

JAN 20 2017

---

# A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1           SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3           " [f] (f) [f] Notwithstanding any other law to the contrary,  
4 agricultural lands may be subdivided and leased for the  
5 agricultural uses or activities permitted in subsection (a);  
6 provided that:

7           (1) The principal use of the leased land is agriculture;

8           (2) No permanent or temporary dwellings or farm dwellings,  
9 including trailers and campers, are constructed on the  
10 leased area. This restriction shall not prohibit the  
11 construction of storage sheds, equipment sheds, or  
12 other structures appropriate to the agricultural  
13 activity carried on within the lot; [and]

14           (3) The lease term for a subdivided lot shall be for at  
15 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 (4) Upon subdivision and lease, the owner or occupier  
6 shall provide written notice to the appropriate county  
7 fire department and county building permitting agency  
8 of the agricultural uses or activities for which the  
9 agricultural lands were subdivided and leased. Such  
10 written notification shall be provided to the county  
11 agencies within thirty days of the subdivision and  
12 lease. At the sole discretion of the appropriate  
13 county building permitting agency, such failure to  
14 provide written notice may void the subdivision or  
15 lease, or both; and
- 16 (5) The appropriate state and county agencies shall have  
17 the implicit right to enter the property, upon  
18 reasonable notice to the owner or occupier, to  
19 investigate for violations of and compliance with the  
20 requirements of this subsection.



1 Lots created and leased pursuant to this section shall be legal  
2 lots of record for mortgage lending purposes and shall be exempt  
3 from county subdivision standards."

4 SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: *St. Pierre*

*Michelle*  
*Anne Mercedes Ki*  
*Heather J*  
*Will Egan*  
*John M*  
*Breanne Smith*  
*Francis J. Frouge*



# S.B. NO. 648

**Report Title:**

Agricultural Lands; Permissive Uses; Subdivision; Right to Enter; Notice

**Description:**

Requires an owner or occupier to provided notice to county agencies when subdividing and leasing agricultural land. Grants county and state agencies the implicit right to enter property to investigate for violations of and compliance with agricultural subdivision and lease qualifications.

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

