

**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

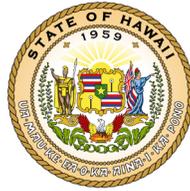
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=2217&year=2026

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=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=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

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=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

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=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

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=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=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

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



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=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

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

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=3006&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

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=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=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=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

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=HB&billnumber=1737&year=2026)

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1737&year=2026

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

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=HB&billnumber=1979&year=2026

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

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



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

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. 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 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/accessible 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=2217&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



S.B. NO. 2217

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 ~~[Six]~~ 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: _____



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 [~~Six~~] 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=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=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: 



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.



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.



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.



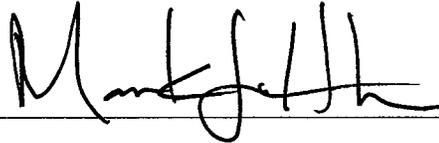
1 (d) The commission shall adopt rules in accordance with
2 chapter 91 to implement this section."

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

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:

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) District boundary amendments involving land areas
17 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

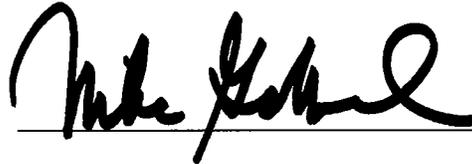
5 (2) Encourage transit-oriented development that preserves
6 the character of the State's rural areas.

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:





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=HB&billnumber=2103&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. 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.



H.B. NO. 2103

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

2

INTRODUCED BY:

Nathan K. Patten

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

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;



- 1 (3) All persons who have some property interest in the
2 land, who lawfully reside on the land, or who
3 otherwise can demonstrate that they will be so
4 directly and immediately affected by the proposed
5 change that their interest in the proceeding is
6 clearly distinguishable from that of the general
7 public shall be admitted as parties upon timely
8 application for intervention;
- 9 (4) All other persons may apply to the commission for
10 leave to intervene as parties. Leave to intervene
11 shall be freely granted; provided that the commission
12 or its hearing officer, if one is appointed, may deny
13 an application to intervene when in the commission's
14 or hearing officer's sound discretion it appears that:
- 15 (A) The position of the applicant for intervention
16 concerning the proposed change is substantially
17 the same as the position of a party already
18 admitted to the proceeding; and
- 19 (B) The admission of additional parties will render
20 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".

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4f

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=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:

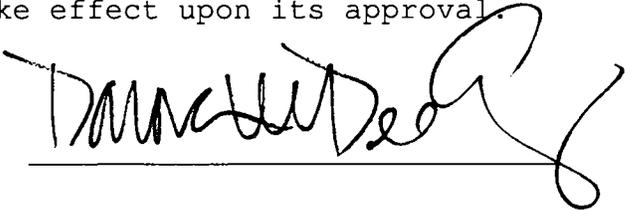
1 SECTION 1. Section 205-6, Hawaii Revised Statutes, is amended
2 by amending subsection (d) to read as follows:

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: 



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:

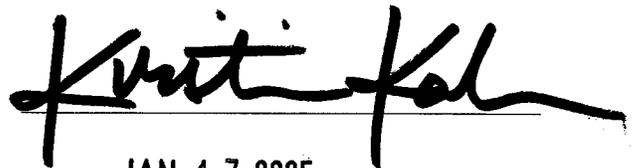
3 "(d) Special permits for land the area of which is greater
4 than fifteen acres or for lands designated as important
5 agricultural lands shall be subject to approval by the land use
6 commission. The land use commission may impose additional
7 restrictions as may be necessary or appropriate in granting 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

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.



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,

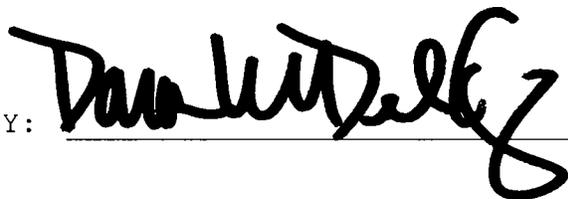
9 after the enactment of legislation establishing incentives and
10 protections contemplated under section 205-46, as provided in
11 section 9 of Act 183, Session Laws of Hawaii 2005.

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

17 SECTION 2. New statutory material is underscored.

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

19

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=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

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 non-
13 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.

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.

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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;

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

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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

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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,

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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~~

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- 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~~

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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.

SB. NO. 1332

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.

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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

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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;



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

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

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

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

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

19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and permit proceedings
21 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

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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.

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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 non-
13 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.

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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.

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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;

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

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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

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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,

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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

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.

H.B. No. 1013

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=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.



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 been:

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

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

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

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

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

20 (5) The redistricting would not adversely affect the
21 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



S.B. NO. 1079

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.



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 been:

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

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

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

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

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

20 (5) The redistricting would not adversely affect the
21 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

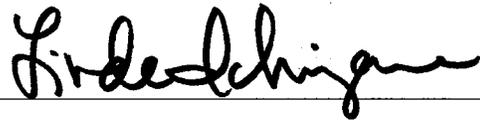
1 council petitions submitted within the effective period of
2 subsection (a).

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

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;



- 1 (6) The area for which a district boundary amendment is
2 petitioned is supported by the applicable county plan;
- 3 (7) The applicable county planning commission provides:
4 (A) All affected landowners reasonable notice of the
5 proposed district boundary amendment petition;
6 (B) The public an opportunity to comment on the
7 proposed district boundary amendment petition;
8 and
9 (C) Required due process for district boundary
10 amendments under constitutional and statutory
11 law; and
- 12 (8) The office of planning and sustainable development
13 shall in every case appear as a party, at both the
14 state and county levels, and make recommendations to
15 address state interests and public trust issues.
- 16 (b) The land use commission shall process each petition
17 under subsection (a) as a petition for a declaratory order,
18 pursuant to section 91-8, Hawaii Revised Statutes, for a
19 district boundary amendment of the subject land, within three
20 hundred sixty-five days from the date the petition is deemed
21 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.

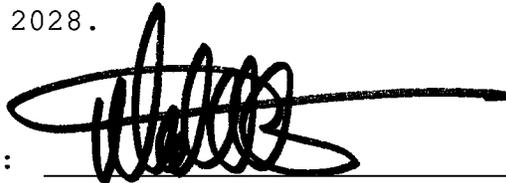
8 (c) The land use commission shall adopt rules pursuant to
9 chapter 91, Hawaii Revised Statutes, to implement this Act.

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

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.



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

6 (1) The land has been:

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

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

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

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

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

19 (5) The redistricting would not adversely affect the
20 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 orders within three hundred
14 sixty-five days from a petition being deemed complete. If the
15 land 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, 2027, and
6 shall be repealed on June 30, 2030.

7

INTRODUCED BY: *Archie A. George*



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=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

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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."

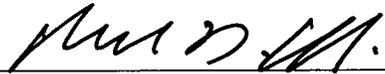
S.B. NO. 1334

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^[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

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.

H. B. No. 1015

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

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:



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

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

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

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

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

14 "Oversight committee" means the agricultural film
15 production land use oversight committee established pursuant to
16 section 201-E.

17 "Structural integrity check" means a periodic assessment to
18 ensure the stability and safety of any structure built for film
19 production purposes.

20 **§201-D Permissible film production within agricultural**
21 **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 (1) Establish strict guidelines and oversight regarding
- 2 film production on agricultural zoned lands to ensure
- 3 responsible land use;
- 4 (2) Take adequate measures to address any environmental,
- 5 cultural, or societal concerns arising from film
- 6 production on agricultural zoned lands;
- 7 (3) Ensure that all film production areas follow
- 8 environmental and safety guidelines; and
- 9 (4) Conduct periodic reviews and revisions to ensure
- 10 effectiveness and alignment with evolving
- 11 agricultural, environmental, and cultural preservation
- 12 standards.

13 (c) All owners of any set pieces or temporary structures

14 constructed for film production purposes on agricultural zoned

15 lands shall schedule annual structural integrity checks with the

16 oversight committee to ensure compliance with safety standards.

17 **§201-F Rules.** The department may adopt rules pursuant to

18 chapter 91 necessary to effectuate the purposes of this part.

19 **§201-G Violations; penalties.** Any violation of this part

20 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.

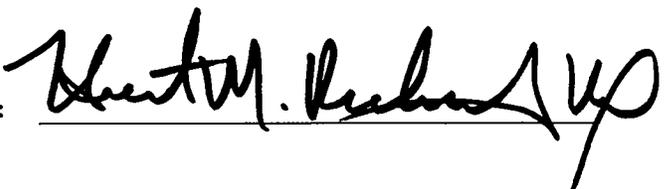
10 (g) Land uses that are allowed pursuant to section 201-D,
11 may be permitted in the agricultural district by special permit
12 under this section."

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: 



S.B. NO. 516

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

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.



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

4 "SUBPART . AGRICULTURAL FILM PRODUCTION LAND USE ACT.

5 §201-A Short title. This subpart 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 on agricultural
14 zoned lands that aims to showcase the cultural and historical
15 significance of agricultural zoned lands in the State.

16 §201-C Applicability. This subpart shall apply only to
17 counties with a population of less than five hundred thousand.

18 §201-D Definitions. As used in this subpart:

19 "Agricultural zoned parcel" means land that is designated:

20 (1) For agricultural use under county zoning regulations;

21 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



1 (3) The film production company shall make efforts to
2 involve lineal descendants in decision-making
3 processes concerning film production on an
4 agricultural zoned parcel with ancestral value,
5 thereby respecting the cultural heritage and
6 historical significance of these lands.

7 (b) Film production areas may include temporary setups,
8 including tents for filming and catering.

9 (c) Film set pieces and temporary structures constructed
10 for film production purposes are permitted within film
11 production areas; provided that the film set pieces and
12 temporary structures comply with safety standards and undergo
13 regular structural integrity checks.

14 (d) Upon the request of the owner of the agricultural
15 zoned parcel, the ownership and maintenance responsibilities of
16 any film set piece and temporary structure may be transferred
17 from the film production company to the owner of the
18 agricultural zoned parcel; provided that the terms of the
19 transfer are mutually agreed upon between both parties.

20 **§201-F Agriculture film production land use oversight**
21 **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;



- 1 (B) One member with experience in commercial film
2 production; and
- 3 (C) One member with expertise in agriculture and
4 conservation.
- 5 (c) The oversight committee:
- 6 (1) Shall establish, in coordination with the appropriate
7 county planning commission or department, land use
8 commission, office of Hawaiian affairs, office of
9 planning and sustainable development, department of
10 land and natural resources, and department of
11 agriculture and biosecurity:
- 12 (A) Film permit application requirements, fees,
13 timelines, bonding and insurance minimums, and
14 structural inspection protocol; and
- 15 (B) Processes for cultural review and biological
16 surveys, including requirements for mitigation
17 and restoration efforts;
- 18 (2) Shall facilitate the issuance and approval of a
19 special permits for film productions within
20 agricultural districts pursuant to section 205-6, in
21 coordination with the appropriate county planning



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1 commission or department, land use commission, office
2 of planning and sustainable development, and
3 department of agriculture and biosecurity; and

4 (3) May advise and make recommendations on any fine or
5 other penalty for non-compliance with this subpart;
6 provided that:

7 (A) Before recommending the imposition of a fine or
8 penalty, the oversight committee shall notify the
9 film production in violation; and

10 (B) Conduct an administrative hearing; provided
11 further that any person aggrieved by the
12 oversight committee's decision, shall be entitled
13 to judicial review as provided by section 91-14.

14 (d) The oversight committee shall advise the department on
15 the adoption of rules pursuant to section 201-G.

16 **§201-G Rules.** The department shall adopt rules pursuant
17 to chapter 91 necessary to effectuate the purposes of this
18 subpart.

19 **§201-H Violations; penalties.** Any violation of this
20 subpart may result in fines, suspension or revocation of
21 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,



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1 airports, drive-in theaters, golf courses, golf
2 driving ranges, country clubs, and overnight camps;
3 provided that overnight camps in operation before
4 January 1, 1961, may be approved by special permit;

5 (7) Public, private, and quasi-public utility lines and
6 roadways, transformer stations, communications
7 equipment buildings, solid waste transfer stations,
8 major water storage tanks, and appurtenant small
9 buildings such as booster pumping stations, but not
10 including offices or yards for equipment, material,
11 vehicle storage, repair or maintenance, treatment
12 plants, corporation yards, or other similar
13 structures;

14 (8) Retention, restoration, rehabilitation, or improvement
15 of buildings or sites of historic or scenic interest;

16 (9) Agricultural-based commercial operations as described
17 in section 205-2(d) (15);

18 (10) Buildings and uses, including mills, storage, and
19 processing facilities, maintenance facilities,
20 photovoltaic, biogas, and other small-scale renewable
21 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;



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1 (B) The employee housing units not owned by their
2 occupants shall be rented or leased at affordable
3 rates for agricultural workers; or

4 (C) The agricultural support buildings shall be
5 rented or leased to agricultural business
6 operators or agricultural support services;

7 (13) Agricultural tourism conducted on a working farm, or a
8 farming operation as defined in section 165-2, for the
9 enjoyment, education, or involvement of visitors;
10 provided that the agricultural tourism activity is
11 accessory and secondary to the principal agricultural
12 use and does not interfere with surrounding farm
13 operations; provided further that this paragraph shall
14 apply only to a county that has adopted ordinances
15 regulating agricultural tourism under section 205-5;

16 (14) Agricultural tourism activities, including overnight
17 accommodations of twenty-one days or less, for any one
18 stay within a county; provided that this paragraph
19 shall apply only to a county that includes at least
20 three islands and has adopted ordinances regulating
21 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



1 elevation to be released to turn a turbine
2 to generate electricity;

3 (B) Comply with the state water code, chapter 174C;

4 (C) Shall, if over five hundred kilowatts in
5 hydroelectric generating capacity, have the
6 approval of the commission on water resource
7 management, including a new instream flow
8 standard established for any new hydroelectric
9 facility; and

10 (D) Do not impact or impede the use of agricultural
11 land or the availability of surface or ground
12 water for all uses on all parcels that are served
13 by the ground water sources or streams for which
14 hydroelectric facilities are considered; ~~[or]~~

15 (24) Temporary filming activity as a conditional accessory
16 use; provided that the appropriate county planning
17 commission or department approves the activity and the
18 department of agriculture and biosecurity finds that
19 the activity is compatible with existing agricultural
20 use; provided further that the activity shall not:



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- 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: *David M. R. [Signature]*



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=3006&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.



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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.

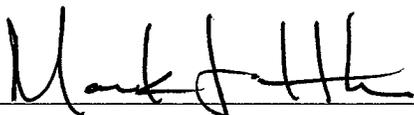
7 [~~(j)~~] (k) At the hearing, all parties may enter into
8 appropriate stipulations as to findings of fact, conclusions of
9 law, and conditions of reclassification concerning the proposed
10 boundary change. The commission may but shall not be required
11 to approve [~~such~~] stipulations based on 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

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



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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;



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- 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 ~~emp~~ employee housing, ~~commu~~ 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 ~~emp~~ 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;



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- 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



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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.



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



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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;



- 1 (ii) A diversion or run-of-river facility that
- 2 channels a portion of a river through a
- 3 canal or channel; and
- 4 (iii) Pumped storage facilities that store energy
- 5 by pumping water uphill to a reservoir at
- 6 higher elevation from a reservoir at a lower
- 7 elevation to be released to turn a turbine
- 8 to generate electricity;
- 9 (B) Comply with the state water code, chapter 174C;
- 10 (C) Shall, if over five hundred kilowatts in
- 11 hydroelectric generating capacity, have the
- 12 approval of the commission on water resource
- 13 management, including a new instream flow
- 14 standard established for any new hydroelectric
- 15 facility; and
- 16 (D) Do not impact or impede the use of agricultural
- 17 land or the availability of surface or ground
- 18 water for all uses on all parcels that are served
- 19 by the ground water sources or streams for which
- 20 hydroelectric facilities are considered; or



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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:

Scott M. Rescher *J*



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=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



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- 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



1 bureau's detailed land classification as overall
2 (master) productivity rating class A;
3 (21) Solar energy facilities on lands with soil classified
4 by the land study bureau's detailed land
5 classification as overall (master) productivity rating
6 B or C for which a special use permit is granted
7 pursuant to section 205-6; provided that:
8 (A) The area occupied by the solar energy facilities
9 is also made available for compatible
10 agricultural activities at a lease rate that is
11 at least fifty per cent below the fair market
12 rent for comparable properties;
13 (B) Proof of financial security to decommission the
14 facility is provided to the satisfaction of the
15 appropriate county planning commission before the
16 date of commencement of commercial generation;
17 and
18 (C) Solar energy facilities shall be decommissioned
19 at the owner's expense according to the following
20 requirements:



1 (i) Removal of all equipment related to the
2 solar energy facility within twelve months
3 of the conclusion of operation or useful
4 life; and

5 (ii) Restoration of the disturbed earth to
6 substantially the same physical condition as
7 existed before the development of the solar
8 energy facility.

9 For the purposes of this paragraph, "agricultural
10 activities" means the activities described in
11 paragraphs (1) to (3);

12 (22) Geothermal resources exploration and geothermal
13 resources development, as defined under section 182-1;

14 (23) Hydroelectric facilities, including the appurtenances
15 associated with the production and transmission of
16 hydroelectric energy, subject to section 205-2;
17 provided that the hydroelectric facilities and their
18 appurtenances:

19 (A) Shall consist of a small hydropower facility as
20 defined by the United States Department of
21 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.



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:



1 (A) The minimum real property tax agricultural
2 dedication period of the county in which the
3 subdivided lot is located; or

4 (B) Five years.

5 Lots created and leased pursuant to this section shall be legal
6 lots of record for mortgage lending purposes and shall be exempt
7 from county subdivision standards.

8 (g) For the purposes of this section, "rodeo or rodeo
9 activities", as used in subsection (a) (6), means a structured,
10 organized, and permitted agricultural, equestrian, or cultural
11 event conducted on lands classified as an agricultural district
12 pursuant to section 205-2; on agricultural or pastoral lands
13 owned, managed, controlled, or leased by the department of
14 agriculture and biosecurity or department of land and natural
15 resources; and on lands encumbered under the authority of the
16 board of agriculture and biosecurity or board of land and
17 natural resources. "Rodeo or rodeo activities" includes but is
18 not limited to:

19 (1) Activities that demonstrate, train, or competitively
20 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



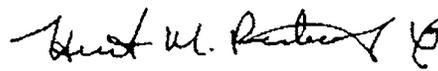
1 and reasonably related to the rodeo or when
2 agricultural, ranching, or paniolo heritage is
3 promoted; and

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.

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20 amended to read as follows:



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2 **districts.** (a) Within the agricultural district, all lands
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4 classification as overall (master) productivity rating class A
5 or B and for solar energy facilities, class B or C, shall be
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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,
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- 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;

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21 appurtenances necessary for an agricultural-energy



1 enterprise; provided that the primary activity of the
2 agricultural-energy enterprise is agricultural
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5 devoted to agricultural activity shall be ~~[nø]~~ not
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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.

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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



1 bureau's detailed land classification as overall
2 (master) productivity rating class A;
3 (21) Solar energy facilities on lands with soil classified
4 by the land study bureau's detailed land
5 classification as overall (master) productivity rating
6 B or C for which a special use permit is granted
7 pursuant to section 205-6; provided that:
8 (A) The area occupied by the solar energy facilities
9 is also made available for compatible
10 agricultural activities at a lease rate that is
11 at least fifty per cent below the fair market
12 rent for comparable properties;
13 (B) Proof of financial security to decommission the
14 facility is provided to the satisfaction of the
15 appropriate county planning commission before the
16 date of commencement of commercial generation;
17 and
18 (C) Solar energy facilities shall be decommissioned
19 at the owner's expense according to the following
20 requirements:



1 (i) Removal of all equipment related to the
2 solar energy facility within twelve months
3 of the conclusion of operation or useful
4 life; and

5 (ii) Restoration of the disturbed earth to
6 substantially the same physical condition as
7 existed before the development of the solar
8 energy facility.

9 For the purposes of this paragraph, "agricultural
10 activities" means the activities described in
11 paragraphs (1) to (3);

12 (22) Geothermal resources exploration and geothermal
13 resources development, as defined under section 182-1;

14 (23) Hydroelectric facilities, including the appurtenances
15 associated with the production and transmission of
16 hydroelectric energy, subject to section 205-2;
17 provided that the hydroelectric facilities and their
18 appurtenances:

19 (A) Shall consist of a small hydropower facility as
20 defined by the United States Department of
21 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.



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:



1 (A) The minimum real property tax agricultural
2 dedication period of the county in which the
3 subdivided lot is located; or

4 (B) Five years.

5 Lots created and leased pursuant to this section shall be legal
6 lots of record for mortgage lending purposes and shall be exempt
7 from county subdivision standards.

8 (g) For the purposes of this section, "rodeo or rodeo
9 activities", as used in subsection (a) (6), means a structured,
10 organized, and permitted agricultural, equestrian, or cultural
11 event conducted on lands classified as an agricultural district
12 pursuant to section 205-2; on agricultural or pastoral lands
13 owned, managed, controlled, or leased by the department of
14 agriculture and biosecurity or department of land and natural
15 resources; and on lands encumbered under the authority of the
16 board of agriculture and biosecurity or board of land and
17 natural resources. "Rodeo or rodeo activities" includes but is
18 not limited to:

19 (1) Activities that demonstrate, train, or competitively
20 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



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=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: *Francis R. Poyne*



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

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=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.



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

4 "§205- Amendments to district boundaries involving
5 large agricultural lands; elderly housing. (a) Subject to
6 section 205-4, any person with a property interest in thirty or
7 more acres of contiguous agricultural lands may petition the
8 land use commission for an exemption to the current zoning
9 guidelines to reclassify up to fifteen acres of that land to
10 allow for elderly housing, assisted living homes, or low-density
11 apartments, or allow elderly housing on up to fifteen acres as a
12 permissible use.

13 (b) The petition for an exemption shall include a proposal
14 for the elderly housing to be constructed and a financial plan
15 that includes:

16 (1) Different purchase prices or rent amounts for units so
17 that individuals paying higher prices or rents for
18 certain units may subsidize units having lower prices
19 or rents; and

20 (2) Requirements that units having lower prices or rents
21 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 *TD*



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.



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

4 "§205- Amendments to district boundaries involving
5 large agricultural lands; elderly housing. (a) Subject to
6 section 205-4, any person with a property interest in thirty or
7 more acres of contiguous agricultural lands may petition the
8 land use commission for an exemption to the current zoning
9 guidelines to reclassify up to fifteen acres of that land to
10 allow for elderly housing, assisted living homes, or low-density
11 apartments, or allow elderly housing on up to fifteen acres as a
12 permissible use.

13 (b) The petition for an exemption shall include a proposal
14 for the elderly housing to be constructed and a financial plan
15 that includes:

16 (1) Different purchase prices or rent amounts for units so
17 that individuals paying higher prices or rents for
18 certain units may subsidize units having lower prices
19 or rents; and

20 (2) Requirements that units having lower prices or rents
21 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: *Scott M. R. [Signature]*



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

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=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: *Spencer R. Savage*



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:

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: ZAC
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

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



S.B. NO. 2740

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



1 lands with soil classified by the land study bureau's
2 detailed land classification as overall (master)
3 productivity rating class A;

4 (21) Solar energy facilities on lands with soil classified
5 by the land study bureau's detailed land
6 classification as overall (master) productivity rating
7 B or C for which a special use permit is granted
8 pursuant to section 205-6; provided that:

9 (A) The area occupied by the solar energy facilities
10 is also made available for compatible
11 agricultural activities at a lease rate that is
12 at least fifty per cent below the fair market
13 rent for comparable properties;

14 (B) Proof of financial security to decommission the
15 facility is provided to the satisfaction of the
16 appropriate county planning commission before the
17 date of commencement of commercial generation;
18 and

19 (C) Solar energy facilities shall be decommissioned
20 at the owner's expense according to the following
21 requirements:



- 1 (i) Removal of all equipment related to the
- 2 solar energy facility within twelve months
- 3 of the conclusion of operation or useful
- 4 life; and
- 5 (ii) Restoration of the disturbed earth to
- 6 substantially the same physical condition as
- 7 existed before the development of the solar
- 8 energy facility.

9 For the purposes of this paragraph, "agricultural
10 activities" means the activities described in
11 paragraphs (1) to (3);

12 (22) Geothermal resources exploration and geothermal
13 resources development, as defined under section 182-1;

14 (23) Hydroelectric facilities, including the appurtenances
15 associated with the production and transmission of
16 hydroelectric energy, subject to section 205-2;
17 provided that the hydroelectric facilities and their
18 appurtenances:

19 (A) Shall consist of a small hydropower facility as
20 defined by the United States Department of
21 Energy, including:



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- 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[~~-~~]; or

10 (25) Notwithstanding any other law to the contrary, farm
11 cluster housing; provided that a landowner or lessee
12 may apply to a county for a permit, in a form to be
13 determined by the county, that allows the landowner or
14 lessee to develop, construct, and maintain farm
15 cluster housing for rent to farmers and farm employees
16 who actively and currently farm and their immediate
17 family members; provided further that:

18 (A) Each county shall adopt ordinances to allow farm
19 cluster housing, which shall provide for:

20 (i) Exemption from other county subdivision
21 ordinances;



S.B. NO. 2740

- 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 farming 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



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=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:

1 SECTION 1. Section 343-7, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§343-7 Limitation of actions[-]; attorneys' fees.** (a)
4 Any judicial proceeding, the subject of which is the lack of
5 assessment required under section 343-5, shall be initiated
6 within one hundred twenty days of the agency's decision to carry
7 out or approve the action[~~, or, if~~]; provided that if the
8 judicial proceeding involves the lack of an assessment required
9 under section 343-5 for an action that proposes the use of land
10 for, or construction of, an affordable housing project or clean
11 energy project, the proceeding shall be initiated within thirty
12 days of the agency's decision to carry out or approve the
13 action. If a proposed action is undertaken without a formal
14 determination by the agency that a statement is or is not
15 required, a judicial proceeding shall be instituted within one
16 hundred twenty days after the proposed action is started[~~-~~];
17 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: Mo A. Hill



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:

1 SECTION 1. Section 343-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§343-7 Limitation of actions[-]; attorneys' fees.** (a)

4 Any judicial proceeding, the subject of which is the lack of
5 assessment required under section 343-5, shall be initiated
6 within one hundred twenty days of the agency's decision to carry
7 out or approve the action[~~, or, if~~]; provided that if the
8 judicial proceeding involves the lack of an assessment required
9 under section 343-5 for an action that proposes the use of land
10 for, or construction of, an affordable housing project or clean
11 energy project, the proceeding shall be initiated within thirty
12 days of the agency's decision to carry out or approve the
13 action. If a proposed action is undertaken without a formal
14 determination by the agency that a statement is or is not
15 required, a judicial proceeding shall be instituted within one
16 hundred twenty days after the proposed action is started[-];
17 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.



H.B. NO. 1979

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

2

INTRODUCED BY: *Wesley E. Lowe*
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

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;



H.B. NO. 541

- 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 of
4 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, as
17 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

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



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



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

15 (g) If at any time prior to or during the hearing, a
16 representative of a citizen or community group, the petitioner,
17 a party, or an intervenor requests that the commission obtain
18 the community's approval of the proposed boundary change, the
19 commission shall conduct a referendum. Notice of the referendum
20 shall be mailed to any person, entity, or residence entitled to
21 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."



1 PART VI

2 SECTION 6. There is appropriated out of the general
3 revenues of the State of Hawaii the sum of \$ or so much
4 thereof as may be necessary for fiscal year 2025-2026 and the
5 same sum or so much thereof as may be necessary for fiscal year
6 2026-2027 to fund the enhanced public notice requirements
7 established by this Act.

8 The sums appropriated shall be expended by the department
9 of Hawaiian home lands for the purposes of this Act.

10 SECTION 7. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2025-2026 and the
13 same sum or so much thereof as may be necessary for fiscal year
14 2026-2027 to fund the enhanced public notice requirements
15 established by this Act.

16 The sums appropriated shall be expended by the department
17 of land and natural resources for the purposes of this Act.

18 SECTION 8. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ or so much
20 thereof as may be necessary for fiscal year 2025-2026 and the
21 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. 197

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

A BILL FOR AN ACT

RELATING TO BOARDS AND COMMISSIONS.

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

1 SECTION 1. Section 92-15, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§~~92-15~~§~~ **Boards and commissions; quorum; number of**
4 **votes necessary to validate acts.** Whenever the number of
5 members necessary to constitute a quorum to do business, or the
6 number of members necessary to validate any act, of any board or
7 commission of the State or of any political subdivision thereof,
8 is not specified in the law or ordinance creating the same or in
9 any other law or ordinance, a majority of all the current voting
10 members ~~[to which]~~ of the board or commission ~~[is entitled]~~
11 shall constitute a quorum to do business, and the concurrence of
12 a majority of ~~[all]~~ the members voting at a meeting for which a
13 quorum is present ~~[to which the board or commission is entitled]~~
14 shall be necessary to make any action of the board or commission
15 valid; provided that due notice shall have been given to all
16 members of the board or commission or a bona fide attempt shall
17 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.

