



# S.B. NO. 2007

**Report Title:**

Land Use Decision-Making; Housing

**Description:**

Provides the authority for counties to amend district boundaries up to 25 acres for purposes of residential housing, agricultural workforce housing, long-term rental, or workforce fee simple ownership.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

## A BILL FOR AN ACT

RELATING TO LAND USE DECISION-MAKING.

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

1       SECTION 1. Section 205-3.1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§205-3.1 Amendments to district boundaries.** (a)  
4 District boundary amendments involving lands in the conservation  
5 district, land areas greater than fifteen acres, or lands  
6 delineated as important agricultural lands shall be processed by  
7 the land use commission pursuant to section 205-4.

8       (b) Any department or agency of the State, and department  
9 or agency of the county in which the land is situated, or any  
10 person with a property interest in the land sought to be  
11 reclassified may petition the appropriate county land use  
12 decision-making authority of the county in which the land is  
13 situated for a change in the boundary of a district involving  
14 lands less than fifteen acres presently in the rural and urban  
15 districts and lands less than fifteen acres in the agricultural  
16 district that are not designated as important agricultural  
17 lands.



1 (c) District boundary amendments involving land areas of  
2 fifteen acres or less, except as provided in subsection (b),  
3 shall be determined by the appropriate county land use  
4 decision-making authority for the district and shall not require  
5 consideration by the land use commission pursuant to section  
6 205-4; provided that ~~[such]~~ the boundary amendments and approved  
7 uses are consistent with this chapter. The appropriate county  
8 land use decision-making authority may consolidate proceedings  
9 to amend state land use district boundaries pursuant to this  
10 subsection, with county proceedings to amend the general plan,  
11 development plan, zoning of the affected land, or ~~[such]~~ other  
12 proceedings. Appropriate ordinances and rules to allow  
13 consolidation of ~~[such]~~ the proceedings may be developed by the  
14 county land use decision-making authority.

15 (d) District boundary amendments involving land areas of  
16 twenty-five acres or less exclusively for purposes of  
17 residential housing, agricultural workforce housing, long-term  
18 rental, or workforce fee simple ownership shall be determined by  
19 the appropriate county land use decision-making authority for  
20 the district and shall not require consideration by the land use  
21 commission pursuant to section 205-4; provided that the boundary



1 amendments and approved uses are consistent with this chapter  
2 and the project area is:

3 (1) Immediately adjacent to the urban district and not  
4 including the conservation district;

5 (2) Not important agricultural lands;

6 (3) On lands with soils classified by the land study  
7 bureau's detailed land classification as overall  
8 (master) productivity rating class C, D, E, or U if  
9 within the agricultural district; and

10 (4) Identified on planning maps for only residential use  
11 in a county comprehensive general plan adopted no  
12 earlier than twenty years prior to application by the  
13 respective county council pursuant to section 46-4.

14 The appropriate county land use decision-making authority may  
15 consolidate proceedings to amend state land use district  
16 boundaries pursuant to this subsection, with county proceedings  
17 to amend the general plan, development plan, zoning of the  
18 affected land, or other proceedings.

19 [~~(d)~~] (e) The county land use decision-making authority  
20 shall serve a copy of the application for a district boundary  
21 amendment to the land use commission and the department of





1 business, economic development, and tourism and shall notify the  
2 commission and the department of the time and place of the  
3 hearing and the proposed amendments scheduled to be heard at the  
4 hearing. A change in the state land use district boundaries  
5 pursuant to this subsection shall become effective on the day  
6 designated by the county land use decision-making authority in  
7 its decision. Within sixty days of the effective date of any  
8 decision to amend state land use district boundaries by the  
9 county land use decision-making authority, the decision and the  
10 description and map of the affected property shall be  
11 transmitted to the land use commission and the department of  
12 business, economic development, and tourism by the county  
13 planning director."

14 SECTION 2. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



H.B. NO. 1738

1 SECTION 4. This Act shall take effect on July 1, 2026.

2

INTRODUCED BY:

*ZMC*

JAN 20 2026



# H.B. NO. 1738

**Report Title:**

Land Use Decision-Making; Housing

**Description:**

Provides the authority for counties to amend district boundaries up to 25 acres for purposes of residential housing, agricultural workforce housing, long-term rental, or workforce fee simple ownership.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 5k

### k. **SB1114 and SB2162 - RELATING TO HOUSING**

Authorizes large landowners to petition the Land Use Commission to allow the development of elderly housing on portions of agricultural lands.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=1114&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=1114&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2162&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2162&year=2026)

JAN 17 2025

---

# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1       SECTION 1. The legislature finds that the cost and  
2       availability of housing in the State are significant challenges  
3       facing Hawaii residents. Although Hawaii has the tenth-highest  
4       median wage nationally, living expenses are two-thirds higher  
5       than the rest of the nation, with the cost of housing being a  
6       major contributing factor. The legislature further finds that  
7       the lack of affordable housing disproportionately impacts  
8       low-income, elderly residents. While there are many senior  
9       apartments in Hawaii, nearly every senior apartment has a  
10      waitlist with placement times that typically ranges from three  
11      months to four years. The legislature believes that relaxing  
12      construction restrictions in the agricultural district will help  
13      to encourage the development of affordable senior housing.

14      Accordingly, the purpose of this Act is to allow owners of  
15      large lands in the agricultural district to construct elderly  
16      housing, assisted living homes, or low-density apartments, on  
17      not more than fifteen acres of those lands.



SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**"§205- Amendments to district boundaries involving large agricultural lands; elderly housing.** (a) Subject to section 205-4, any person with a property interest in thirty or more acres of contiguous agricultural lands may petition the land use commission for an exemption to the current zoning guidelines to reclassify up to fifteen acres of that land to allow for elderly housing, assisted living homes, or low-density apartments, or allow elderly housing on up to fifteen acres as a permissible use.

(b) The petition for an exemption shall include a proposal for the elderly housing to be constructed and a financial plan that includes:

(1) Different purchase prices or rent amounts for units so that individuals paying higher prices or rents for certain units may subsidize units having lower prices or rents; and

(2) Requirements that units having lower prices or rents shall be available only to individuals with incomes of



1           not more than eighty per cent of the area median  
2           income or who are considered asset limited, income  
3           constrained, and employed.

4           (c) Notwithstanding section 205-4(h), no amendment of a  
5           land use district boundary shall be approved under this section  
6           unless the commission finds upon the clear preponderance of the  
7           evidence that the proposed boundary is reasonable, not violative  
8           of part III of this chapter, and consistent with the policies  
9           and criteria established pursuant to sections 205-16 and 205-17.  
10          Six affirmative votes of the commission shall be necessary for  
11          any boundary amendment under this section.

12          (d) The commission may impose other requirements,  
13          including the receipt of a federal subsidy, federal grant, or  
14          other federal incentive as a requirement for approval of the  
15          petition.

16          (e) For purposes of this section "elderly housing" means a  
17          housing complex in which at least eighty per cent of the  
18          occupied units shall be occupied by at least one person  
19          fifty-five years of age or older."

20          SECTION 3. New statutory material is underscored.



# S.B. NO. 1114

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Theresa M. Becker *vp*





# S.B. NO. 1114

**Report Title:**

LUC; Agricultural District; Land Reclassification; Senior Housing; Elderly Housing

**Description:**

Authorizes large landowners to petition the Land Use Commission to allow the development of elderly housing on portions of agricultural lands.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



JAN 21 2026

---

# A BILL FOR AN ACT

---

RELATING TO HOUSING.

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

1           SECTION 1. The legislature finds that the cost and  
2   availability of housing in the State are significant challenges  
3   facing Hawaii residents. Although Hawaii has the tenth-highest  
4   median wage nationally, living expenses are two-thirds higher  
5   than the rest of the nation, with the cost of housing being a  
6   major contributing factor. The legislature further finds that  
7   the lack of affordable housing disproportionately impacts  
8   low-income, elderly residents. While there are many senior  
9   apartments in Hawaii, nearly every senior apartment has a  
10   waitlist with placement times that typically range from three  
11   months to four years. The legislature believes that relaxing  
12   construction restrictions in the agricultural district will help  
13   to encourage the development of affordable senior housing.

14           Accordingly, the purpose of this Act is to allow owners of  
15   large lands in the agricultural district to construct elderly  
16   housing, assisted living homes, or low-density apartments, on  
17   not more than fifteen acres of those lands.



SECTION 2. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**"§205- Amendments to district boundaries involving large agricultural lands; elderly housing.** (a) Subject to section 205-4, any person with a property interest in thirty or more acres of contiguous agricultural lands may petition the land use commission for an exemption to the current zoning guidelines to reclassify up to fifteen acres of that land to allow for elderly housing, assisted living homes, or low-density apartments, or allow elderly housing on up to fifteen acres as a permissible use.

(b) The petition for an exemption shall include a proposal for the elderly housing to be constructed and a financial plan that includes:

(1) Different purchase prices or rent amounts for units so that individuals paying higher prices or rents for certain units may subsidize units having lower prices or rents; and

(2) Requirements that units having lower prices or rents shall be available only to individuals with incomes of



1           not more than eighty per cent of the area median  
2           income or who are considered asset limited, income  
3           constrained, and employed.

4           (c) Notwithstanding section 205-4(h), no amendment of a  
5           land use district boundary shall be approved under this section  
6           unless the commission finds upon the clear preponderance of the  
7           evidence that the proposed boundary is reasonable, not violative  
8           of part III of this chapter, and consistent with the policies  
9           and criteria established pursuant to sections 205-16 and 205-17.  
10          Six affirmative votes of the commission shall be necessary for  
11          any boundary amendment under this section.

12          (d) The commission may impose other requirements,  
13          including the receipt of a federal subsidy, federal grant, or  
14          other federal incentive as a requirement for approval of the  
15          petition.

16          (e) For purposes of this section "elderly housing" means a  
17          housing complex in which at least eighty per cent of the  
18          occupied units shall be occupied by at least one person  
19          fifty-five years of age or older."

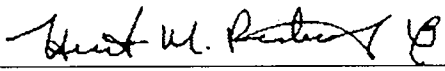
20          SECTION 3. New statutory material is underscored.



# S.B. NO. 2162

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: 



# S.B. NO. 2162

**Report Title:**

LUC; Agricultural District; Land Reclassification; Senior Housing; Elderly Housing

**Description:**

Authorizes large landowners to petition the Land Use Commission to allow the development of elderly housing on portions of agricultural lands.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



# **6**

## **Decision Making on Commission's Position on 2026 Hawai'i State Legislative Bills RELATING TO OTHER MEASURES THAT MAY IMPACT THE LUC**

## **6a**

### **a. HB826 - RELATING TO HOUSING**

Authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for purposes of agricultural workforce housing, long-term rental, or workforce fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035. Effective 7/1/3000.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=826&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=826&year=2026)



---

# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1       SECTION 1. Chapter 201H, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§201H-       Agricultural workforce housing, long-term  
5       rental, or workforce fee simple housing development; county  
6       planning commissions. Land uses exclusively providing  
7       residential housing for purposes of agricultural workforce  
8       housing, long-term rental, or workforce fee simple ownership may  
9       be permitted by a county planning commission; provided that the  
10      project area is:

11       (1) No larger than one hundred acres;

12       (2) Immediately adjacent to the urban district and not  
13       including the conservation district;

14       (3) On lands with soils classified by the land study  
15       bureau's detailed land classification as overall  
16       (master) productivity rating class C, D, E, or U if  
17       within the agricultural district; and



1       (4) Identified on maps for only residential use in a  
2       county comprehensive general plan adopted no earlier  
3       than 2005 by the respective county council pursuant to  
4       section 46-4.

5 All applications to the county planning commission shall include  
6 written concurrence from the executive director attesting to the  
7 executive director's review of the project and agreement that  
8 the proposal is solely inclusive of residential housing for  
9 purposes of agricultural workforce housing, long-term rental, or  
10 workforce fee simple ownership. Applications shall be reviewed  
11 pursuant to the process set forth in section 205-6; provided  
12 that section 91-9 shall only apply at the point of county  
13 planning commission review. All agencies may charge a  
14 reasonable fee for their respective application reviews and  
15 charge all costs necessary for transcription."

16       SECTION 2. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19       SECTION 3. New statutory material is underscored.



1       SECTION 4. This Act shall take effect on July 1, 3000, and  
2 shall be repealed on June 30, 2035.



**Report Title:**

Land Use; Residential Housing; Agricultural Workforce Housing;  
Long-term Rentals; Workforce Fee Simple Ownership; County  
Planning Commission; Agricultural Districts; Special Permit

**Description:**

Authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for purposes of agricultural workforce housing, long-term rental, or workforce fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035. Effective 7/1/3000. (HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

---

# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1       SECTION 1. Chapter 201H, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§201H-       Agricultural workforce housing, long-term  
5       rental, or workforce fee simple housing development; county  
6       planning commissions. Land uses exclusively providing  
7       residential housing for agricultural workforce housing, long-  
8       term rental, or workforce fee simple ownership may be permitted  
9       by a county planning commission; provided that the project area  
10      is:

- 11           (1) No larger than one hundred acres;  
12           (2) Immediately adjacent to the urban district and not  
13               including the conservation district;  
14           (3) On lands with soils classified by the land study  
15               bureau's detailed land classification as overall  
16               (master) productivity rating class C, D, E, or U if  
17               within the agricultural district; and



1       (4) Identified on maps for only residential use in a  
2           county comprehensive general plan adopted no earlier  
3           than 2005 by the respective county council pursuant to  
4           section 46-4.

5 All applications to the county planning commission shall include  
6 written concurrence from the executive director attesting to the  
7 executive director's review of the project and agreement that  
8 the proposal is solely inclusive of residential housing for  
9 agricultural workforce housing, long-term rental, or workforce  
10 fee simple ownership. Applications shall be reviewed pursuant  
11 to the process set forth in section 205-6; provided that section  
12 91-9 shall only apply at the point of county planning commission  
13 review. All agencies may charge a reasonable fee for their  
14 respective application reviews and charge all costs necessary  
15 for transcription."

16       SECTION 2. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19       SECTION 3. New statutory material is underscored.



1           SECTION 4. This Act shall take effect on July 1, 3000, and  
2 shall be repealed on June 30, 2035.



**Report Title:**

Land Use; Residential Housing; Agricultural Workforce Housing;  
Long-term Rentals; Workforce Fee Simple Ownership; County  
Planning Commission; Agricultural Districts; Special Permit

**Description:**

Authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for agricultural workforce housing, long-term rental, or workforce fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





---

---

## A BILL FOR AN ACT

RELATING TO HOUSING.

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

1       SECTION 1. Chapter 201H, Hawaii Revised Statutes, is  
2       amended by adding a new section to be appropriately designated  
3       and to read as follows:

4       "§201H-       Long-term rental or workforce fee simple  
5       housing development; county planning commissions. Land uses  
6       exclusively providing residential housing for long-term rental  
7       or workforce fee simple ownership may be permitted by a county  
8       planning commission under this section; provided that the  
9       project area is:

- 10       (1) No larger than one hundred acres;  
11       (2) Immediately adjacent to the urban district and not  
12       including the conservation district;  
13       (3) On lands with soils classified by the land study  
14       bureau's detailed land classification as overall  
15       (master) productivity rating class C, D, E, or U if  
16       within the agricultural district; and



1       (4) Identified on maps for only residential use in a  
2       county comprehensive general plan adopted by the  
3       respective county council pursuant to section 46-4  
4       within twenty years of the application filing.  
5       All applications to the county planning commission shall include  
6       written concurrence from the executive director attesting to the  
7       executive director's review of the project and agreement that  
8       the proposal is solely inclusive of residential housing for  
9       long-term rental or workforce fee simple ownership.  
10      Applications shall be reviewed pursuant to the process set forth  
11      in section 205-6; provided that section 91-9 shall only apply at  
12      the point of county planning commission review. All agencies  
13      may charge a reasonable fee for their respective application  
14      reviews and charge all costs necessary for transcription."

15           SECTION 2. This Act does not affect rights and duties that  
16      matured, penalties that were incurred, and proceedings that were  
17      begun before its effective date.

18           SECTION 3. New statutory material is underscored.

19           SECTION 4. This Act shall take effect on July 1, 2025, and  
20      shall be repealed on June 30, 2035.

21



H.B. NO. 826

INTRODUCED BY:

znc

JAN 21 2025



# H.B. NO. 826

**Report Title:**

Housing; Land Use; County Planning Commission; Agricultural Districts; Special Permit

**Description:**

Authorizes a county planning commission, by special permit, to permit land uses exclusively providing residential housing for long-term rental or affordable fee simple ownership in an agricultural district, under certain conditions. Repeals 6/30/2035.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## **6b**

### **b. SB2006 and HB1737- RELATING TO FARM EMPLOYEE HOUSING**

Clarifies that a "farm dwelling" permitted in an agricultural district includes a single-family farm dwelling with an accessory employee housing structure, subject to certain restrictions.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2006&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2006&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1737&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1737&year=2026)

JAN 21 2026

---

# A BILL FOR AN ACT

RELATING TO FARM EMPLOYEE HOUSING.

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

1       SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is  
2 amended as follows:

3       1. By amending subsection (a) to read:

4       "(a) Within the agricultural district, all lands with soil  
5 classified by the land study bureau's detailed land  
6 classification as overall (master) productivity rating class A  
7 or B and for solar energy facilities, class B or C, shall be  
8 restricted to the following permitted uses:

9       (1) Cultivation of crops, including crops for bioenergy,  
10       flowers, vegetables, foliage, fruits, forage, and  
11       timber;

12       (2) Game and fish propagation;

13       (3) Raising of livestock, including poultry, bees, fish,  
14       or other animal or aquatic life that are propagated  
15       for economic or personal use;

16       (4) Farm dwellings, employee housing, farm buildings, or  
17       activities or uses related to farming and animal



1 husbandry. For the purposes of this paragraph, "farm  
2 dwelling" means a [~~single-family~~] residential dwelling  
3 located on and accessory to a farm, including  
4 [~~clusters~~]:

5 (A) Clusters of single-family farm dwellings  
6 permitted within agricultural parks developed by  
7 the State, or where agricultural activity  
8 provides income to the family occupying the  
9 dwelling; and

10 (B) An accessory employee housing structure, which  
11 may consist of multiple residential dwelling  
12 units and be attached or detached from the  
13 single-family dwelling; provided that the  
14 accessory employee housing structure shall be no  
15 larger than eight hundred habitable square feet  
16 under roof per residential dwelling unit;  
17 provided further that the total land area upon  
18 which the single-family dwelling, accessory  
19 employee housing structure, and all appurtenances  
20 are situated shall be no larger than a ratio  
21 of square feet per acre of agricultural land



1           leased to the fee owner of the farm dwelling;  
2           provided further that no fee owner of the farm  
3           dwelling shall submit any portion thereof to a  
4           condominium property regime to separate the  
5           ownership of the accessory employee housing  
6           structure from the single-family dwelling  
7           pursuant to chapter 514B; and provided further  
8           that no portion of the farm dwelling shall be  
9           used for agricultural tourism or related  
10          accommodations under paragraph (14);

11          (5) Public institutions and buildings that are necessary  
12             for agricultural practices;

13          (6) Public and private open area types of recreational  
14             uses, including day camps, picnic grounds, parks, and  
15             riding stables, but not including dragstrips,  
16             airports, drive-in theaters, golf courses, golf  
17             driving ranges, country clubs, and overnight camps;  
18             provided that overnight camps in operation before  
19             January 1, 1961, may be approved by special permit;

20          (7) Public, private, and quasi-public utility lines and  
21             roadways, transformer stations, communications





1 equipment buildings, solid waste transfer stations,  
2 major water storage tanks, and appurtenant small  
3 buildings such as booster pumping stations, but not  
4 including offices or yards for equipment, material,  
5 vehicle storage, repair or maintenance, treatment  
6 plants, corporation yards, or other similar  
7 structures;

8 (8) Retention, restoration, rehabilitation, or improvement  
9 of buildings or sites of historic or scenic interest;

10 (9) Agricultural-based commercial operations as described  
11 in section 205-2(d)(15);

12 (10) Buildings and uses, including mills, storage, and  
13 processing facilities, maintenance facilities,  
14 photovoltaic, biogas, and other small-scale renewable  
15 energy systems producing energy solely for use in the  
16 agricultural activities of the fee or leasehold owner  
17 of the property, and vehicle and equipment storage  
18 areas that are normally considered directly accessory  
19 to the above-mentioned uses and are permitted under  
20 section 205-2(d);

21 (11) Agricultural parks;



1       (12) Plantation community subdivisions, which as used in  
2       this chapter means an established subdivision or  
3       cluster of employee housing, community buildings, and  
4       agricultural support buildings on land currently or  
5       formerly owned, leased, or operated by a sugar or  
6       pineapple plantation; provided that the existing  
7       structures may be used or rehabilitated for use, and  
8       new employee housing and agricultural support  
9       buildings may be allowed on land within the  
10      subdivision as follows:

11       (A) The employee housing is occupied by employees or  
12       former employees of the plantation who have a  
13       property interest in the land;

14       (B) The employee housing units not owned by their  
15       occupants shall be rented or leased at affordable  
16       rates for agricultural workers; or

17       (C) The agricultural support buildings shall be  
18       rented or leased to agricultural business  
19       operators or agricultural support services;

20      (13) Agricultural tourism conducted on a working farm, or a  
21      farming operation as defined in section 165-2, for the



1           enjoyment, education, or involvement of visitors;  
2           provided that the agricultural tourism activity is  
3           accessory and secondary to the principal agricultural  
4           use and does not interfere with surrounding farm  
5           operations; provided further that this paragraph shall  
6           apply only to a county that has adopted ordinances  
7           regulating agricultural tourism under section 205-5;

8       (14) Agricultural tourism activities, including overnight  
9           accommodations of twenty-one days or less, for any one  
10          stay within a county; provided that this paragraph  
11          shall apply only to a county that includes at least  
12          three islands and has adopted ordinances regulating  
13          agricultural tourism activities pursuant to section  
14          205-5; provided further that the agricultural tourism  
15          activities coexist with a bona fide agricultural  
16          activity. For the purposes of this paragraph, "bona  
17          fide agricultural activity" means a farming operation  
18          as defined in section 165-2;

19       (15) Wind energy facilities, including the appurtenances  
20          associated with the production and transmission of  
21          wind generated energy; provided that the wind energy



1 facilities and appurtenances are compatible with  
2 agriculture uses and cause minimal adverse impact on  
3 agricultural land;

4 (16) Biofuel processing facilities, including the  
5 appurtenances associated with the production and  
6 refining of biofuels that is normally considered  
7 directly accessory and secondary to the growing of the  
8 energy feedstock; provided that biofuel processing  
9 facilities and appurtenances do not adversely impact  
10 agricultural land and other agricultural uses in the  
11 vicinity.

12 For the purposes of this paragraph:

13 "Appurtenances" means operational infrastructure  
14 of the appropriate type and scale for economic  
15 commercial storage and distribution, and other similar  
16 handling of feedstock, fuels, and other products of  
17 biofuel processing facilities.

18 "Biofuel processing facility" means a facility  
19 that produces liquid or gaseous fuels from organic  
20 sources such as biomass crops, agricultural residues,  
21 and oil crops, including palm, canola, soybean, and



1 waste cooking oils; grease; food wastes; and animal  
2 residues and wastes that can be used to generate  
3 energy;

4 (17) Agricultural-energy facilities, including  
5 appurtenances necessary for an agricultural-energy  
6 enterprise; provided that the primary activity of the  
7 agricultural-energy enterprise is agricultural  
8 activity. To be considered the primary activity of an  
9 agricultural-energy enterprise, the total acreage  
10 devoted to agricultural activity shall be no less than  
11 ninety per cent of the total acreage of the  
12 agricultural-energy enterprise. The  
13 agricultural-energy facility shall be limited to lands  
14 owned, leased, licensed, or operated by the entity  
15 conducting the agricultural activity.

16 As used in this paragraph:

17 "Agricultural activity" means any activity  
18 described in paragraphs (1) to (3) of this subsection.

19 "Agricultural-energy enterprise" means an  
20 enterprise that integrally incorporates an



1 agricultural activity with an agricultural-energy  
2 facility.

3 "Agricultural-energy facility" means a facility  
4 that generates, stores, or distributes renewable  
5 energy as defined in section 269-91 or renewable fuel  
6 including electrical or thermal energy or liquid or  
7 gaseous fuels from products of agricultural activities  
8 from agricultural lands located in the State.

9 "Appurtenances" means operational infrastructure  
10 of the appropriate type and scale for the economic  
11 commercial generation, storage, distribution, and  
12 other similar handling of energy, including equipment,  
13 feedstock, fuels, and other products of  
14 agricultural-energy facilities;

15 (18) Construction and operation of wireless communication  
16 antennas, including small wireless facilities;  
17 provided that, for the purposes of this paragraph,  
18 "wireless communication antenna" means communications  
19 equipment that is either freestanding or placed upon  
20 or attached to an already existing structure and that  
21 transmits and receives electromagnetic radio signals



1           used in the provision of all types of wireless  
2           communications services; provided further that "small  
3           wireless facilities" shall have the same meaning as in  
4           section 206N-2; provided further that nothing in this  
5           paragraph shall be construed to permit the  
6           construction of any new structure that is not deemed a  
7           permitted use under this subsection;

8           (19) Agricultural education programs conducted on a farming  
9           operation as defined in section 165-2, for the  
10          education and participation of the general public;  
11          provided that the agricultural education programs are  
12          accessory and secondary to the principal agricultural  
13          use of the parcels or lots on which the agricultural  
14          education programs are to occur and do not interfere  
15          with surrounding farm operations. For the purposes of  
16          this paragraph, "agricultural education programs"  
17          means activities or events designed to promote  
18          knowledge and understanding of agricultural activities  
19          and practices conducted on a farming operation as  
20          defined in section 165-2;



1       (20)   Solar energy facilities that do not occupy more than  
2            ten per cent of the acreage of the parcel, or twenty  
3            acres of land, whichever is lesser or for which a  
4            special use permit is granted pursuant to section  
5            205-6; provided that this use shall not be permitted  
6            on lands with soil classified by the land study  
7            bureau's detailed land classification as overall  
8            (master) productivity rating class A;

9       (21)   Solar energy facilities on lands with soil classified  
10           by the land study bureau's detailed land  
11           classification as overall (master) productivity rating  
12           B or C for which a special use permit is granted  
13           pursuant to section 205-6; provided that:

14       (A)   The area occupied by the solar energy facilities  
15            is also made available for compatible  
16            agricultural activities at a lease rate that is  
17            at least fifty per cent below the fair market  
18            rent for comparable properties;

19       (B)   Proof of financial security to decommission the  
20            facility is provided to the satisfaction of the  
21            appropriate county planning commission before the





1 date of commencement of commercial generation;

2 and

3 (C) Solar energy facilities shall be decommissioned  
4 at the owner's expense according to the following  
5 requirements:

6 (i) Removal of all equipment related to the  
7 solar energy facility within twelve months  
8 of the conclusion of operation or useful  
9 life; and

10 (ii) Restoration of the disturbed earth to  
11 substantially the same physical condition as  
12 existed before the development of the solar  
13 energy facility.

14 For the purposes of this paragraph, "agricultural  
15 activities" means the activities described in  
16 paragraphs (1) to (3);

17 (22) Geothermal resources exploration and geothermal  
18 resources development, as defined under section 182-1;

19 (23) Hydroelectric facilities, including the appurtenances  
20 associated with the production and transmission of  
21 hydroelectric energy, subject to section 205-2;



1 provided that the hydroelectric facilities and their  
2 appurtenances:

3 (A) Shall consist of a small hydropower facility as  
4 defined by the United States Department of  
5 Energy, including:

6 (i) Impoundment facilities using a dam to store  
7 water in a reservoir;

8 (ii) A diversion or run-of-river facility that  
9 channels a portion of a river through a  
10 canal or channel; and

11 (iii) Pumped storage facilities that store energy  
12 by pumping water uphill to a reservoir at  
13 higher elevation from a reservoir at a lower  
14 elevation to be released to turn a turbine  
15 to generate electricity;

16 (B) Comply with the state water code, chapter 174C;

17 (C) Shall, if over five hundred kilowatts in  
18 hydroelectric generating capacity, have the  
19 approval of the commission on water resource  
20 management, including a new instream flow



1 standard established for any new hydroelectric  
2 facility; and  
3 (D) Do not impact or impede the use of agricultural  
4 land or the availability of surface or ground  
5 water for all uses on all parcels that are served  
6 by the ground water sources or streams for which  
7 hydroelectric facilities are considered; or  
8 (24) Notwithstanding any other law to the contrary,  
9 composting and co-composting operations; provided that  
10 operations that process their own green waste and do  
11 not require permits from the department of health  
12 shall use the finished composting product only on the  
13 operation's own premises to minimize the potential  
14 spread of invasive species."  
15 2. By amending subsection (c) to read:  
16 "(c) Within the agricultural district, all lands with soil  
17 classified by the land study bureau's detailed land  
18 classification as overall (master) productivity rating class C,  
19 D, E, or U shall be restricted to the uses permitted for  
20 agricultural districts as set forth in subsection (a)(4) and  
21 section 205-5(b)."



1       SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 4. This Act shall take effect upon its approval.  
7

INTRODUCED BY: 



# S.B. NO. 2006

**Report Title:**

Agriculture; Agricultural Districts; Zoning; Farm Dwelling;  
Accessory Employee Housing

**Description:**

Clarifies that a "farm dwelling" permitted in an agricultural district includes a single-family farm dwelling with an accessory employee housing structure, subject to certain restrictions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

# A BILL FOR AN ACT

RELATING TO FARM EMPLOYEE HOUSING.

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

SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Within the agricultural district, all lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B and for solar energy facilities, class B or C, shall be restricted to the following permitted uses:

(1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;

(2) Game and fish propagation;

(3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;

(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal



1 husbandry. For the purposes of this paragraph, "farm  
2 dwelling" means a [~~single-family~~] residential dwelling  
3 located on and accessory to a farm, including  
4 [~~clusters~~]:

5 (A) Clusters of single-family farm dwellings  
6 permitted within agricultural parks developed by  
7 the State, or where agricultural activity  
8 provides income to the family occupying the  
9 dwelling; and

10 (B) An accessory employee housing structure, which  
11 may consist of multiple residential dwelling  
12 units and be attached or detached from the  
13 single-family dwelling; provided that the  
14 accessory employee housing structure shall be no  
15 larger than eight hundred habitable square feet  
16 under roof per residential dwelling unit;  
17 provided further that the total land area upon  
18 which the single-family dwelling, accessory  
19 employee housing structure, and all appurtenances  
20 are situated shall be no larger than a ratio  
21 of square feet per acre of agricultural land



1           leased to the fee owner of the farm dwelling;  
2           provided further that no fee owner of the farm  
3           dwelling shall submit any portion thereof to a  
4           condominium property regime to separate the  
5           ownership of the accessory employee housing  
6           structure from the single-family dwelling  
7           pursuant to chapter 514B; and provided further  
8           that no portion of the farm dwelling shall be  
9           used for agricultural tourism or related  
10          accommodations under paragraph (14);

11          (5) Public institutions and buildings that are necessary  
12             for agricultural practices;

13          (6) Public and private open area types of recreational  
14             uses, including day camps, picnic grounds, parks, and  
15             riding stables, but not including dragstrips,  
16             airports, drive-in theaters, golf courses, golf  
17             driving ranges, country clubs, and overnight camps;  
18             provided that overnight camps in operation before  
19             January 1, 1961, may be approved by special permit;

20          (7) Public, private, and quasi-public utility lines and  
21             roadways, transformer stations, communications





1 equipment buildings, solid waste transfer stations,  
2 major water storage tanks, and appurtenant small  
3 buildings such as booster pumping stations, but not  
4 including offices or yards for equipment, material,  
5 vehicle storage, repair or maintenance, treatment  
6 plants, corporation yards, or other similar  
7 structures;

8 (8) Retention, restoration, rehabilitation, or improvement  
9 of buildings or sites of historic or scenic interest;

10 (9) Agricultural-based commercial operations as described  
11 in section 205-2(d)(15);

12 (10) Buildings and uses, including mills, storage, and  
13 processing facilities, maintenance facilities,  
14 photovoltaic, biogas, and other small-scale renewable  
15 energy systems producing energy solely for use in the  
16 agricultural activities of the fee or leasehold owner  
17 of the property, and vehicle and equipment storage  
18 areas that are normally considered directly accessory  
19 to the above-mentioned uses and are permitted under  
20 section 205-2(d);

21 (11) Agricultural parks;



(12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:

(A) The employee housing is occupied by employees or former employees of the plantation who have a property interest in the land;

(B) The employee housing units not owned by their occupants shall be rented or leased at affordable rates for agricultural workers; or

(C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the



1           enjoyment, education, or involvement of visitors;  
2           provided that the agricultural tourism activity is  
3           accessory and secondary to the principal agricultural  
4           use and does not interfere with surrounding farm  
5           operations; provided further that this paragraph shall  
6           apply only to a county that has adopted ordinances  
7           regulating agricultural tourism under section 205-5;

8       (14) Agricultural tourism activities, including overnight  
9           accommodations of twenty-one days or less, for any one  
10          stay within a county; provided that this paragraph  
11          shall apply only to a county that includes at least  
12          three islands and has adopted ordinances regulating  
13          agricultural tourism activities pursuant to section  
14          205-5; provided further that the agricultural tourism  
15          activities coexist with a bona fide agricultural  
16          activity. For the purposes of this paragraph, "bona  
17          fide agricultural activity" means a farming operation  
18          as defined in section 165-2;

19       (15) Wind energy facilities, including the appurtenances  
20           associated with the production and transmission of  
21           wind generated energy; provided that the wind energy



1 facilities and appurtenances are compatible with  
2 agriculture uses and cause minimal adverse impact on  
3 agricultural land;

4 (16) Biofuel processing facilities, including the  
5 appurtenances associated with the production and  
6 refining of biofuels that is normally considered  
7 directly accessory and secondary to the growing of the  
8 energy feedstock; provided that biofuel processing  
9 facilities and appurtenances do not adversely impact  
10 agricultural land and other agricultural uses in the  
11 vicinity.

12 For the purposes of this paragraph:

13 "Appurtenances" means operational infrastructure  
14 of the appropriate type and scale for economic  
15 commercial storage and distribution, and other similar  
16 handling of feedstock, fuels, and other products of  
17 biofuel processing facilities.

18 "Biofuel processing facility" means a facility  
19 that produces liquid or gaseous fuels from organic  
20 sources such as biomass crops, agricultural residues,  
21 and oil crops, including palm, canola, soybean, and



1 waste cooking oils; grease; food wastes; and animal  
2 residues and wastes that can be used to generate  
3 energy;

4 (17) Agricultural-energy facilities, including  
5 appurtenances necessary for an agricultural-energy  
6 enterprise; provided that the primary activity of the  
7 agricultural-energy enterprise is agricultural  
8 activity. To be considered the primary activity of an  
9 agricultural-energy enterprise, the total acreage  
10 devoted to agricultural activity shall be no less than  
11 ninety per cent of the total acreage of the  
12 agricultural-energy enterprise. The  
13 agricultural-energy facility shall be limited to lands  
14 owned, leased, licensed, or operated by the entity  
15 conducting the agricultural activity.

16 As used in this paragraph:

17 "Agricultural activity" means any activity  
18 described in paragraphs (1) to (3) of this subsection.

19 "Agricultural-energy enterprise" means an  
20 enterprise that integrally incorporates an



1 agricultural activity with an agricultural-energy  
2 facility.

3 "Agricultural-energy facility" means a facility  
4 that generates, stores, or distributes renewable  
5 energy as defined in section 269-91 or renewable fuel  
6 including electrical or thermal energy or liquid or  
7 gaseous fuels from products of agricultural activities  
8 from agricultural lands located in the State.

9 "Appurtenances" means operational infrastructure  
10 of the appropriate type and scale for the economic  
11 commercial generation, storage, distribution, and  
12 other similar handling of energy, including equipment,  
13 feedstock, fuels, and other products of  
14 agricultural-energy facilities;

15 (18) Construction and operation of wireless communication  
16 antennas, including small wireless facilities;  
17 provided that, for the purposes of this paragraph,  
18 "wireless communication antenna" means communications  
19 equipment that is either freestanding or placed upon  
20 or attached to an already existing structure and that  
21 transmits and receives electromagnetic radio signals



1           used in the provision of all types of wireless  
2           communications services; provided further that "small  
3           wireless facilities" shall have the same meaning as in  
4           section 206N-2; provided further that nothing in this  
5           paragraph shall be construed to permit the  
6           construction of any new structure that is not deemed a  
7           permitted use under this subsection;

8           (19) Agricultural education programs conducted on a farming  
9           operation as defined in section 165-2, for the  
10          education and participation of the general public;  
11          provided that the agricultural education programs are  
12          accessory and secondary to the principal agricultural  
13          use of the parcels or lots on which the agricultural  
14          education programs are to occur and do not interfere  
15          with surrounding farm operations. For the purposes of  
16          this paragraph, "agricultural education programs"  
17          means activities or events designed to promote  
18          knowledge and understanding of agricultural activities  
19          and practices conducted on a farming operation as  
20          defined in section 165-2;



1       (20)   Solar energy facilities that do not occupy more than  
2            ten per cent of the acreage of the parcel, or twenty  
3            acres of land, whichever is lesser or for which a  
4            special use permit is granted pursuant to section  
5            205-6; provided that this use shall not be permitted  
6            on lands with soil classified by the land study  
7            bureau's detailed land classification as overall  
8            (master) productivity rating class A;

9       (21)   Solar energy facilities on lands with soil classified  
10           by the land study bureau's detailed land  
11           classification as overall (master) productivity rating  
12           B or C for which a special use permit is granted  
13           pursuant to section 205-6; provided that:

14       (A)   The area occupied by the solar energy facilities  
15            is also made available for compatible  
16            agricultural activities at a lease rate that is  
17            at least fifty per cent below the fair market  
18            rent for comparable properties;

19       (B)   Proof of financial security to decommission the  
20            facility is provided to the satisfaction of the  
21            appropriate county planning commission before the





1 date of commencement of commercial generation;

2 and

3 (C) Solar energy facilities shall be decommissioned  
4 at the owner's expense according to the following  
5 requirements:

6 (i) Removal of all equipment related to the  
7 solar energy facility within twelve months  
8 of the conclusion of operation or useful  
9 life; and

10 (ii) Restoration of the disturbed earth to  
11 substantially the same physical condition as  
12 existed before the development of the solar  
13 energy facility.

14 For the purposes of this paragraph, "agricultural  
15 activities" means the activities described in  
16 paragraphs (1) to (3);

17 (22) Geothermal resources exploration and geothermal  
18 resources development, as defined under section 182-1;

19 (23) Hydroelectric facilities, including the appurtenances  
20 associated with the production and transmission of  
21 hydroelectric energy, subject to section 205-2;



1 provided that the hydroelectric facilities and their  
2 appurtenances:

3 (A) Shall consist of a small hydropower facility as  
4 defined by the United States Department of  
5 Energy, including:

6 (i) Impoundment facilities using a dam to store  
7 water in a reservoir;

8 (ii) A diversion or run-of-river facility that  
9 channels a portion of a river through a  
10 canal or channel; and

11 (iii) Pumped storage facilities that store energy  
12 by pumping water uphill to a reservoir at  
13 higher elevation from a reservoir at a lower  
14 elevation to be released to turn a turbine  
15 to generate electricity;

16 (B) Comply with the state water code, chapter 174C;

17 (C) Shall, if over five hundred kilowatts in  
18 hydroelectric generating capacity, have the  
19 approval of the commission on water resource  
20 management, including a new instream flow



1 standard established for any new hydroelectric  
2 facility; and

3 (D) Do not impact or impede the use of agricultural  
4 land or the availability of surface or ground  
5 water for all uses on all parcels that are served  
6 by the ground water sources or streams for which  
7 hydroelectric facilities are considered; or

8 (24) Notwithstanding any other law to the contrary,  
9 composting and co-composting operations; provided that  
10 operations that process their own green waste and do  
11 not require permits from the department of health  
12 shall use the finished composting product only on the  
13 operation's own premises to minimize the potential  
14 spread of invasive species."

15 2. By amending subsection (c) to read:

16 "(c) Within the agricultural district, all lands with soil  
17 classified by the land study bureau's detailed land  
18 classification as overall (master) productivity rating class C,  
19 D, E, or U shall be restricted to the uses permitted for  
20 agricultural districts as set forth in subsection (a) (4) and  
21 section 205-5 (b) ."



1       SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4       SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY:

ZML

JAN 20 2026



# H.B. NO. 1737

**Report Title:**

Agriculture; Agricultural Districts; Zoning; Farm Dwelling;  
Accessory Employee Housing

**Description:**

Clarifies that a "farm dwelling" permitted in an agricultural district includes a single-family farm dwelling with an accessory employee housing structure, subject to certain restrictions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## **6c**

### **c. SB2740 - RELATING TO FARM EMPLOYEE HOUSING**

Authorizes farm cluster housing on certain agricultural land within agricultural districts. Requires the counties adopt ordinances to allow farm cluster housing.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2740&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2740&year=2026)

JAN 23 2026

---

# A BILL FOR AN ACT

RELATING TO FARM EMPLOYEE HOUSING.

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

1       SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is  
2 amended as follows:

3       1. By amending subsection (a) to read:

4       "(a) Within the agricultural district, all lands with soil  
5 classified by the land study bureau's detailed land  
6 classification as overall (master) productivity rating class A  
7 or B and for solar energy facilities, class B or C, shall be  
8 restricted to the following permitted uses:

9       (1) Cultivation of crops, including crops for bioenergy,  
10       flowers, vegetables, foliage, fruits, forage, and  
11       timber;

12       (2) Game and fish propagation;

13       (3) Raising of livestock, including poultry, bees, fish,  
14       or other animal or aquatic life that are propagated  
15       for economic or personal use;

16       (4) Farm dwellings, employee housing, farm buildings, or  
17       activities or uses related to farming and animal



1 husbandry. For the purposes of this paragraph, "farm  
2 dwelling" means a single-family dwelling located on  
3 and accessory to a farm, including clusters of single-  
4 family farm dwellings permitted within agricultural  
5 parks developed by the State, or where agricultural  
6 activity provides income to the family occupying the  
7 dwelling;

8 (5) Public institutions and buildings that are necessary  
9 for agricultural practices;

10 (6) Public and private open area types of recreational  
11 uses, including day camps, picnic grounds, parks, and  
12 riding stables, but not including dragstrips,  
13 airports, drive-in theaters, golf courses, golf  
14 driving ranges, country clubs, and overnight camps;  
15 provided that overnight camps in operation before  
16 January 1, 1961, may be approved by special permit;

17 (7) Public, private, and quasi-public utility lines and  
18 roadways, transformer stations, communications  
19 equipment buildings, solid waste transfer stations,  
20 major water storage tanks, and appurtenant small  
21 buildings such as booster pumping stations, but not





1 including offices or yards for equipment, material,  
2 vehicle storage, repair or maintenance, treatment  
3 plants, corporation yards, or other similar  
4 structures;

5 (8) Retention, restoration, rehabilitation, or improvement  
6 of buildings or sites of historic or scenic interest;

7 (9) Agricultural-based commercial operations as described  
8 in section 205-2(d)(15);

9 (10) Buildings and uses, including mills, storage, and  
10 processing facilities, maintenance facilities,  
11 photovoltaic, biogas, and other small-scale renewable  
12 energy systems producing energy solely for use in the  
13 agricultural activities of the fee or leasehold owner  
14 of the property, and vehicle and equipment storage  
15 areas that are normally considered directly accessory  
16 to the above-mentioned uses and are permitted under  
17 section 205-2(d);

18 (11) Agricultural parks;

19 (12) Plantation community subdivisions, which as used in  
20 this chapter means an established subdivision or  
21 cluster of employee housing, community buildings, and



1 agricultural support buildings on land currently or  
2 formerly owned, leased, or operated by a sugar or  
3 pineapple plantation; provided that the existing  
4 structures may be used or rehabilitated for use, and  
5 new employee housing and agricultural support  
6 buildings may be allowed on land within the  
7 subdivision as follows:

8 (A) The employee housing is occupied by employees or  
9 former employees of the plantation who have a  
10 property interest in the land;

11 (B) The employee housing units not owned by their  
12 occupants shall be rented or leased at affordable  
13 rates for agricultural workers; or

14 (C) The agricultural support buildings shall be  
15 rented or leased to agricultural business  
16 operators or agricultural support services;

17 (13) Agricultural tourism conducted on a working farm, or a  
18 farming operation as defined in section 165-2, for the  
19 enjoyment, education, or involvement of visitors;  
20 provided that the agricultural tourism activity is  
21 accessory and secondary to the principal agricultural



1 use and does not interfere with surrounding farm  
2 operations; provided further that this paragraph shall  
3 apply only to a county that has adopted ordinances  
4 regulating agricultural tourism under section 205-5;

5 (14) Agricultural tourism activities, including overnight  
6 accommodations of twenty-one days or less, for any one  
7 stay within a county; provided that this paragraph  
8 shall apply only to a county that includes at least  
9 three islands and has adopted ordinances regulating  
10 agricultural tourism activities pursuant to section  
11 205-5; provided further that the agricultural tourism  
12 activities coexist with a bona fide agricultural  
13 activity. For the purposes of this paragraph, "bona  
14 fide agricultural activity" means a farming operation  
15 as defined in section 165-2;

16 (15) Wind energy facilities, including the appurtenances  
17 associated with the production and transmission of  
18 wind generated energy; provided that the wind energy  
19 facilities and appurtenances are compatible with  
20 agriculture uses and cause minimal adverse impact on  
21 agricultural land;



1       (16) Biofuel processing facilities, including the  
2       appurtenances associated with the production and  
3       refining of biofuels that is normally considered  
4       directly accessory and secondary to the growing of the  
5       energy feedstock; provided that biofuel processing  
6       facilities and appurtenances do not adversely impact  
7       agricultural land and other agricultural uses in the  
8       vicinity.

9               For the purposes of this paragraph:

10              "Appurtenances" means operational infrastructure  
11      of the appropriate type and scale for economic  
12      commercial storage and distribution, and other similar  
13      handling of feedstock, fuels, and other products of  
14      biofuel processing facilities.

15              "Biofuel processing facility" means a facility  
16      that produces liquid or gaseous fuels from organic  
17      sources such as biomass crops, agricultural residues,  
18      and oil crops, including palm, canola, soybean, and  
19      waste cooking oils; grease; food wastes; and animal  
20      residues and wastes that can be used to generate  
21      energy;



1       (17) Agricultural-energy facilities, including  
2       appurtenances necessary for an agricultural-energy  
3       enterprise; provided that the primary activity of the  
4       agricultural-energy enterprise is agricultural  
5       activity. To be considered the primary activity of an  
6       agricultural-energy enterprise, the total acreage  
7       devoted to agricultural activity shall be no less than  
8       ninety per cent of the total acreage of the  
9       agricultural-energy enterprise. The agricultural-  
10      energy facility shall be limited to lands owned,  
11      leased, licensed, or operated by the entity conducting  
12      the agricultural activity.

13           As used in this paragraph:

14           "Agricultural activity" means any activity  
15      described in paragraphs (1) to (3) of this subsection.

16           "Agricultural-energy enterprise" means an  
17      enterprise that integrally incorporates an  
18      agricultural activity with an agricultural-energy  
19      facility.

20           "Agricultural-energy facility" means a facility  
21      that generates, stores, or distributes renewable



1 energy as defined in section 269-91 or renewable fuel  
2 including electrical or thermal energy or liquid or  
3 gaseous fuels from products of agricultural activities  
4 from agricultural lands located in the State.

5 "Appurtenances" means operational infrastructure  
6 of the appropriate type and scale for the economic  
7 commercial generation, storage, distribution, and  
8 other similar handling of energy, including equipment,  
9 feedstock, fuels, and other products of agricultural-  
10 energy facilities;

11 (18) Construction and operation of wireless communication  
12 antennas, including small wireless facilities;  
13 provided that, for the purposes of this paragraph,  
14 "wireless communication antenna" means communications  
15 equipment that is either freestanding or placed upon  
16 or attached to an already existing structure and that  
17 transmits and receives electromagnetic radio signals  
18 used in the provision of all types of wireless  
19 communications services; provided further that "small  
20 wireless facilities" shall have the same meaning as in  
21 section 206N-2; provided further that nothing in this



1 paragraph shall be construed to permit the  
2 construction of any new structure that is not deemed a  
3 permitted use under this subsection;

4 (19) Agricultural education programs conducted on a farming  
5 operation as defined in section 165-2, for the  
6 education and participation of the general public;  
7 provided that the agricultural education programs are  
8 accessory and secondary to the principal agricultural  
9 use of the parcels or lots on which the agricultural  
10 education programs are to occur and do not interfere  
11 with surrounding farm operations. For the purposes of  
12 this paragraph, "agricultural education programs"  
13 means activities or events designed to promote  
14 knowledge and understanding of agricultural activities  
15 and practices conducted on a farming operation as  
16 defined in section 165-2;

17 (20) Solar energy facilities that do not occupy more than  
18 ten per cent of the acreage of the parcel, or twenty  
19 acres of land, whichever is lesser or for which a  
20 special use permit is granted pursuant to section 205-  
21 6; provided that this use shall not be permitted on



lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A;

(21) Solar energy facilities on lands with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating B or C for which a special use permit is granted pursuant to section 205-6; provided that:

(A) The area occupied by the solar energy facilities is also made available for compatible agricultural activities at a lease rate that is at least fifty per cent below the fair market rent for comparable properties;

(B) Proof of financial security to decommission the facility is provided to the satisfaction of the appropriate county planning commission before the date of commencement of commercial generation; and

(C) Solar energy facilities shall be decommissioned at the owner's expense according to the following requirements:





(i) Removal of all equipment related to the solar energy facility within twelve months of the conclusion of operation or useful life; and

(ii) Restoration of the disturbed earth to substantially the same physical condition as existed before the development of the solar energy facility.

For the purposes of this paragraph, "agricultural activities" means the activities described in paragraphs (1) to (3);

(22) Geothermal resources exploration and geothermal resources development, as defined under section 182-1;

(23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2; provided that the hydroelectric facilities and their appurtenances:

(A) Shall consist of a small hydropower facility as defined by the United States Department of Energy, including:



# S.B. NO. 2740

- 1 (i) Impoundment facilities using a dam to store  
2 water in a reservoir;
- 3 (ii) A diversion or run-of-river facility that  
4 channels a portion of a river through a  
5 canal or channel; and
- 6 (iii) Pumped storage facilities that store energy  
7 by pumping water uphill to a reservoir at  
8 higher elevation from a reservoir at a lower  
9 elevation to be released to turn a turbine  
10 to generate electricity;
- 11 (B) Comply with the state water code, chapter 174C;
- 12 (C) Shall, if over five hundred kilowatts in  
13 hydroelectric generating capacity, have the  
14 approval of the commission on water resource  
15 management, including a new instream flow  
16 standard established for any new hydroelectric  
17 facility; and
- 18 (D) Do not impact or impede the use of agricultural  
19 land or the availability of surface or ground  
20 water for all uses on all parcels that are served



by the ground water sources or streams for which  
hydroelectric facilities are considered; ~~[or]~~

(24) Notwithstanding any other law to the contrary,  
composting and co-composting operations; provided that  
operations that process their own green waste and do  
not require permits from the department of health  
shall use the finished composting product only on the  
operation's own premises to minimize the potential  
spread of invasive species~~[-]~~; or

(25) Notwithstanding any other law to the contrary, farm  
cluster housing; provided that a landowner or lessee  
may apply to a county for a permit, in a form to be  
determined by the county, that allows the landowner or  
lessee to develop, construct, and maintain farm  
cluster housing for rent to farmers and farm employees  
who actively and currently farm and their immediate  
family members; provided further that:

(A) Each county shall adopt ordinances to allow farm  
cluster housing, which shall provide for:

(i) Exemption from other county subdivision  
ordinances;



- 1           (ii) The development of more units per lot than  
2           allowed by applicable county zoning;  
3           (iii) Approval of the farm cluster housing plans  
4           by each county's planning director; and  
5           (iv) The submission to the applicable county of  
6           the landowner or lessee's agricultural plan  
7           or agricultural business plan supporting the  
8           development of farm cluster housing and  
9           providing evidence of a real property  
10          agricultural tax dedication granted by the  
11          county; provided further that the  
12          agricultural plan and agricultural tax  
13          dedication verification shall be submitted  
14          to the appropriate county agency for review  
15          and comment and may be submitted by the  
16          county to the department of agriculture and  
17          biosecurity for review and comment, before  
18          any county action on the application;  
19          (B) The farm cluster housing units shall not be used  
20          for short-term transient vacation rentals;



1           (C) All farm cluster housing units shall be leased or  
2           rented to a farmer or farm employee who is  
3           farmng the lands upon which the farm cluster  
4           housing is situated, or other lands owned by the  
5           owner or lessee who owns the farm cluster  
6           housing; provided further that this restriction  
7           shall be stated in any applicable rental  
8           documents;

9           (D) The officer or agency charged with the  
10          administration of county zoning laws within each  
11          county shall enforce the building and use  
12          restrictions in this section and impose penalties  
13          for violations of any provision of this section  
14          or of any related county permit;

15          (E) Farm dwellings and employee housing units that  
16          are not processed as farm cluster housing  
17          pursuant to this section shall be subject to all  
18          applicable state laws, county ordinances, and  
19          rules.

20          For the purposes of this paragraph, "farm cluster housing"  
21          means an agricultural housing development that concentrates farm



1 dwellings and farm employee housing units and shared  
2 infrastructure in a compact area within the larger lot and  
3 minimizes the land area occupied by the housing development; and  
4 "short-term vacation rental" means "short-term rental home",  
5 "transient vacation rental", "transient vacation unit", or  
6 "transient vacation use", as those terms are defined by county  
7 ordinance."

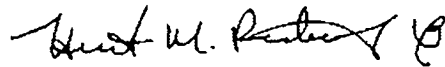
8 2. By amending subsection (c) to read:

9 "(c) Within the agricultural district, all lands with soil  
10 classified by the land study bureau's detailed land  
11 classification as overall (master) productivity rating class C,  
12 D, E, or U shall be restricted to the uses permitted for  
13 agricultural districts as set forth in subsection (a)(4) and  
14 section 205-5(b)."

15 SECTION 2. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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

18  
INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2740

**Report Title:**

Counties; Farm Cluster Housing; Agricultural Districts;  
Permissible Uses

**Description:**

Authorizes farm cluster housing on certain agricultural land within agricultural districts. Requires the counties adopt ordinances to allow farm cluster housing.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 6d

### d. **SB 2834 and HB1979 - RELATING TO ENVIRONMENTAL REVIEW**

Shortens the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. Requires judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=2834&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2834&year=2026)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1979&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1979&year=2026)



JAN 23 2026

# A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL REVIEW.

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

SECTION 1. Section 343-7, Hawaii Revised Statutes, is amended to read as follows:

**"§343-7 Limitation of actions~~[-]~~; attorneys' fees.** (a)

Any judicial proceeding, the subject of which is the lack of assessment required under section 343-5, shall be initiated within one hundred twenty days of the agency's decision to carry out or approve the action~~[-or, if]~~; provided that if the judicial proceeding involves the lack of an assessment required under section 343-5 for an action that proposes the use of land for, or construction of, an affordable housing project or clean energy project, the proceeding shall be initiated within thirty days of the agency's decision to carry out or approve the action. If a proposed action is undertaken without a formal determination by the agency that a statement is or is not required, a judicial proceeding shall be instituted within one hundred twenty days after the proposed action is started~~[-]~~; provided that if the proposed action is for the use of land for,



1 or construction of, an affordable housing or clean energy  
2 project, the judicial proceeding shall be instituted within  
3 thirty days after the proposed action is started. The office,  
4 any agency responsible for approval of the action, or the  
5 applicant shall be adjudged an aggrieved party for the purposes  
6 of bringing judicial action under this subsection. Others, by  
7 environmental court action, may be adjudged aggrieved.

8 (b) Any judicial proceeding, the subject of which is the  
9 determination that a statement is required for a proposed  
10 action, shall be initiated within sixty days after the public  
11 has been informed of such determination pursuant to section 343-

12 3. Any judicial proceeding, the subject of which is the  
13 determination that a statement is not required for a proposed  
14 action, shall be initiated within thirty days after the public  
15 has been informed of such determination pursuant to section 343-

16 3. The applicant shall be adjudged an aggrieved party for the  
17 purposes of bringing judicial action under this subsection.  
18 Others, by environmental court action, may be adjudged  
19 aggrieved.

20 (c) Any judicial proceeding, the subject of which is the  
21 acceptance or nonacceptance of an environmental impact statement



1 required under section 343-5, shall be initiated within sixty  
2 days after the public has been informed pursuant to section 343-  
3 3 of the acceptance or nonacceptance of such statement[-];  
4 provided that if the subject of the judicial proceeding is the  
5 acceptance or nonacceptance of a statement for an action that  
6 proposes the use of land for, or construction of, an affordable  
7 housing project or clean energy project, the proceeding shall be  
8 initiated within thirty days after the public has been informed  
9 pursuant to section 343-3 of the acceptance or nonacceptance of  
10 the statement. Affected agencies and persons who provided  
11 written comment to an accepted statement during the designated  
12 review period shall be adjudged aggrieved parties for the  
13 purpose of bringing judicial action under this subsection;  
14 provided that for aggrieved parties, the contestable issues  
15 shall be limited to issues identified and discussed in the  
16 written comment, and for applicants bringing judicial action  
17 under this section on the nonacceptance of a statement, the  
18 contestable issues shall be limited to those issues identified  
19 by the accepting authority as the basis for nonacceptance of the  
20 statement.



1        (d) Any judicial proceeding initiated pursuant to this  
2 section that involves an action that proposes the use of land  
3 for, or construction of, an affordable housing or clean energy  
4 project shall be filed directly with the supreme court, which  
5 shall have original jurisdiction over the proceeding.

6        (e) The supreme court shall be prohibited from awarding  
7 attorneys' fees in a judicial proceeding initiated pursuant to  
8 this section that involves an action that proposes the use of  
9 land for, or construction of, an affordable housing project or  
10 clean energy project.

11        (f) For the purposes of this section:

12        "Affordable housing project" means a housing project:

13        (1) As defined by the controlling law or ordinance  
14 governing a state or county agency proposing or  
15 approving an affordable housing project;

16        (2) In which the owner has executed a declaration of  
17 restrictive covenants or other legally binding  
18 agreement that ensures compliance with county  
19 affordable housing ordinances;



1        (3) Under county jurisdiction pursuant to section 46-15.1  
2        or that is subject to any county ordinance or funding  
3        that has an income restriction requirement; or

4        (4) In which the acquisition, financing, construction,  
5        development, redevelopment, repair, renovation, and  
6        occupancy has been directly facilitated by a state or  
7        county program.

8        "Clean energy project" means a project, facility, or  
9        installation that is primarily for the purpose of generating or  
10       producing energy using the following sources:

11       (1) Wind;

12       (2) Sun;

13       (3) Falling water;

14       (4) Geothermal; and

15       (5) Ocean water, currents, and waves, including ocean  
16       thermal energy conversion."

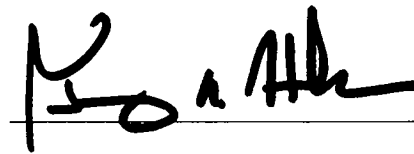
17       SECTION 2. Statutory material to be repealed is bracketed  
18       and stricken. New statutory material is underscored.



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

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "K. A. Hill", is written over a horizontal line.



# S.B. NO. 2834

**Report Title:**

Environmental Review; Clean Energy Projects; Affordable Housing Projects; Judicial Proceedings; Supreme Court; Attorneys' Fees

**Description:**

Shortens the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. Requires judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



---

## A BILL FOR AN ACT

---

RELATING TO ENVIRONMENTAL REVIEW.

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

SECTION 1. Section 343-7, Hawaii Revised Statutes, is amended to read as follows:

**"§343-7 Limitation of actions~~[-]~~; attorneys' fees.** (a)

Any judicial proceeding, the subject of which is the lack of assessment required under section 343-5, shall be initiated within one hundred twenty days of the agency's decision to carry out or approve the action~~[-, or, if]~~; provided that if the judicial proceeding involves the lack of an assessment required under section 343-5 for an action that proposes the use of land for, or construction of, an affordable housing project or clean energy project, the proceeding shall be initiated within thirty days of the agency's decision to carry out or approve the action. If a proposed action is undertaken without a formal determination by the agency that a statement is or is not required, a judicial proceeding shall be instituted within one hundred twenty days after the proposed action is started~~[-]~~; provided that if the proposed action is for the use of land for,





1 or construction of, an affordable housing or clean energy  
2 project, the judicial proceeding shall be instituted within  
3 thirty days after the proposed action is started. The office,  
4 any agency responsible for approval of the action, or the  
5 applicant shall be adjudged an aggrieved party for the purposes  
6 of bringing judicial action under this subsection. Others, by  
7 environmental court action, may be adjudged aggrieved.

8 (b) Any judicial proceeding, the subject of which is the  
9 determination that a statement is required for a proposed  
10 action, shall be initiated within sixty days after the public  
11 has been informed of such determination pursuant to section 343-

12 3. Any judicial proceeding, the subject of which is the  
13 determination that a statement is not required for a proposed  
14 action, shall be initiated within thirty days after the public  
15 has been informed of such determination pursuant to section 343-

16 3. The applicant shall be adjudged an aggrieved party for the  
17 purposes of bringing judicial action under this subsection.  
18 Others, by environmental court action, may be adjudged  
19 aggrieved.

20 (c) Any judicial proceeding, the subject of which is the  
21 acceptance or nonacceptance of an environmental impact statement



1 required under section 343-5, shall be initiated within sixty  
2 days after the public has been informed pursuant to section 343-  
3 3 of the acceptance or nonacceptance of such statement[-];  
4 provided that if the subject of the judicial proceeding is the  
5 acceptance or nonacceptance of a statement for an action that  
6 proposes the use of land for, or construction of, an affordable  
7 housing project or clean energy project, the proceeding shall be  
8 initiated within thirty days after the public has been informed  
9 pursuant to section 343-3 of the acceptance or nonacceptance of  
10 the statement. Affected agencies and persons who provided  
11 written comment to an accepted statement during the designated  
12 review period shall be adjudged aggrieved parties for the  
13 purpose of bringing judicial action under this subsection;  
14 provided that for aggrieved parties, the contestable issues  
15 shall be limited to issues identified and discussed in the  
16 written comment, and for applicants bringing judicial action  
17 under this section on the nonacceptance of a statement, the  
18 contestable issues shall be limited to those issues identified  
19 by the accepting authority as the basis for nonacceptance of the  
20 statement.



1        (d) Any judicial proceeding initiated pursuant to this  
2        section that involves an action that proposes the use of land  
3        for, or construction of, an affordable housing or clean energy  
4        project shall be filed directly with the supreme court, which  
5        shall have original jurisdiction over the proceeding.

6        (e) The supreme court shall be prohibited from awarding  
7        attorneys' fees in a judicial proceeding initiated pursuant to  
8        this section that involves an action that proposes the use of  
9        land for, or construction of, an affordable housing project or  
10       clean energy project.

11       (f) For the purposes of this section:

12       "Affordable housing project" means a housing project:

13       (1) As defined by the controlling law or ordinance  
14       governing a state or county agency proposing or  
15       approving an affordable housing project;

16       (2) In which the owner has executed a declaration of  
17       restrictive covenants or other legally binding  
18       agreement that ensures compliance with county  
19       affordable housing ordinances;



(3) Under county jurisdiction pursuant to section 46-15.1  
or that is subject to any county ordinance or funding  
that has an income restriction requirement; or

(4) In which the acquisition, financing, construction,  
development, redevelopment, repair, renovation, and  
occupancy has been directly facilitated by a state or  
county program.

"Clean energy project" means a project, facility, or  
installation that is primarily for the purpose of generating or  
producing energy using the following sources:

(1) Wind;

(2) Sun;

(3) Falling water;

(4) Geothermal; and

(5) Ocean water, currents, and waves, including ocean  
thermal energy conversion."

SECTION 2. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.



# H.B. NO. 1979

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

2

INTRODUCED BY:   
JAN 23 2026



# H.B. NO. 1979

**Report Title:**

Environmental Review; Clean Energy Projects; Affordable Housing Projects; Judicial Proceedings; Supreme Court; Attorneys' Fees

**Description:**

Shortens the period within which certain judicial proceedings involving environmental assessments and environmental impact statements for actions that propose the use of land for, or construction of, affordable housing or clean energy projects must be initiated. Requires judicial proceedings involving actions that propose the use of land for, or construction of, affordable housing or clean energy projects to be filed directly with the Supreme Court and prohibits the Supreme Court from awarding attorneys' fees in these judicial proceedings.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 6e

### e. **HB541 - RELATING TO URBAN DEVELOPMENT**

Makes certain urban development and land use requirements applicable only to counties with a population of less than five hundred thousand, including: vesting the director of the county land use agency with the administrative authority to act on any application for subdivision, consolidation, or resubdivision; the required adoption or amendment of an ordinance to allow at least two accessory dwelling units, subject to certain conditions, on all residentially zoned lots; the calculation of certain school impact fees; and a prohibition on private covenants that include certain limitations or restrictions for residentially zoned lots within an urban district.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=541&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=541&year=2026)

---

## A BILL FOR AN ACT

RELATING TO URBAN DEVELOPMENT.

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

1           SECTION 1. Section 46-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (g) to read as follows:

3           "(g) Notwithstanding any other law, county charter, county  
4 ordinance, or rule, for a county with a population of less than  
5 five hundred thousand, any administrative authority to accept,  
6 reject, and approve or deny any application for subdivision,  
7 consolidation, or resubdivision of a parcel of land that has  
8 been fully zoned for residential use within the state urban  
9 district designated pursuant to section 205-2 shall be vested  
10 with the director of the county agency responsible for land use  
11 or a single county officer designated by ordinance; provided  
12 that:

13           (1) The parcel of land being subdivided is not located on  
14 a site that is:

15           (A) Designated as important agricultural land  
16 pursuant to part III of chapter 205;





- 1 (B) On wetlands, as defined in the United States Fish  
2 and Wildlife Service Manual, Part 660 FW2;
- 3 (C) Within a floodplain as determined by maps adopted  
4 by the Federal Emergency Management Agency;
- 5 (D) A habitat for protected or endangered species;
- 6 (E) Within a state historic district:
- 7 (i) Listed on the Hawaii register of historic  
8 places or national register of historic  
9 places;
- 10 (ii) Listed as a historic property on the Hawaii  
11 register of historic places or the national  
12 register of historic places; or
- 13 (iii) During the period after a nomination for  
14 listing on the Hawaii register of historic  
15 places or national register of historic  
16 places is submitted to the department of  
17 land and natural resource's state historic  
18 preservation division and before the Hawaii  
19 historic places review board has rendered a  
20 decision; or



1           (F)   Within lava zone 1 or lava zone 2, as designated  
2                   by the United States Geological Survey;  
3       (2)   Any approval under this subsection shall be consistent  
4           with all county zoning, development standards, and  
5           requirements pursuant to part II of chapter 205A; and  
6       (3)   This subsection shall not apply to county powers  
7           within special management areas delineated pursuant to  
8           part II of chapter 205A.

9       Neither this subsection, any permit issued in accordance  
10   with this subsection, or structures developed pursuant to this  
11   subsection shall create any vested rights for any applicant,  
12   permit holder, or land owner."

13       SECTION 2.   Section 46-4.8, Hawaii Revised Statutes, is  
14   amended to read as follows:

15       "~~§~~**46-4.8**~~§~~   **Accessory dwelling units on residentially**  
16   **zoned lots.**   (a)   Each county shall adopt or amend accessory  
17   dwelling unit ordinances pursuant to this section to help  
18   address deficits in their housing inventory based on Hawaii  
19   housing planning studies published by the Hawaii housing finance  
20   and development corporation.



1 (b) Except as provided in ~~[subsections]~~ subsection (c)  
2 ~~[and (d)]~~, each county shall adopt or amend ordinances defining  
3 reasonable standards that allow for the construction of at least  
4 two accessory dwelling units, or the reasonable equivalent, for  
5 residential use on all residentially zoned lots.

6 (c) A county that does not adopt or amend an ordinance  
7 pursuant to subsection (b) shall adopt or amend ordinances  
8 pursuant to this subsection ~~[and subsection (d), if applicable,]~~  
9 defining:

10 (1) Districts that authorize at least two accessory  
11 dwelling units, or the reasonable equivalent, for  
12 residential use per each permitted existing single-  
13 family dwelling on a residentially zoned lot; provided  
14 that these districts shall be:

15 (A) Consistent with the county's comprehensive  
16 general plan;

17 (B) Reasonably distributed throughout the county's  
18 various regional planning areas; and

19 (C) Estimated to add development potential equivalent  
20 to half of the county's projected five-year  
21 demand of needed housing units for ownership or



1 rental as stated in the 2019 Hawaii housing  
2 planning study; and

3 (2) Districts that authorize at least two accessory  
4 dwelling units or the reasonable equivalent for  
5 residential use per each permitted existing single-  
6 family dwelling on a residentially zoned lot within a  
7 reasonable walking distance to and from:

8 (A) Stations of a locally preferred alternative for a  
9 mass transit project; and

10 (B) Urban principal arterials as classified by the  
11 Federal Highway Administration for purposes of  
12 federal-aid highways projects and situated within  
13 a primary urban area, urban core, or county  
14 equivalent identified by a county comprehensive  
15 general plan.

16 ~~[(d) In addition to the requirements under subsection (c),~~  
17 ~~a county with a population of five hundred thousand or more~~  
18 ~~shall adopt or amend an ordinance defining reasonable standards~~  
19 ~~to add development potential in existing apartment districts or~~  
20 ~~apartment mixed-use districts equivalent to the county's~~



1 ~~projected five-year demand of needed housing units for ownership~~  
2 ~~or rental in the 2019 Hawaii housing planning study.~~

3 ~~(e)]~~ (d) Accessory dwelling units developed pursuant to  
4 this section shall be subject to all development standards  
5 adopted by the respective county, including but not limited to  
6 those adopted pursuant to this chapter.

7 ~~[(f)]~~ (e) Nothing in this section shall preclude a county  
8 from denying applications for permits if there is insufficient  
9 utility infrastructure to service the additional demand caused  
10 by the development of accessory dwelling units pursuant to this  
11 section.

12 ~~[(g)]~~ (f) If a county does not adopt or amend zoning  
13 ordinances pursuant to this section by December 31, 2026, the  
14 county shall not deny any permit application on the basis of  
15 exceeding the maximum number of housing units allowed if any  
16 owner, or their designated representative, of a single-family  
17 dwelling in a residentially zoned lot applies for construction  
18 of up to two accessory dwelling units, or the reasonable  
19 equivalent, until the county adopts or amends an ordinance  
20 pursuant to this section; provided that a county may deny a



1 permit application on the basis of infrastructure, design, or  
2 development standards.

3 ~~[(h)]~~ (g) No county shall adopt prohibitions on using any  
4 dwelling unit on a residentially zoned lot as separately leased  
5 long-term rentals, as defined by each county.

6 ~~[(i)]~~ (h) This section shall not apply to:

7 (1) Any area outside of the urban district established by  
8 chapter 205;

9 (2) County powers within special management areas  
10 delineated pursuant to chapter 205A; and

11 (3) Any area within an urban district that a county deems  
12 to be at high risk of a natural hazard such as  
13 flooding, lava, or fire, as determined by the most  
14 current data and maps issued by a federal or state  
15 department or agency.

16 ~~[(j)]~~ (i) Neither this section, any permit issued in  
17 accordance with this section, or structures developed pursuant  
18 to this section shall create any vested rights for any  
19 applicant, permit holder, or land owner. This section shall not  
20 preempt a county's ability to accept, review, approve, and deny  
21 permit applications.



1

2        [~~(k)~~] (j) For purposes of this section[~~,"residentially"~~]:3        "County" means a county of the State with a population of4        less than five hundred thousand.5        "Residentially zoned lot" means a zoning lot in a county

6        zoning district that is principally reserved for single-family

7        and two-family detached dwellings. "Residentially zoned lot"

8        does not include a lot in a county zoning district that is

9        intended for rural, low density residential development, and

10       open space preservation."

11       SECTION 3. Section 46-143, Hawaii Revised Statutes, is

12       amended by amending subsection (d) to read as follows:

13       "(d) An impact fee shall be substantially related to the

14       needs arising from the development and shall not exceed a

15       proportionate share of the costs incurred or to be incurred in

16       accommodating the development. The following factors, as17       applicable, shall be considered in determining a proportionate

18       share of public facility capital improvement costs:

19       (1) The level of public facility capital improvements

20       required to appropriately serve a development, based

21       on a needs assessment study that identifies:



- 1 (A) Deficiencies in existing public facilities;
- 2 (B) The means, other than impact fees, by which
- 3 existing deficiencies will be eliminated within a
- 4 reasonable period of time; and
- 5 (C) Additional demands anticipated to be placed on
- 6 specified public facilities by a development;
- 7 (2) The availability of other funding for public facility
- 8 capital improvements, including but not limited to
- 9 user charges, taxes, bonds, intergovernmental
- 10 transfers, and special taxation or assessments;
- 11 (3) The cost of existing public facility capital
- 12 improvements;
- 13 (4) The methods by which existing public facility capital
- 14 improvements were financed;
- 15 (5) The extent to which a developer required to pay impact
- 16 fees has contributed in the previous five years to the
- 17 cost of existing public facility capital improvements
- 18 and received no reasonable benefit therefrom, and any
- 19 credits that may be due to a development because of
- 20 the contributions;





1           (6) The extent to which a developer required to pay impact  
2           fees over the next twenty years may reasonably be  
3           anticipated to contribute to the cost of existing  
4           public facility capital improvements through user  
5           fees, debt service payments, or other payments, and  
6           any credits that may accrue to a development because  
7           of future payments;

8           (7) The extent to which a developer is required to pay  
9           impact fees as a condition precedent to the  
10          development of non-site related public facility  
11          capital improvements, and any offsets payable to a  
12          developer because of this provision; and

13          (8) ~~[The]~~ For a county with a population of less than five  
14          hundred thousand, the square footage of the  
15          development; provided that:

16           (A) In cases where the developer is converting an  
17           existing structure, the square footage of the  
18           existing structure shall be deducted from the  
19           total square footage of the development when  
20           calculating impact fees; and



1           (B)   In cases where the public facility impacted is a  
2                   water or sewage facility, the appropriate board  
3                   of water supply may choose to calculate impact  
4                   fees based on the total number of fixtures in the  
5                   development, rather than by square footage."

6           SECTION 4.   Section 205-20, Hawaii Revised Statutes, is  
7   amended by amending subsection (a) to read as follows:

8           "(a)   No private covenant for a residentially zoned lot  
9   within an urban district in a county with a population less than  
10 five hundred thousand recorded after May 28, 2024, shall limit  
11 the:

- 12           (1)   Number of accessory dwelling units on that  
13                   residentially zoned lot below the amount allowed  
14                   pursuant to section 46-4.8; or  
15           (2)   Long-term rental of residential units on that  
16                   residentially zoned lot."

17           SECTION 5.   Statutory material to be repealed is bracketed  
18 and stricken.   New statutory material is underscored.

19           SECTION 6.   This Act shall take effect upon its approval.



H.B. NO. 541

1

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'AIG', written over a horizontal line.

JAN 17 2025



# H.B. NO. 541

**Report Title:**

Counties; Zoning; Land Use; Subdivision; Consolidation; Resubdivision; Accessory Dwelling Units; Residentially Zoned Lots; Impact Fees Assessment; Private Covenants; Urban District

**Description:**

Makes certain urban development and land use requirements applicable only to counties with a population of less than five hundred thousand, including: vesting the director of the county land use agency with the administrative authority to act on any application for subdivision, consolidation, or resubdivision; the required adoption or amendment of an ordinance to allow at least two accessory dwelling units, subject to certain conditions, on all residentially zoned lots; the calculation of certain school impact fees; and a prohibition on private covenants that include certain limitations or restrictions for residentially zoned lots within an urban district.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*



## 6f

### f. **SB197 - RELATING TO PUBLIC NOTICE**

Establishes enhanced public notice requirements for changes in land use by the Department of Hawaiian Home Lands, Department of Land and Natural Resources, or University of Hawai'i and boundary changes by the Land Use Commission. Requires approval of the project by the community through a referendum of nearby adult residents except for projects within the Mauna Kea science reserve, which require a referendum by all adult residents of the country in which the Mauna Kea science reserve is located. Appropriates moneys.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=197&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=197&year=2026)

JAN 15 2025

---

# A BILL FOR AN ACT

RELATING TO PUBLIC NOTICE.

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

1 PART I

2 SECTION 1. The legislature finds that the State's  
3 construction permitting process should be more transparent. In  
4 some cases, affected neighborhoods and communities have not been  
5 adequately informed about a project's impacts on health and  
6 safety, cultural practices, wildlife, the ecosystem, or the  
7 environment. The protests that occurred in response to the  
8 Kahuku windmill project, Thirty Meter Telescope, and other  
9 construction projects demonstrated the consequences of foregoing  
10 community involvement and input.

11 Accordingly, the purpose of this Act is to encourage  
12 transparency by requiring the department of Hawaiian home lands,  
13 department of land and natural resources, and university of  
14 Hawaii to inform and obtain the approval of affected  
15 neighborhoods and cultural communities before proceeding with  
16 certain construction projects.



## PART II

SECTION 2. Hawaiian Homes Commission Act, 1920, as amended, is amended by adding a new section to read as follows:

"§ Land use; enhanced public notice requirements; referendum. (a) For each project involving a change in land use by the commission, the commission shall:

(1) Within thirty days of filing a permit application, provide public notice pursuant to subsection (b) and as otherwise required by law;

(2) Within four months of filing a permit application, conduct no fewer than three public meetings or hearings. Notice of the public meetings or hearings shall be made pursuant to subsection (b) and as otherwise required by law; and

(3) Before proceeding with the project, obtain the community's approval of the project through a referendum. Notice of the referendum shall be made pursuant to subsection (b) and as otherwise required by law. All adult residents of parcels within five miles of any portion of the proposed project shall be eligible to vote on the referendum. Any proposed



1       project that does not receive approval by a majority  
2       of the votes cast shall be denied; provided that any  
3       blank, spoiled, or invalid ballot shall not be tallied  
4       as a vote cast. The office of elections shall assist  
5       the commission in conducting the referendum and may  
6       adopt rules pursuant to chapter 91, Hawaii Revised  
7       Statutes, to effectuate the purposes of this section.  
8       The rules may authorize referendum voting to be  
9       conducted by mail. All costs associated with the  
10       referendum shall be borne by the commission.

11       (b) In addition to any other requirements provided by law  
12       or rule, public notice for purposes of subsection (a) shall be  
13       provided by:

- 14       (1) Publishing once a week for four successive weeks in a  
15       newspaper of general circulation serving areas within  
16       five miles of the proposed project;  
17       (2) Mailing notice to each residence within five miles of  
18       the proposed project;  
19       (3) Posting notice in multiple publicly accessible  
20       locations at the proposed project site, if any; and





(4) Posting notice on an easily accessible page of the commission's website."

## PART III

SECTION 3. Chapter 171, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§171- Land use; enhanced public notice requirements;  
referendum. (a) For each project involving a change in land  
use by the department, the department shall:

(1) Within thirty days of filing a permit application,  
provide public notice pursuant to subsection (b) and  
as otherwise required by law;

(2) Within four months of filing a permit application,  
conduct no fewer than three public meetings or  
hearings. Notice of the public meetings or hearings  
shall be made pursuant to subsection (b) and as  
required by law; and

(3) Before proceeding with the project, obtain the community's approval of the project through a referendum. Notice of the referendum shall be made pursuant to subsection (b), and as otherwise required



1       by law. All adult residents of parcels within five  
2       miles of any portion of the proposed project shall be  
3       eligible to vote on the referendum. Any proposed  
4       project that does not receive approval by a majority  
5       of the votes cast shall be denied; provided that any  
6       blank, spoiled, or invalid ballot shall not be tallied  
7       as a vote cast. The office of elections shall assist  
8       the department in conducting the referendum and may  
9       adopt rules pursuant to chapter 91, Hawaii Revised  
10       Statutes, to effectuate the purposes of this section.  
11       The rules may authorize referendum voting to be  
12       conducted by mail. All costs associated with the  
13       referendum shall be borne by the department.

14       (b) In addition to any other requirements provided by law  
15       or rule, public notice for purposes of subsection (a) shall be  
16       provided by:

- 17       (1) Publishing once a week for four successive weeks in a  
18       newspaper of general circulation serving areas within  
19       five miles of the proposed project;  
20       (2) Mailing notice to each residence within five miles of  
21       the proposed project;



- 1        (3) Posting notice in multiple publicly accessible  
2            locations at the proposed project site, if any; and  
3        (4) Posting notice on an easily accessible page of the  
4            department's website."

## PART IV

6        SECTION 4. Section 205-4, Hawaii Revised Statutes, is  
7 amended to read as follows:

8        **"§205-4 Amendments to district boundaries involving land**  
9 **areas greater than fifteen acres.** (a) Any department or agency  
10 of the State, any department or agency of the county in which  
11 the land is situated, or any person with a property interest in  
12 the land sought to be reclassified, may petition the land use  
13 commission for a change in the boundary of a district. This  
14 section applies to all petitions for changes in district  
15 boundaries of lands within conservation districts, lands  
16 designated or sought to be designated as important agricultural  
17 lands, and lands greater than fifteen acres in the agricultural,  
18 rural, and urban districts, except as provided in section  
19 201H-38. The land use commission shall adopt rules pursuant to  
20 chapter 91 to implement section 201H-38.



1 (b) Upon proper filing of a petition pursuant to  
2 subsection (a) the commission shall, within not less than sixty  
3 and not more than one hundred and eighty days, conduct a hearing  
4 on the appropriate island in accordance with the provisions of  
5 sections 91-9, 91-10, 91-11, 91-12, and 91-13, as applicable.

6 (c) Any other provision of law to the contrary  
7 notwithstanding, notice of the hearing together with a copy of  
8 the petition shall be served on the county planning commission  
9 and the county planning department of the county in which the  
10 land is located and all persons with a property interest in the  
11 land as recorded in the county's real property tax records. In  
12 addition, notice of the hearing shall be mailed to all persons  
13 who have made a timely written request for advance notice of  
14 boundary amendment proceedings[~~and public~~] and each residence  
15 within five miles of the land sought to be reclassified. Public  
16 notice shall be given at least once in the county in which the  
17 land sought to be [~~redistricted~~] reclassified is situated as  
18 well as once statewide at least thirty days in advance of the  
19 hearing. Notice shall also be posted in multiple publicly  
20 accessible locations on the land sought to be reclassified, if  
21 any, and on an easily accessible page of the commission's



1 website. The notice shall comply with section 91-9, shall  
2 indicate the time and place that maps showing the proposed  
3 district boundary may be inspected, and further shall inform all  
4 interested persons of their rights under subsection (e).

5 (d) Any other provisions of law to the contrary  
6 notwithstanding, prior to hearing of a petition the commission  
7 and its staff may view and inspect any land [~~which~~] that is the  
8 subject of the petition.

9 (e) Any other provisions of law to the contrary  
10 notwithstanding, agencies and persons may intervene in the  
11 proceedings in accordance with this subsection.

12 (1) The petitioner, the office of planning and sustainable  
13 development, and the county planning department shall  
14 in every case appear as parties and make  
15 recommendations relative to the proposed boundary  
16 change;

17 (2) All departments and agencies of the State and of the  
18 county in which the land is situated shall be admitted  
19 as parties upon timely application for intervention;

20 (3) All persons who have some property interest in the  
21 land, who lawfully reside on the land, or who



1 otherwise can demonstrate that they will be so  
2 directly and immediately affected by the proposed  
3 change that their interest in the proceeding is  
4 clearly distinguishable from that of the general  
5 public shall be admitted as parties upon timely  
6 application for intervention;

7 (4) All other persons may apply to the commission for  
8 leave to intervene as parties. Leave to intervene  
9 shall be freely granted; provided that the commission  
10 or its hearing officer, if one is appointed, may deny  
11 an application to intervene when in the commission's  
12 or hearing officer's sound discretion it appears that:

13 (A) The position of the applicant for intervention  
14 concerning the proposed change is substantially  
15 the same as the position of a party already  
16 admitted to the proceeding; and

17 (B) The admission of additional parties will render  
18 the proceedings inefficient and unmanageable.

19 A person whose application to intervene is denied may  
20 appeal the denial to the circuit court pursuant to  
21 section 91-14; and



(5) The commission, pursuant to chapter 91, shall adopt rules governing the intervention of agencies and persons under this subsection. The rules shall without limitation establish:

(A) The information to be set forth in any application for intervention;

(B) The limits within which applications shall be filed; and

(C) Reasonable filing fees to accompany applications.

(f) Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the view of ~~[such]~~ that citizen or community group concerning the proposed boundary change.

(g) If at any time prior to or during the hearing, a representative of a citizen or community group, the petitioner, a party, or an intervenor requests that the commission obtain the community's approval of the proposed boundary change, the commission shall conduct a referendum. Notice of the referendum shall be mailed to any person, entity, or residence entitled to receive notice pursuant to subsection (c) and shall be posted in



1 the same manner as notices pursuant to subsection (c). All  
2 adult residents of parcels within five miles of any portion of  
3 the land sought to be reclassified shall be eligible to vote on  
4 the referendum. Any proposed boundary change that does not  
5 receive approval by a majority of votes cast shall be denied;  
6 provided that any blank, spoiled, or invalid ballot shall not be  
7 tallied as a vote cast. The office of elections shall assist  
8 the commission in conducting the referendum and may adopt rules  
9 pursuant to chapter 91 to effectuate the purposes of this  
10 section. The rules may authorize referendum voting to be  
11 conducted by mail. All costs associated with the referendum  
12 shall be borne by the commission.

13        [~~(g)~~] (h) Within a period of not more than three hundred  
14 sixty-five days after the proper filing of a petition, unless  
15 otherwise ordered by a court, or unless a time extension, which  
16 shall not exceed ninety days, is established by a two-thirds  
17 vote of the members of the commission, the commission, by filing  
18 findings of fact and conclusions of law, shall act to approve  
19 the petition, deny the petition, or to modify the petition by  
20 imposing conditions necessary to uphold the intent and spirit of  
21 this chapter or the policies and criteria established pursuant





1 to section 205-17 or to assure substantial compliance with  
2 representations made by the petitioner in seeking a boundary  
3 change. The commission may provide by condition that absent  
4 substantial commencement of use of the land in accordance with  
5 such representations, the commission shall issue and serve upon  
6 the party bound by the condition an order to show cause why the  
7 property should not revert to its former land use classification  
8 or be changed to a more appropriate classification. [~~Such~~] The  
9 conditions, if any, shall run with the land and be recorded in  
10 the bureau of conveyances.

11 [~~(h)~~] (i) No amendment of a land use district boundary  
12 shall be approved unless the commission finds upon the clear  
13 preponderance of the evidence that the proposed boundary is  
14 reasonable, not violative of section 205-2 and part III of this  
15 chapter, and consistent with the policies and criteria  
16 established pursuant to sections 205-16 and 205-17. Six  
17 affirmative votes of the commission shall be necessary for any  
18 boundary amendment under this section.

19 [~~(i)~~] (j) Parties to proceedings to amend land use  
20 district boundaries may obtain judicial review thereof in the  
21 manner set forth in section 91-14, provided that the court may



1 also reverse or modify a finding of the commission if [~~such~~] the  
2 finding appears to be contrary to the clear preponderance of the  
3 evidence.

4 [~~(j)~~] (k) At the hearing, all parties may enter into  
5 appropriate stipulations as to findings of fact, conclusions of  
6 law, and conditions of reclassification concerning the proposed  
7 boundary change. The commission may but shall not be required  
8 to approve [~~such~~] the stipulations based on the evidence  
9 adduced."

10 PART V

11 SECTION 5. Chapter 304A, Hawaii Revised Statutes, is  
12 amended by adding a new section to part VI, subpart D, to be  
13 appropriately designated and to read as follows:

14 "§304A- Land use; enhanced public notice requirements;  
15 referendum. (a) For each project involving a change in land use  
16 by the university or the construction of a new project, execution  
17 of a new lease, or extension of an existing lease within the Mauna  
18 Kea science reserve, the university shall:

19 (1) Within thirty days of filing a permit application,  
20 provide public notice pursuant to subsection (b) and  
21 as otherwise required by law;



1       (2) Within four months of filing a permit application,  
2       conduct no fewer than three public meetings or  
3       hearings. Notice of the public meetings or hearings  
4       shall be made pursuant to subsection (b) and as  
5       otherwise required by law; and

6       (3) Before proceeding with the project, obtain the  
7       community's approval of the project through a  
8       referendum. Notice of the referendum shall be made  
9       pursuant to subsection (b) and as otherwise required  
10      by law. All adult residents of parcels within five  
11      miles of any portion of the proposed project shall be  
12      eligible to vote on the referendum. For referendums  
13      concerning the Mauna Kea science reserve, all adult  
14      residents of the county in which the Mauna Kea science  
15      reserve is located shall be eligible to vote on the  
16      referendum. Any proposed project that does not  
17      receive approval by a majority of the votes cast shall  
18      be denied; provided that any blank, spoiled, or  
19      invalid ballot shall not be tallied as a vote cast.  
20      The office of elections shall assist the university in  
21      conducting the referendum and may adopt rules pursuant



1        to chapter 91, Hawaii Revised Statutes, to effectuate  
2        the purposes of this section. The rules may authorize  
3        referendum voting to be conducted by mail. All costs  
4        associated with the referendum shall be borne by the  
5        university.

6        (b) In addition to any other requirements provided by law  
7        or rule, public notice for purposes of subsection (a) shall be  
8        provided by:

9        (1) Publishing once a week for four successive weeks in a  
10       newspaper of general circulation serving areas within  
11       five miles of the proposed project;

12       (2) Mailing notice to each residence within five miles of  
13       the proposed project; provided that this paragraph  
14       shall not apply to referendums concerning the Mauna  
15       Kea science reserve;

16       (3) Posting notice in multiple publicly accessible  
17       locations at the proposed project site, if any; and

18       (4) Posting notice on an easily accessible page of the  
19       university's website."



## PART VI

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to fund the enhanced public notice requirements established by this Act.

The sums appropriated shall be expended by the department of Hawaiian home lands for the purposes of this Act.

SECTION 7. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to fund the enhanced public notice requirements established by this Act.

The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year



1 2026-2027 to fund the enhanced notice requirements established  
2 by this Act.

3 The sums appropriated shall be expended by the land use  
4 commission for the purposes of this Act.

5 SECTION 9. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so much  
7 thereof as may be necessary for fiscal year 2025-2026 and the  
8 same sum or so much thereof as may be necessary for fiscal year  
9 2026-2027 to fund the enhanced notice requirements established  
10 by this Act.

11 The sums appropriated shall be expended by the university  
12 of Hawaii for the purposes of this Act.

13 PART VII

14 SECTION 10. This Act does not affect rights and duties  
15 that matured, penalties that were incurred, and proceedings that  
16 were begun before its effective date.

17 SECTION 11. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



1 SECTION 12. This Act shall take effect on July 1, 2025.

2

INTRODUCED BY:

Kurt Fevella



# S.B. NO. 191

**Report Title:**

LUC; DHHL; DLNR; UH; Public Notice; Land Use; Appropriations

**Description:**

Establishes enhanced public notice requirements for changes in land use by the Department of Hawaiian Home Lands, Department of Land and Natural Resources, or University of Hawaii and boundary changes by the Land Use Commission. Requires approval of the project by the community through a referendum of nearby adult residents except for projects within the Mauna Kea science reserve, which require a referendum by all adult residents of the country in which the Mauna Kea science reserve is located. Appropriates moneys.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





## 6g

### **g. HB1529 - RELATING TO BOARDS AND COMMISSIONS**

Reduces the quorum requirement for boards and commissions to a majority of current voting members of a board or commission.

Reduces the number of affirmative votes needed to validate action of a board or commission to a majority of members voting at a meeting with quorum.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1529&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1529&year=2026)

---

# A BILL FOR AN ACT

RELATING TO BOARDS AND COMMISSIONS.

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

SECTION 1. Section 92-15, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]§92-15[§]~~ **Boards and commissions; quorum; number of votes necessary to validate acts.** Whenever the number of members necessary to constitute a quorum to do business, or the number of members necessary to validate any act, of any board or commission of the State or of any political subdivision thereof, is not specified in the law or ordinance creating the same or in any other law or ordinance, a majority of all the current voting members ~~[to which]~~ of the board or commission ~~[is entitled]~~ shall constitute a quorum to do business, and the concurrence of a majority of ~~[all]~~ the members voting at a meeting for which a quorum is present ~~[to which the board or commission is entitled]~~ shall be necessary to make any action of the board or commission valid; provided that due notice shall have been given to all members of the board or commission or a bona fide attempt shall have been made to give the notice to all members to whom it was



# H.B. NO. 1529

1 reasonably practicable to give the notice. This section shall  
2 not invalidate any act of any board or commission performed  
3 prior to April 20, 1937, which, under the general law then in  
4 effect, would otherwise be valid."

5 SECTION 2. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun before its effective date.

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 14 2026



# H.B. NO. 1529

**Report Title:**

Public Agency Meetings and Records; Boards and Commissions;  
Quorum; Number of Votes Necessary to Validate Acts

**Description:**

Reduces the quorum requirement for boards and commissions to a majority of current voting members of a board or commission.  
Reduces the number of affirmative votes needed to validate action of a board or commission to a majority of members voting at a meeting with quorum.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

