



**Land Use Commission Meeting  
Board Packet  
April 8, 2026**

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## **Update on 2026 Hawai'i State Legislative Bills Relating to Measures That May Impact the Land Use Commission ("LUC")**

## 3a

### a. **SB2156 SD1 - 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 (“DBEDT”) 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 DBEDT to adopt rules. Requires DBEDT to consult with state and county agencies to issue permits for film production within an agricultural district using the consolidated film permit process under certain circumstances. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district. Effective 7/1/2050. (SD1)

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

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# 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 The legislature further finds that responsible temporary  
11 film production on appropriate agricultural lands may contribute  
12 to rural economic resilience by creating employment, supporting  
13 local businesses, encouraging technical skill development, and  
14 generating supplemental revenue that may be reinvested into  
15 agricultural operations.

16 Accordingly, the purpose of this Act is to:

- 17 (1) Permit, facilitate, and regulate responsible film  
18 production on certain agricultural zoned lands in  
19 certain counties under certain conditions; and  
20 (2) Establish the agricultural film production land use  
21 oversight committee to establish film permit



1 application requirements and processes, facilitate the  
2 issuance of permits for film production within  
3 agricultural districts, and advise and make  
4 recommendations relating to the regulation of film  
5 productions on agricultural zoned lands.

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

9 " . Agricultural Film Production Land Use Act

10 **§201-A Short title.** This subpart shall be known and may  
11 be cited as the Agricultural Film Production Land Use Act.

12 **§201-B Purpose.** The purpose of this subpart is to permit,  
13 facilitate, and regulate responsible film production in  
14 agricultural zoned lands while fostering collaboration with any  
15 lineal descendants of the lands and ensuring the preservation,  
16 respect, and sustainable use of these lands for future  
17 generations. The legislature finds that film production  
18 supported pursuant to this subpart shall advance the State's  
19 economic resilience by supporting economic diversification,  
20 rural economic activity, workforce skill development, and  
21 complimentary use of agricultural lands without diminishing



1 their primary agricultural purposes. Encouragement of the film  
2 tourism industry shall be fostered through responsible film  
3 production on agricultural zoned lands that aims to showcase the  
4 cultural and historical significance of agricultural zoned lands  
5 in the State.

6 **§201-C Applicability.** This subpart shall apply only to  
7 counties with a population of less than five hundred thousand.

8 **§201-D Definitions.** As used in this subpart:

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

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

11 and

12 (2) As important agricultural land within an agricultural

13 district that may only be accessed for an approved and

14 permitted use.

15 "Film permit" means the official authorization granted by

16 relevant authorities for conducting film production on

17 agricultural zoned parcels.

18 "Film production" means a short-term temporary activity

19 related to the creation of visual media content, including

20 motion pictures, television and streaming series, and commercial



1 photography that are not part of ongoing agricultural  
2 operations.

3 "Film production area" means a designated area within the  
4 agricultural zoned parcels where film production is permitted.

5 "Important agricultural land" means land identified and  
6 designated as important agricultural land pursuant to part III  
7 of chapter 205.

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

11 "Oversight committee" means the agricultural film  
12 production land use oversight committee established pursuant to  
13 section 201-F.

14 "Structural integrity check" means a periodic assessment to  
15 ensure the stability and safety of any structure built for film  
16 production purposes.

17 **§201-E Permissible film production on an agricultural**  
18 **zoned parcel.** (a) Film production on an agricultural zoned  
19 parcel shall be permitted pursuant to this subpart; provided  
20 that:

21 (1) The parcel is not:



- 1 (A) Designated as important agricultural land;
- 2 (B) Land with soil classified by the land study
- 3 bureau's detailed land classification as overall
- 4 (master) productivity rating class A or B; and
- 5 (C) Used for active agricultural crop production;
- 6 (2) The film production company shall obtain all necessary
- 7 film permits, including permits to film pursuant to
- 8 section 201-14, from the relevant government entities,
- 9 outlining the scope of film production and adherence
- 10 to guidelines;
- 11 (3) The film production company shall make efforts to
- 12 involve lineal descendants in decision-making
- 13 processes concerning film production on an
- 14 agricultural zoned parcel with ancestral value,
- 15 thereby respecting the cultural heritage and
- 16 historical significance of these lands; and
- 17 (4) The film production shall be accessory and secondary
- 18 to the agricultural use of the parcel.
- 19 (b) Film production areas may include temporary setups,
- 20 including 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 parcel, 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 parcel; provided that the terms of the  
11 transfer are mutually agreed upon between both parties.

12 (e) Nothing in this subpart shall be construed to  
13 authorize activities that impair long-term agricultural  
14 productivity, soil health, water access, or operational  
15 viability.

16 **§201-F Agricultural film production land use oversight**  
17 **committee; establishment; powers and responsibilities;**

18 **penalties; rules.** (a) There is established an agricultural  
19 film production land use oversight committee, to be placed  
20 within the creative industries division of the department for  
21 administrative purposes only, to serve as a coordinating body



1 and advise the department's regulation of filmmaking on  
2 agricultural land.

3 (b) The oversight committee shall comprise the following:

4 (1) Four ex officio, voting members, including:

5 (A) The director of business, economic development,  
6 and tourism or their designee;

7 (B) The chairperson of the board of agriculture and  
8 biosecurity or their designee;

9 (C) The chairperson of the board of land and natural  
10 resources or their designee; and

11 (D) The director of the office of planning and  
12 sustainable development or their designee; and

13 (2) Three voting members, who shall be appointed by the  
14 governor in accordance with section 26-34, including:

15 (A) One member of the board of trustees of the office  
16 of Hawaiian affairs;

17 (B) One member with experience in commercial film  
18 production; and

19 (C) One member with expertise in agriculture and  
20 conservation.

21 (c) The oversight committee:



1 (1) Shall establish, in coordination with the appropriate  
2 county planning commission or department, land use  
3 commission, office of Hawaiian affairs, office of  
4 planning and sustainable development, department of  
5 land and natural resources, and department of  
6 agriculture and biosecurity:

7 (A) Film permit application requirements, fees,  
8 timelines, bonding and insurance minimums, and  
9 structural inspection protocol; and

10 (B) Processes for cultural review and biological  
11 surveys, including requirements for mitigation  
12 and restoration efforts;

13 (2) Shall facilitate the issuance and approval of permits  
14 for film productions within agricultural districts  
15 pursuant to section 201-14, in coordination with the  
16 appropriate county planning commission or department,  
17 land use commission, office of planning and  
18 sustainable development, and department of agriculture  
19 and biosecurity; and

20 (3) May advise and make recommendations on any fine or  
21 other penalty for non-compliance with this subpart;



1 provided that before recommending the imposition of a  
2 fine or penalty, the oversight committee shall:

3 (A) Notify the film production in violation; and

4 (B) Conduct an administrative hearing; provided  
5 further that any person aggrieved by the  
6 oversight committee's decision, shall be entitled  
7 to judicial review as provided by section 91-14;

8 provided that the oversight committee shall serve in a  
9 coordinating and advisory capacity and shall not supplant any  
10 county planning commissions or the land use commission.

11 (d) The oversight committee shall advise the department on  
12 the adoption of rules pursuant to section 201-H.

13 **§201-G Violations; penalties.** Any violation of this  
14 subpart may result in fines, suspension or revocation of  
15 permits, and other legal consequences as deemed appropriate by  
16 the department, and in accordance with rules adopted pursuant to  
17 section 201-H.

18 **§201-H Rules.** The department shall adopt rules pursuant  
19 to chapter 91 necessary to effectuate the purposes of this  
20 subpart.



1           **§201-I Conflict with other regulations.** This subpart  
 2 shall supersede any conflicting regulations to the extent  
 3 permitted by law; provided that nothing in this subpart shall be  
 4 construed to supplant the authority of the counties or land use  
 5 commission to issue, approve, suspend, revoke, or enforce  
 6 permits, including special use permits."

7           SECTION 3. Chapter 201, Hawaii Revised Statutes, is  
 8 amended by designating sections 201-111 to 201-115 as subpart A,  
 9 and inserting a title before section 201-111 to read as follows:

10   "A. General Provisions"

11           SECTION 4. Section 201-14, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13           **"§201-14 Consolidated film permit processing.** (a) The  
 14 department shall consult with state and county agencies in order  
 15 to identify sites that can be used for making visually recorded  
 16 productions under terms and conditions as may be determined by  
 17 the state or county agency having jurisdiction over the sites.

18           (b) The department may accept an application from any  
 19 person who proposes to make a motion picture, television show,  
 20 television commercial, or other visually recorded production at



1 one or more sites on state or county lands, whether or not set  
2 aside under section 171-11.

3 (c) The applicant shall identify the sites to be covered  
4 by the permit and provide other information as may be required  
5 by the department.

6 (d) The department may approve and issue a permit to film  
7 at any of the sites identified by the appropriate state or  
8 county agency under subsection (a). If any site requested for  
9 use by the applicant is not identified under subsection (a), the  
10 department shall consult with the appropriate state or county  
11 agency having jurisdiction over the site to obtain a permit. If  
12 the matter of a permit cannot be resolved in this manner, the  
13 department shall refer the application to the appropriate state  
14 or county agency to obtain a permit.

15 (e) The department is authorized to make changes to, and  
16 extensions of, any approved permits so long as the changes and  
17 extensions do not conflict with the policies, terms, and  
18 conditions set forth by the agency having jurisdiction over the  
19 site in question.



1 (f) The department may establish memoranda of agreement or  
2 adopt rules to implement the intent and purposes of this  
3 section.

4 (g) The department shall consult with state and county  
5 agencies to issue permits for film production within an  
6 agricultural district pursuant to section 201-E using the  
7 consolidated film permit process established pursuant to this  
8 section.

9 [~~g~~] (h) Nothing in this section shall be construed as  
10 waiving the authority of any county or the department of  
11 transportation of the State to require a person to obtain a  
12 permit from the department or county where the production takes  
13 place on or from a public highway.

14 [~~h~~] (i) A vessel engaged in temporary use for film  
15 production purposes in accordance with a film permit issued by  
16 the department shall not be considered to be a "commercial  
17 vessel" within the meaning of section 200-9, 200-10, or 200-39;  
18 provided that:

19 (1) The period of temporary use does not exceed fourteen  
20 hours per day, five days per week, excluding weekends,



1 and for a period not to exceed thirty calendar days;  
2 and

3 (2) The department may make allowances to include weekends  
4 for film production purposes due to inclement weather  
5 conditions during the weekday period."

6 SECTION 5. Section 205-4.5, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

8 "(a) Within the agricultural district, all lands with soil  
9 classified by the land study bureau's detailed land  
10 classification as overall (master) productivity rating class A  
11 or B and for solar energy facilities, class B or C, shall be  
12 restricted to the following permitted uses:

13 (1) Cultivation of crops, including crops for bioenergy,  
14 flowers, vegetables, foliage, fruits, forage, and  
15 timber;

16 (2) Game and fish propagation;

17 (3) Raising of livestock, including poultry, bees, fish,  
18 or other animal or aquatic life that are propagated  
19 for economic or personal use;

20 (4) Farm dwellings, employee housing, farm buildings, or  
21 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  
4 single-family farm dwellings permitted within  
5 agricultural parks developed by the State, or where  
6 agricultural activity provides income to the family  
7 occupying the dwelling;

8 (5) Public institutions and buildings that are necessary  
9 for agricultural practices;

10 (6) Public and private open area types of recreational  
11 uses, including day camps, picnic grounds, parks, and  
12 riding stables, but not including dragstrips,  
13 airports, drive-in theaters, golf courses, golf  
14 driving ranges, country clubs, and overnight camps;  
15 provided that overnight camps in operation before  
16 January 1, 1961, may be approved by special permit;

17 (7) Public, private, and quasi-public utility lines and  
18 roadways, transformer stations, communications  
19 equipment buildings, solid waste transfer stations,  
20 major water storage tanks, and appurtenant small  
21 buildings such as booster pumping stations, but not



- 1 including offices or yards for equipment, material,  
2 vehicle storage, repair or maintenance, treatment  
3 plants, corporation yards, or other similar  
4 structures;
- 5 (8) Retention, restoration, rehabilitation, or improvement  
6 of buildings or sites of historic or scenic interest;
- 7 (9) Agricultural-based commercial operations as described  
8 in section 205-2(d) (15);
- 9 (10) Buildings and uses, including mills, storage, and  
10 processing facilities, maintenance facilities,  
11 photovoltaic, biogas, and other small-scale renewable  
12 energy systems producing energy solely for use in the  
13 agricultural activities of the fee or leasehold owner  
14 of the property, and vehicle and equipment storage  
15 areas that are normally considered directly accessory  
16 to the above-mentioned uses and are permitted under  
17 section 205-2(d);
- 18 (11) Agricultural parks;
- 19 (12) Plantation community subdivisions, which as used in  
20 this chapter means an established subdivision or  
21 cluster of employee housing, community buildings, and



1 agricultural support buildings on land currently or  
2 formerly owned, leased, or operated by a sugar or  
3 pineapple plantation; provided that the existing  
4 structures may be used or rehabilitated for use, and  
5 new employee housing and agricultural support  
6 buildings may be allowed on land within the  
7 subdivision as follows:

8 (A) The employee housing is occupied by employees or  
9 former employees of the plantation who have a  
10 property interest in the land;

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

14 (C) The agricultural support buildings shall be  
15 rented or leased to agricultural business  
16 operators or agricultural support services;

17 (13) Agricultural tourism conducted on a working farm, or a  
18 farming operation as defined in section 165-2, for the  
19 enjoyment, education, or involvement of visitors;  
20 provided that the agricultural tourism activity is  
21 accessory and secondary to the principal agricultural



1 use and does not interfere with surrounding farm  
2 operations; provided further that this paragraph shall  
3 apply only to a county that has adopted ordinances  
4 regulating agricultural tourism under section 205-5;  
5 (14) Agricultural tourism activities, including overnight  
6 accommodations of twenty-one days or less, for any one  
7 stay within a county; provided that this paragraph  
8 shall apply only to a county that includes at least  
9 three islands and has adopted ordinances regulating  
10 agricultural tourism activities pursuant to section  
11 205-5; provided further that the agricultural tourism  
12 activities coexist with a bona fide agricultural  
13 activity. For the purposes of this paragraph, "bona  
14 fide agricultural activity" means a farming operation  
15 as defined in section 165-2;  
16 (15) Wind energy facilities, including the appurtenances  
17 associated with the production and transmission of  
18 wind generated energy; provided that the wind energy  
19 facilities and appurtenances are compatible with  
20 agriculture uses and cause minimal adverse impact on  
21 agricultural land;



1 (16) Biofuel processing facilities, including the  
2 appurtenances associated with the production and  
3 refining of biofuels that is normally considered  
4 directly accessory and secondary to the growing of the  
5 energy feedstock; provided that biofuel processing  
6 facilities and appurtenances do not adversely impact  
7 agricultural land and other agricultural uses in the  
8 vicinity.

9 For the purposes of this paragraph:

10 "Appurtenances" means operational infrastructure  
11 of the appropriate type and scale for economic  
12 commercial storage and distribution, and other similar  
13 handling of feedstock, fuels, and other products of  
14 biofuel processing facilities.

15 "Biofuel processing facility" means a facility  
16 that produces liquid or gaseous fuels from organic  
17 sources such as biomass crops, agricultural residues,  
18 and oil crops, including palm, canola, soybean, and  
19 waste cooking oils; grease; food wastes; and animal  
20 residues and wastes that can be used to generate  
21 energy;



1       (17) Agricultural-energy facilities, including  
2            appurtenances necessary for an agricultural-energy  
3            enterprise; provided that the primary activity of the  
4            agricultural-energy enterprise is agricultural  
5            activity. To be considered the primary activity of an  
6            agricultural-energy enterprise, the total acreage  
7            devoted to agricultural activity shall be no less than  
8            ninety per cent of the total acreage of the  
9            agricultural-energy enterprise. The  
10          agricultural-energy facility shall be limited to lands  
11          owned, leased, licensed, or operated by the entity  
12          conducting 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  
10 agricultural-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  
21 205-6; provided that this use shall not be permitted



1 on lands with soil classified by the land study  
2 bureau's detailed land classification as overall  
3 (master) 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:



- 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) Temporary filming activity as a conditional accessory  
 4 use; provided that the appropriate county planning  
 5 commission or department approves the activity and the  
 6 department of agriculture and biosecurity finds that  
 7 the activity is compatible with existing agricultural  
 8 use; provided further that the activity shall not:

9 (A) Result in the permanent physical degradation of  
 10 soil or agricultural infrastructure;

11 (B) Displace any active agricultural operation; or

12 (C) Exceed a cumulative duration of thirty days,  
 13 consecutively or cumulatively per year without a  
 14 special use permit; provided further that for any  
 15 activity with a film production timeframe that  
 16 displaces normal agricultural operations, an  
 17 applicant:

18 (i) Shall develop and submit to the land use  
 19 commission, office of planning and  
 20 sustainable development, and department of  
 21 agriculture and biosecurity an agricultural



1                   impact statement which shall outline the  
2                   applicant's procedures for soil protection,  
3                   waste management, cultural consultation, and  
4                   remediation efforts, in addition to applying  
5                   for the appropriate permits from a county  
6                   planning commission or department; and  
7                   (ii) Seeking a permit shall be subject to ongoing  
8                   and post-permit compliance checks by the  
9                   appropriate county planning commission or  
10                   department and the department of agriculture  
11                   and biosecurity; or

12           [~~24~~] (25) Notwithstanding any other law to the contrary,  
13           composting and co-composting operations; provided that  
14           operations that process their own green waste and do  
15           not require permits from the department of health  
16           shall use the finished composting product only on the  
17           operation's own premises to minimize the potential  
18           spread of invasive species."

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 on July 1, 2050.



**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 DBEDT to adopt rules. Requires DBEDT to consult with state and county agencies to issue permits for film production within an agricultural district using the consolidated film permit process under certain circumstances. Includes temporary filming activities as a permissible conditional accessory use of lands within the agricultural district. Effective 7/1/2050. (SD1)

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



## 3b

**b. HB1737 HD3 SD1 - RELATING TO FARM EMPLOYEE HOUSING**

Clarifies the allowable uses within agricultural districts with respect to farm dwellings and farm employee housing. Effective 7/1/2050. (SD1)

[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)

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# 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 205-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (d) to read as follows:

3           "(d) Agricultural districts shall include:

4           (1) Activities or uses as characterized by the cultivation  
5           of crops, crops for bioenergy, orchards, forage, and  
6           forestry;

7           (2) Farming activities or uses related to animal husbandry  
8           and game and fish propagation;

9           (3) Aquaculture, which means the production of aquatic  
10          plant and animal life within ponds and other bodies of  
11          water;

12          (4) Wind-generated energy production for public, private,  
13          and commercial use;

14          (5) Biofuel production, as described in section 205-  
15          4.5(a)(16), for public, private, and commercial use;

16          (6) Solar energy facilities; provided that:



1 (A) This paragraph shall apply only to land with soil  
2 classified by the land study bureau's detailed  
3 land classification as overall (master)  
4 productivity rating class B, C, D, or E; and  
5 (B) Solar energy facilities placed within land with  
6 soil classified as overall productivity rating  
7 class B or C shall not occupy more than ten per  
8 cent of the acreage of the parcel, or twenty  
9 acres of land, whichever is lesser, unless a  
10 special use permit is granted pursuant to section  
11 205-6;  
12 (7) Bona fide agricultural services and uses that support  
13 the agricultural activities of the fee or leasehold  
14 owner of the property and accessory to any of the  
15 above activities, regardless of whether conducted on  
16 the same premises as the agricultural activities to  
17 which they are accessory, including farm dwellings and  
18 farm employee housing as defined in section  
19 205-4.5(a)(4), [~~employee housing,~~] farm buildings,  
20 mills, storage facilities, processing facilities,  
21 photovoltaic, biogas, and other small-scale renewable



1 energy systems producing energy solely for use in the  
2 agricultural activities of the fee or leasehold owner  
3 of the property, agricultural-energy facilities as  
4 defined in section 205-4.5(a)(17), vehicle and  
5 equipment storage areas, and plantation community  
6 subdivisions as defined in section 205-4.5(a)(12);  
7 (8) Wind machines and wind farms;  
8 (9) Small-scale meteorological, air quality, noise, and  
9 other scientific and environmental data collection and  
10 monitoring facilities occupying less than one-half  
11 acre of land; provided that these facilities shall not  
12 be used as or equipped for use as living quarters or  
13 dwellings;  
14 (10) Agricultural parks;  
15 (11) 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~~] pursuant to  
3 section 205-5;

4 (12) Agricultural tourism activities, including overnight  
5 accommodations of twenty-one days or less, for any one  
6 stay within a county; provided that this paragraph  
7 shall apply only to a county that includes at least  
8 three islands and has adopted ordinances regulating  
9 agricultural tourism activities pursuant to section  
10 205-5; provided further that the agricultural tourism  
11 activities coexist with a bona fide agricultural  
12 activity. For the purposes of this paragraph, "bona  
13 fide agricultural activity" means a farming operation  
14 as defined in section 165-2;

15 (13) Open area recreational facilities;

16 (14) Geothermal resources exploration and geothermal  
17 resources development, as defined under section 182-1;

18 (15) Agricultural-based commercial operations registered in  
19 Hawaii, including:

20 (A) A roadside stand that is not an enclosed  
21 structure, owned and operated by a producer for



1 the display and sale of agricultural products  
2 grown in Hawaii and value-added products that  
3 were produced using agricultural products grown  
4 in Hawaii;

5 (B) Retail activities in an enclosed structure owned  
6 and operated by a producer for the display and  
7 sale of agricultural products grown in Hawaii,  
8 value-added products that were produced using  
9 agricultural products grown in Hawaii, logo items  
10 related to the producer's agricultural  
11 operations, and other food items;

12 (C) A retail food establishment owned and operated by  
13 a producer and permitted under chapter 11-50,  
14 Hawaii administrative rules, that prepares and  
15 serves food at retail using products grown in  
16 Hawaii and value-added products that were  
17 produced using agricultural products grown in  
18 Hawaii;

19 (D) A farmers' market, which is an outdoor market  
20 limited to producers selling agricultural  
21 products grown in Hawaii and value-added products



1           that were produced using agricultural products  
2           grown in Hawaii; and

3           (E) A food hub, which is a facility that may contain  
4           a commercial kitchen and provides for the  
5           storage, processing, distribution, and sale of  
6           agricultural products grown in Hawaii and value-  
7           added products that were produced using  
8           agricultural products grown in Hawaii.

9           The owner of an agricultural-based commercial  
10          operation shall certify, upon request of an officer or  
11          agent charged with enforcement of this chapter under  
12          section 205-12, that the agricultural products  
13          displayed or sold by the operation meet the  
14          requirements of this paragraph;

15          (16) Hydroelectric facilities as described in section  
16          205-4.5(a) (23); and

17          (17) Composting and co-composting operations; provided that  
18          operations that process their own green waste and do  
19          not require permits from the department of health  
20          shall use the finished composting product only on the



1 operation's own premises to minimize the potential  
2 spread of invasive species.

3 Agricultural districts shall not include golf courses and golf  
4 driving ranges, except as provided in section 205-4.5(d). No  
5 landfill unit, as defined in section 342H-52, shall be located  
6 on land within the agricultural district that has soil  
7 classified by the land study bureau's detailed land  
8 classification as overall (master) productivity rating class A  
9 in a county with a population greater than five hundred  
10 thousand. Agricultural districts include areas that are not  
11 used for, or that are not suited to, agricultural and ancillary  
12 activities by reason of topography, soils, and other related  
13 characteristics."

14 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is  
15 amended as follows:

16 1. By amending subsection (a) to read:

17 "(a) Within the agricultural district, all lands with soil  
18 classified by the land study bureau's detailed land  
19 classification as overall (master) productivity rating class A  
20 or B and for solar energy facilities, class B or C, shall be  
21 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, farm employee housing, farm buildings,
- 9 or activities or uses related to farming and animal
- 10 husbandry. For the purposes of this paragraph [~~,"farm~~
- 11 ~~dwelling"~~]:

12 (A) "Farm dwelling" means a [~~single-family~~]

13 residential dwelling located on and accessory to

14 a farm [~~,including~~] where agricultural activity

15 provides income to the family occupying the

16 dwelling. "Farm dwelling" includes clusters of

17 [~~single-family~~] farm dwellings permitted within

18 agricultural parks developed by the State [~~,or~~

19 ~~where agricultural activity provides income to~~

20 ~~the family occupying the dwelling~~]; and



1           (B) "Farm employee housing" means one or more  
2           residential dwelling units accessory to the farm  
3           operation that may be attached to or detached  
4           from the primary farm dwelling; provided that:  
5           (i) Each residential dwelling unit shall not  
6           exceed eight hundred square feet of  
7           habitable area under roof;  
8           (ii) Each residential dwelling unit shall solely  
9           be occupied by agricultural employees and  
10           their immediate family members who are  
11           actively engaged in the farm operation; and  
12           (iv) Any farm employee housing for which a  
13           building permit or certificate of occupancy  
14           has been issued pursuant to county ordinance  
15           before the effective date of Act \_\_\_\_\_,  
16           Session Laws of Hawaii 2026, shall be deemed  
17           a nonconforming use;  
18           provided further that no fee owner of the farm  
19           dwelling shall submit any portion thereof to a  
20           condominium property regime to separate the ownership  
21           of the farm employee housing units from the farm



1 dwelling pursuant to chapter 514B; provided further  
 2 that agricultural tourism or related activities under  
 3 paragraph (14) may occur on the same parcel as a farm  
 4 dwelling when those activities are secondary and  
 5 incidental to a bona fide agricultural operation, do  
 6 not occur within farm employee housing units, and  
 7 comply with county ordinances adopted pursuant to  
 8 section 205-5;

9 (5) Public institutions and buildings that are necessary  
 10 for agricultural practices;

11 (6) Public and private open area types of recreational  
 12 uses, including day camps, picnic grounds, parks, and  
 13 riding stables, but not including dragstrips,  
 14 airports, drive-in theaters, golf courses, golf  
 15 driving ranges, country clubs, and overnight camps;  
 16 provided that overnight camps in operation before  
 17 January 1, 1961, may be approved by special permit;

18 (7) Public, private, and quasi-public utility lines and  
 19 roadways, transformer stations, communications  
 20 equipment buildings, solid waste transfer stations,  
 21 major water storage tanks, and appurtenant small



1 buildings such as booster pumping stations, but not  
2 including offices or yards for equipment, material,  
3 vehicle storage, repair or maintenance, treatment  
4 plants, corporation yards, or other similar  
5 structures;

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

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

10 (10) Buildings and uses, including mills, storage, and  
11 processing facilities, maintenance facilities,  
12 photovoltaic, biogas, and other small-scale renewable  
13 energy systems producing energy solely for use in the  
14 agricultural activities of the fee or leasehold owner  
15 of the property, and vehicle and equipment storage  
16 areas that are normally considered directly accessory  
17 to the above-mentioned uses and are permitted under  
18 section 205-2(d);

19 (11) Agricultural parks;

20 (12) Plantation community subdivisions, which as used in  
21 this chapter means an established subdivision or



1 cluster of farm employee housing, community buildings,  
 2 and agricultural support buildings on land currently  
 3 or formerly owned, leased, or operated by a sugar or  
 4 pineapple plantation; provided that the existing  
 5 structures may be used or rehabilitated for use, and  
 6 new farm employee housing and agricultural support  
 7 buildings may be allowed on land within the  
 8 subdivision as follows:

9 (A) The farm employee housing is occupied by  
 10 employees or former employees of the plantation  
 11 who have a property interest in the land;

12 (B) The farm employee housing units not owned by  
 13 their occupants shall be rented or leased at  
 14 affordable rates for agricultural workers; or

15 (C) The agricultural support buildings shall be  
 16 rented or leased to agricultural business  
 17 operators or agricultural support services[+].

18 For the purposes of this paragraph, "farm employee  
 19 housing" has the same meaning as defined in paragraph

20 (4) (B);



- 1           (13) Agricultural tourism conducted on a working farm, or a  
2           farming operation as defined in section 165-2, for the  
3           enjoyment, education, or involvement of visitors;  
4           provided that the agricultural tourism activity is  
5           accessory and secondary to the principal agricultural  
6           use and does not interfere with surrounding farm  
7           operations; provided further that this paragraph shall  
8           apply only to a county that has adopted ordinances  
9           regulating agricultural tourism [~~under~~] pursuant to  
10          section 205-5;
- 11          (14) Agricultural tourism activities, including overnight  
12          accommodations of twenty-one days or less, for any one  
13          stay within a county; provided that this paragraph  
14          shall apply only to a county that includes at least  
15          three islands and has adopted ordinances regulating  
16          agricultural tourism activities pursuant to section  
17          205-5; provided further that the agricultural tourism  
18          activities coexist with a bona fide agricultural  
19          activity. For the purposes of this paragraph, "bona  
20          fide agricultural activity" means a farming operation  
21          as defined in section 165-2;



1 (15) Wind energy facilities, including the appurtenances  
2 associated with the production and transmission of  
3 wind generated energy; provided that the wind energy  
4 facilities and appurtenances are compatible with  
5 agriculture uses and cause minimal adverse impact on  
6 agricultural land;

7 (16) Biofuel processing facilities, including the  
8 appurtenances associated with the production and  
9 refining of biofuels that is normally considered  
10 directly accessory and secondary to the growing of the  
11 energy feedstock; provided that biofuel processing  
12 facilities and appurtenances do not adversely impact  
13 agricultural land and other agricultural uses in the  
14 vicinity.

15 For the purposes of this paragraph:

16 "Appurtenances" means operational infrastructure  
17 of the appropriate type and scale for economic  
18 commercial storage and distribution, and other similar  
19 handling of feedstock, fuels, and other products of  
20 biofuel processing facilities.



1           "Biofuel processing facility" means a facility  
2           that produces liquid or gaseous fuels from organic  
3           sources such as biomass crops, agricultural residues,  
4           and oil crops, including palm, canola, soybean, and  
5           waste cooking oils; grease; food wastes; and animal  
6           residues and wastes that can be used to generate  
7           energy;

8           (17) Agricultural-energy facilities, including  
9           appurtenances necessary for an agricultural-energy  
10          enterprise; provided that the primary activity of the  
11          agricultural-energy enterprise is agricultural  
12          activity. To be considered the primary activity of an  
13          agricultural-energy enterprise, the total acreage  
14          devoted to agricultural activity shall be no less than  
15          ninety per cent of the total acreage of the  
16          agricultural-energy enterprise. The  
17          agricultural-energy facility shall be limited to lands  
18          owned, leased, licensed, or operated by the entity  
19          conducting the agricultural activity.

20                As used in this paragraph:



1 "Agricultural activity" means any activity  
2 described in paragraphs (1) to (3) [~~of this~~  
3 subsection].

4 "Agricultural-energy enterprise" means an  
5 enterprise that integrally incorporates an  
6 agricultural activity with an agricultural-energy  
7 facility.

8 "Agricultural-energy facility" means a facility  
9 that generates, stores, or distributes renewable  
10 energy as defined in section 269-91 or renewable fuel  
11 including electrical or thermal energy or liquid or  
12 gaseous fuels from products of agricultural activities  
13 from agricultural lands located in the State.

14 "Appurtenances" means operational infrastructure  
15 of the appropriate type and scale for the economic  
16 commercial generation, storage, distribution, and  
17 other similar handling of energy, including equipment,  
18 feedstock, fuels, and other products of  
19 agricultural-energy facilities;

20 (18) Construction and operation of wireless communication  
21 antennas, including small wireless facilities;



1 provided that, for the purposes of this paragraph,  
2 "wireless communication antenna" means communications  
3 equipment that is either freestanding or placed upon  
4 or attached to an already existing structure and that  
5 transmits and receives electromagnetic radio signals  
6 used in the provision of all types of wireless  
7 communications services; provided further that "small  
8 wireless facilities" [~~shall have~~] has the same meaning  
9 as defined in section 206N-2; provided further that  
10 nothing in this paragraph shall be construed to permit  
11 the construction of any new structure that is not  
12 deemed a permitted use under this subsection;

13 (19) Agricultural education programs conducted on a farming  
14 operation as defined in section 165-2, for the  
15 education and participation of the general public;  
16 provided that the agricultural education programs are  
17 accessory and secondary to the principal agricultural  
18 use of the parcels or lots on which the agricultural  
19 education programs are to occur and do not interfere  
20 with surrounding farm operations. For the purposes of  
21 this paragraph, "agricultural education programs"



1 means activities or events designed to promote  
2 knowledge and understanding of agricultural activities  
3 and practices conducted on a farming operation as  
4 defined in section 165-2;

5 (20) Solar energy facilities that do not occupy more than  
6 ten per cent of the acreage of the parcel, or twenty  
7 acres of land, whichever is lesser or for which a  
8 special use permit is granted pursuant to section  
9 205-6; provided that this use shall not be permitted  
10 on lands with soil classified by the land study  
11 bureau's detailed land classification as overall  
12 (master) productivity rating class A;

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

18 (A) The area occupied by the solar energy facilities  
19 is also made available for compatible  
20 agricultural activities at a lease rate that is



1 at least fifty per cent below the fair market  
2 rent for comparable properties;

3 (B) Proof of financial security to decommission the  
4 facility is provided to the satisfaction of the  
5 appropriate county planning commission before the  
6 date of commencement of commercial generation;  
7 and

8 (C) Solar energy facilities shall be decommissioned  
9 at the owner's expense according to the following  
10 requirements:

11 (i) Removal of all equipment related to the  
12 solar energy facility within twelve months  
13 of the conclusion of operation or useful  
14 life; and

15 (ii) Restoration of the disturbed earth to  
16 substantially the same physical condition as  
17 existed before the development of the solar  
18 energy facility.

19 For the purposes of this paragraph, "agricultural  
20 activities" means the activities described in  
21 paragraphs (1) to (3);



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

3 (23) Hydroelectric facilities, including the appurtenances  
4 associated with the production and transmission of  
5 hydroelectric energy, subject to section 205-2;  
6 provided that the hydroelectric facilities and their  
7 appurtenances:

8 (A) Shall consist of a small hydropower facility as  
9 defined by the United States Department of  
10 Energy, including:

11 (i) Impoundment facilities using a dam to store  
12 water in a reservoir;

13 (ii) A diversion or run-of-river facility that  
14 channels a portion of a river through a  
15 canal or channel; and

16 (iii) Pumped storage facilities that store energy  
17 by pumping water uphill to a reservoir at  
18 higher elevation from a reservoir at a lower  
19 elevation to be released to turn a turbine  
20 to generate electricity;

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



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

7 (D) Do not impact or impede the use of agricultural  
 8 land or the availability of surface or ground  
 9 water for all uses on all parcels that are served  
 10 by the ground water sources or streams for which  
 11 hydroelectric facilities are considered; or

12 (24) Notwithstanding any other law to the contrary,  
 13 composting and co-composting operations; provided that  
 14 operations that process their own green waste and do  
 15 not require permits from the department of health  
 16 shall use the finished composting product only on the  
 17 operation's own premises to minimize the potential  
 18 spread of invasive species."

19 2. By amending subsection (c) to read:

20 "(c) Within the agricultural district, all lands with soil  
 21 classified by the land study bureau's detailed land



1 classification as overall (master) productivity rating class C,  
2 D, E, or U shall be restricted to the uses permitted for  
3 agricultural districts as set forth in section 205-5(b) [-] and  
4 to the uses permitted for farm dwellings and farm employee  
5 housing as set forth in section 205-2(d)(7); provided that  
6 nothing in this section shall be construed to supersede or limit  
7 the counties' authority to regulate zoning, density, building  
8 size, setbacks, or other land use requirements within the  
9 agricultural district."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Agriculture; Agricultural Districts; Zoning; Farm Dwelling; Farm Employee Housing

**Description:**

Clarifies the allowable uses within agricultural districts with respect to farm dwellings and farm employee housing. Effective 7/1/2050. (SD1)

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



## 3c

### c. **HB1713 HD3 SD1 - RELATING TO SCHOOL IMPACT FEES**

Prohibits the Land Use Commission from imposing exactions from a residential development for educational purposes. Repeals school impact fees. Abolishes school impact fee subaccounts within the School Facilities Special Fund and transfers unencumbered balances to the School Facilities Special Fund. Abolishes fair share contribution and impact fee accounts within the Department of Education (“DOE”) Donations - Facilities Trust and transfers unencumbered balances to the School Facilities Special Fund. Provides that any existing educational contribution agreements executed with the DOE or School Facilities Authority before the repeal of school impact fees shall remain in effect. Transfers existing educational contribution agreements from the DOE to the School Facilities Authority. Repeals a requirement for the School Facilities Authority to report to the Legislature. Appropriates funds from the School Facilities Special Fund. Effective 7/1/3000. (SD1)

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=1713&year=2026](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1713&year=2026)

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# A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

1           SECTION 1. The legislature finds that Hawaii faces a  
2 severe housing shortage and that reducing regulatory barriers  
3 and development costs is essential to increasing the supply of  
4 homes. Impact fees can add substantial costs to housing and may  
5 discourage the development of infill units needed within  
6 existing communities.

7           The legislature further finds that the school impact fee  
8 program was designed to ensure that new developments contribute  
9 their fair share toward school facilities needed to support  
10 enrollment growth. The legislature believes that school impact  
11 fees are a burden on aspiring homeowners and renters and the  
12 collection of these fees does not provide a clear benefit to the  
13 community.

14           The purpose of this Act is to:

15           (1) Prohibit the land use commission from imposing  
16                exactions from a residential development for  
17                educational purposes;



- 1           (2) Repeal school impact fees;
- 2           (3) Repeal a requirement for the school facilities
- 3                 authority to report to the legislature;
- 4           (4) Abolish school impact fee subaccounts within the
- 5                 school facilities special fund and transfer
- 6                 unencumbered balances to the school facilities special
- 7                 fund, and establish certain conditions with regard to
- 8                 the transferred funds;
- 9           (5) Abolish the fair share contribution and impact fee
- 10                accounts within the department of education donations
- 11                - facilities trust and transfer unencumbered balances
- 12                to the school facilities special fund;
- 13           (6) Provide that any existing educational contribution
- 14                agreements executed with the department of education
- 15                or school facilities authority before the repeal of
- 16                school impact fees shall remain in effect unless
- 17                mutually terminated;
- 18           (7) Transfer existing educational contribution agreements
- 19                from the department of education to the school
- 20                facilities authority; and



1 (8) Appropriate funds out of the school facilities special  
2 fund for priority education facilities projects,  
3 including the expansion of pre-kindergarten  
4 facilities.

5 SECTION 2. Section 205-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§205-4 Amendments to district boundaries involving land**  
8 **areas greater than fifteen acres.** (a) Any department or agency  
9 of the State, any department or agency of the county in which  
10 the land is situated, or any person with a property interest in  
11 the land sought to be reclassified, may petition the land use  
12 commission for a change in the boundary of a district. This  
13 section applies to all petitions for changes in district  
14 boundaries of lands within conservation districts, lands  
15 designated or sought to be designated as important agricultural  
16 lands, and lands greater than fifteen acres in the agricultural,  
17 rural, and urban districts, except as provided in section  
18 201H-38. The land use commission shall adopt rules pursuant to  
19 chapter 91 to implement section 201H-38.

20 (b) Upon proper filing of a petition pursuant to  
21 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) Any other provision of law to the contrary  
5 notwithstanding, notice of the hearing together with a copy of  
6 the petition shall be served on the county planning commission  
7 and the county planning department of the county in which the  
8 land is located and all persons with a property interest in the  
9 land as recorded in the county's real property tax records. In  
10 addition, notice of the hearing shall be mailed to all persons  
11 who have made a timely written request for advance notice of  
12 boundary amendment proceedings, and public notice shall be given  
13 at least once in the county in which the land sought to be  
14 redistricted is situated as well as once statewide at least  
15 thirty days in advance of the hearing. The notice shall comply  
16 with section 91-9, shall indicate the time and place that maps  
17 showing the proposed district boundary may be inspected, and  
18 further shall inform all interested persons of their rights  
19 under subsection (e).

20 (d) Any other provisions of law to the contrary  
21 notwithstanding, [~~prior to~~] before hearing [~~of~~] a petition, the



1 commission and its staff may view and inspect any land [~~which~~  
2 that is the subject of the petition.

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

6 (1) The petitioner, the office of planning and sustainable  
7 development, and the county planning department shall  
8 in every case appear as parties and make  
9 recommendations relative to the proposed boundary  
10 change;

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

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



1 (4) All other persons may apply to the commission for  
2 leave to intervene as parties. Leave to intervene  
3 shall be freely granted; provided that the commission  
4 or its hearing officer, if one is appointed, may deny  
5 an application to intervene when in the commission's  
6 or hearing officer's sound discretion it appears that:  
7 (A) The position of the applicant for intervention  
8 concerning the proposed change is substantially  
9 the same as the position of a party already  
10 admitted to the proceeding; and  
11 (B) The admission of additional parties will render  
12 the proceedings inefficient and unmanageable.  
13 A person whose application to intervene is denied may  
14 appeal the denial to the circuit court pursuant to  
15 section 91-14; and  
16 (5) The commission, pursuant to chapter 91, shall adopt  
17 rules governing the intervention of agencies and  
18 persons under this subsection. The rules shall  
19 without limitation establish:  
20 (A) The information to be set forth in any  
21 application for intervention;



1 (B) The limits within which applications shall be  
2 filed; and

3 (C) Reasonable filing fees to accompany applications.

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

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



1 such representations, the commission shall issue and serve upon  
2 the party bound by the condition an order to show cause why the  
3 property should not revert to its former land use classification  
4 or be changed to a more appropriate classification. Such  
5 conditions, if any, shall run with the land and be recorded in  
6 the bureau of conveyances.

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

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

4 (k) Notwithstanding any law to the contrary, no petition  
5 or condition imposed by the commission pursuant to this chapter  
6 shall require exactions from a residential development for  
7 educational purposes."

8 SECTION 3. Section 302A-1706, Hawaii Revised Statutes, is  
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) There is established within the state treasury a  
11 special fund to be known as the school facilities special fund  
12 into which shall be deposited:

13 (1) All moneys the authority receives, including funds  
14 appropriated or transferred by the legislature for  
15 deposit into the special fund;

16 ~~[(2) Funds collected pursuant to section 302A-1608(a);~~  
17 ~~provided that these moneys shall be deposited into the~~  
18 ~~appropriate subaccount established pursuant to~~  
19 ~~subsection (b);~~

20 ~~+(3)]~~ (2) Any moneys received by the department in the form  
21 of a grant, gift, endowment, or donation for the



1 development, planning, or construction of new school  
2 facilities or major renovations of school facilities;  
3 and

4 ~~[(4)]~~ (3) All other moneys received by the authority and  
5 not deposited into a trust fund or trust account,  
6 including unrestricted grants, gifts, and donations;  
7 proceeds from sales of property; rents and other  
8 receipts from leases, rights of entry, and the like;  
9 and interest, refunds, and other receipts and  
10 payments.

11 (b) The authority shall establish and appropriately name  
12 subaccounts within the school facilities special fund to accept  
13 deposits of revenues [~~from school impact fees that are required~~  
14 ~~to be expended within a specific school impact district pursuant~~  
15 ~~to section 302A-1608(a) or~~] restricted for a specified purpose  
16 pursuant to part V, subpart B of this chapter."

17 SECTION 4. Chapter 302A, part VI, subpart B, Hawaii  
18 Revised Statutes, is repealed.

19 SECTION 5. Section 46-142.5, Hawaii Revised Statutes, is  
20 repealed.



1           ~~["§46-142.5 School impact districts; new building permit~~  
2 ~~requirements.] No new residential development in a designated~~  
3 ~~school impact district under chapter 302A shall be issued a~~  
4 ~~residential building permit or condominium property regime~~  
5 ~~building permit until the department of education provides~~  
6 ~~written confirmation that the permit applicant has fulfilled its~~  
7 ~~school impact fee requirements. This section shall only apply~~  
8 ~~to new dwelling units."]~~

9           SECTION 6. Act 268, Session Laws of Hawaii 2025, is  
10 amended as follows:

11           1. By amending section 11 to read:

12           ~~"SECTION 11. [No later than December 15, 2026, the school~~  
13 ~~facilities authority shall submit a report to the legislature on~~  
14 ~~its findings, recommendations, and evaluation of the benefits~~  
15 ~~and impacts of subpart B of part VI of chapter 302A, Hawaii~~  
16 ~~Revised Statutes, as amended by this Act. The report shall~~  
17 ~~include: (1) The authority's efforts and progress in addressing~~  
18 ~~the recommendations set forth in auditor's report no. 19-13; (2)~~  
19 ~~A thorough review of the currently established impact fee~~  
20 ~~districts; and (3) An assessment of the need for new school~~  
21 ~~construction based on demographic projections over the next~~



1 ~~twenty-five years, as provided by the state land use~~  
2 ~~commission.] Repealed."~~

3 2. By amending section 14 to read:

4 "SECTION 14. This Act shall take effect upon its approval,  
5 and shall apply to new residential developments permitted or  
6 approved on or before June 30, 2029[~~; provided that this Act~~  
7 ~~shall be repealed on July 1, 2029, and sections 302A-1601, 302A-~~  
8 ~~1602, 302A-1603, 302A-1606, 302A-1607, 302A-1608, 302A-1609,~~  
9 ~~302A-1611, and 302A-1612, Hawaii Revised Statutes, shall be~~  
10 ~~reenacted in the form in which they read prior to the effective~~  
11 ~~date of this Act]."~~

12 SECTION 7. The school impact fees subaccounts within the  
13 school facilities special fund under section 302A-1706, Hawaii  
14 Revised Statutes, are abolished, and any unencumbered balance  
15 remaining shall lapse to the school facilities special fund;  
16 provided that the funds shall be:

- 17 (1) Used within the school impact district for which the  
18 funds were collected to provide new or expanded school  
19 facilities serving students residing within that  
20 school impact district; or



1           (2) Refunded to the developer if collected as a fee in  
2           lieu or a construction cost component impact fee and  
3           remain unexpended twenty years after the date of  
4           collection.

5 The school facilities authority shall administer these funds in  
6 accordance with applicable law and ensure that expenditures  
7 remain reasonably proportionate to the impacts generated within  
8 the district.

9           SECTION 8. The following fair share contribution and  
10 impact fee accounts within the donations - facilities trust (EDN  
11 400), are abolished and any unencumbered balance remaining shall  
12 lapse to the school facilities special fund under section 302A-  
13 1706, Hawaii Revised Statutes; provided that the lapsed  
14 contributions shall only be used within the same complex in  
15 which the contributions were originally collected:

- 16           (1) Pearl City complex (account number: 10800);
- 17           (2) Aiea complex (account number: 10801);
- 18           (3) Kaimuki complex (account number: 10802);
- 19           (4) Kaiser complex (account number: 10803);
- 20           (5) Kapolei complex (account number: 10804);



- 1 (6) Maili Kai - Maili elementary trust (account number:  
2 10805);
- 3 (7) Maili Kai - Waianae trust (account number: 10806);
- 4 (8) Baldwin complex (account number: 10807);
- 5 (9) Lahainaluna complex (account number: 10808);
- 6 (10) Maui high school complex (account number: 10809);
- 7 (11) Kealakehe complex (account number: 10810);
- 8 (12) Kalihi to Ala Moana construction (account number:  
9 10811);
- 10 (13) Kalihi to Ala Moana land (account number: 10812);
- 11 (14) Leeward construction (account number: 10813);
- 12 (15) Leeward land (account number: 10814);
- 13 (16) Central Maui construction (account number: 10815);
- 14 (17) Central Maui land (account number: 10816);
- 15 (18) West Maui construction (account number: 18817); and
- 16 (19) West Maui land (account number: 10818).

17 SECTION 9. There is appropriated out of the school  
18 facilities special fund the sum of \$ or so much  
19 thereof as may be necessary for fiscal year 2026-2027 for  
20 priority education facilities projects, including the expansion  
21 of pre-kindergarten facilities.



1           The sum appropriated shall be expended by the school  
2 facilities authority for the purposes of this Act.

3           SECTION 10. Notwithstanding any law to the contrary, any  
4 existing educational contribution agreements or written  
5 agreements executed with the department of education or the  
6 school facilities authority pursuant to chapter 302A, part VI,  
7 subpart B, Hawaii Revised Statutes, before its repeal by this  
8 Act shall remain in effect unless the parties to such an  
9 agreement mutually agree to terminate the agreement.

10          SECTION 11. All deeds, leases, contracts, loans,  
11 agreements, permits, or other documents relating to educational  
12 contribution agreements executed or entered into by or on behalf  
13 of the department of education, pursuant to conditions of  
14 approval or other decisions made by the land use commission  
15 pursuant to section 205-4, Hawaii Revised Statutes, and  
16 colloquially known as fair share contributions, shall remain in  
17 full force and effect. Effective July 1, 2026, every reference  
18 to the department of education, board of education, chairperson  
19 of the board of education, or superintendent of education  
20 relating to the fair share contributions in those deeds, leases,  
21 contracts, loans, agreements, permits, or other documents shall



1 be construed as a reference to the school facilities authority,  
2 executive director of the school facilities authority, school  
3 facilities board, or chairperson of the school facilities board,  
4 as appropriate; provided that any land dedication part of the  
5 fair share contributions that has not yet been conveyed to the  
6 department of education shall be conveyed to the school  
7 facilities authority; provided further that any parcels of land  
8 already conveyed to the department of education as part of the  
9 fair share contributions shall be transferred to the school  
10 facilities authority by operation of law.

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

13 SECTION 13. This Act shall take effect on July 1, 3000.



**Report Title:**

DOE; LUC; School Facilities Authority; School Impact Fees; Repeal; Fair Share Contribution Accounts; Impact Fee Accounts; Educational Contribution Agreements; Transfer; School Facilities Special Fund; Appropriation

**Description:**

Prohibits the Land Use Commission from imposing exactions from a residential development for educational purposes. Repeals school impact fees. Abolishes school impact fee subaccounts within the School Facilities Special Fund and transfers unencumbered balances to the School Facilities Special Fund. Abolishes fair share contribution and impact fee accounts within the DOE Donations - Facilities Trust and transfers unencumbered balances to the School Facilities Special Fund. Provides that any existing educational contribution agreements executed with the Department of Education or School Facilities Authority before the repeal of school impact fees shall remain in effect. Transfers existing educational contribution agreements from the Department of Education to the School Facilities Authority. Repeals a requirement for the School Facilities Authority to report to the Legislature. Appropriates funds from the School Facilities Special Fund. Effective 7/1/3000. (SD1)

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



**Approval of Meeting Minutes for March 11, 2026**

Meeting Minutes will be available at:

<https://files.hawaii.gov/luc/meetings/minutes/2026/2026-03-11.pdf>

LAND USE COMMISSION  
MEETING MINUTES  
March 11, 2026 – 10:00 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/aOuo78Vq89I>

COMMISSIONERS PRESENT:

Brian Lee  
Bruce U'u  
Kuike Kamakea-Ōhelo (zoom)  
Mel Kahele (zoom)  
Myles Miyasato  
Nancy Carr Smith (zoom)

STAFF PRESENT:

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

COMMISSIONERS ABSENT:

Ken Hayashida  
Michael Yamane

COURT REPORTER:

Naegeli Deposition and Trial  
(Via Zoom Recording)

**1. CALL TO ORDER** (YouTube: 00:00:00 - 00:03:17)

Chair Lee called the meeting to order at 10:00 a.m.

**2. INFORMATIONAL BRIEFING: OVERVIEW OF STATE CLIMATE AND SUSTAINABILITY MANDATES AND BRIEF OVERVIEW OF ACT 187, SESSION LAWS HAWAII (“SLH”) 2025: INTEGRATED LAND USE STUDY** (YouTube: 00:03:18 - 01:07:13)

There was no written or oral testimony on this item.

Presentation by Danielle Bass, State Sustainability Coordinator with the Office of Planning and Sustainable Development (“OPSD”), provided an informational briefing on Hawaii’s climate and sustainability mandates and a brief overview of Act 187, SLH 2025, which directs OPSD to conduct a statewide integrated land use study. Ms. Bass explained that the State has 24 climate and sustainability mandates enacted into law, with benchmark dates ranging from 2020 through 2050, addressing greenhouse gas reduction, renewable energy, energy efficiency, local food production and procurement, zero-emission vehicles, net-zero energy, water reuse, and cesspool conversion. She also explained that Act 187 authorizes a statewide integrated land use study to evaluate land capacity needed to meet the State’s sustainability, agriculture, housing, and clean energy goals. The study will focus primarily on agricultural lands and is intended to provide a data-driven foundation to help policymakers better understand competing land demands and support future decision-making. She also noted that the study experienced delays due to late release of funding.

Commissioners asked questions regarding the delayed legislative report, staffing for the study, whether affordable housing would be included, and whether the study would examine land use issues by county. Commissioners also asked how emissions, renewable energy, housing, and agricultural uses would be balanced on agricultural lands, and whether the study would address related issues such as waste management. During the discussion, several commissioners referred to the mandates as ambitious goals and raised concerns about whether the timelines were realistic or achievable without clearer enforcement, better coordination, and additional resources.



Commissioners further discussed the practical challenges of meeting the State's food production and farm-to-state requirements, including limited slaughterhouse capacity, shipping costs, feed costs, lack of local processing infrastructure, aging farmers, workforce development, access to land and water, lease insecurity on agricultural lands, and the need for stronger incentives and partnerships with farmers and large landowners. Questions were also raised regarding school food procurement, the new Wahiawā regional kitchen facility, cesspool conversion assistance, and how implementation of climate and sustainability mandates could be carried out equitably without disproportionately burdening lower-income residents. Commissioner Kamakea-'Ōhelo noted that these are mandates established by law, rather than aspirational goals, and emphasized the need for adequate funding, accountability, and enforcement.

### **3. APPROVAL OF MINUTES FOR JANUARY 7, 2026** *(YouTube: 01:07:14 - 01:08:32)*

There was no written or oral testimony on this item.

Commissioner U'u moved to adopt the minutes, and Commissioner Miyasato seconded the motion. The minutes were approved with 6 ayes, 2 absent and 0 nays.

### **4. TENTATIVE MEETING SCHEDULE** *(YouTube: 01:08:33 - 01:09:34)*

The Executive Officer provided the following tentative meeting dates:

March 25, 2026: SP92-380 Hawaiian Cement Pu'unēnē Quarry (Maui)

April 8, 2026: A92-683 Haseko (O'ahu)

April 22, 2026: DR21-73 Hono'ipu Hideaway LLC (Hawai'i)

May 13, 2026: SP AES Solar (Kaua'i)

May 14, 2026: A89-636 Grove Farm Properties, Inc (Kaua'i)

### **5. ADJOURNMENT** *(YouTube: 01:09:35 - 01:09:48)*

With no further business, the Chair adjourned the meeting at 11:10 a.m.