



GOV. MSG. NO. 1202

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

June 25, 2021

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 25, 2021, the following bill was signed into law:

SB489 HD1 CD1

RELATING TO AGRICULTURAL BUILDINGS  
**ACT 100 (21)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

Approved by the Governor

on JUN 25 2021

THE SENATE  
THIRTY-FIRST LEGISLATURE, 2021  
STATE OF HAWAII

**ACT 100**  
**S.B. NO.** 489  
H.D. 1  
C.D. 1

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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDINGS.

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

1           SECTION 1. Section 46-88, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) Notwithstanding any law to the contrary, the  
4 following agricultural buildings, structures, and appurtenances  
5 thereto that are not used as dwellings or lodging units are  
6 exempt from building permit and building code requirements where  
7 they are no more than one thousand square feet in floor area:

8           (1) Nonresidential manufactured pre-engineered commercial  
9 buildings and structures;

10          (2) Single stand alone recycled ocean shipping or cargo  
11 containers that are used as nonresidential commercial  
12 buildings and are properly anchored;

13          (3) Notwithstanding the one thousand square foot floor  
14 area restriction, agricultural shade cloth structures,  
15 cold frames, or greenhouses not exceeding ~~twenty~~  
16 sixty thousand square feet in area per structure;  
17 provided that where multiple structures are erected,  
18 the minimum horizontal separation between each shade



1 cloth structure, cold frame, or greenhouse is fifteen  
2 feet;

3 (4) Aquacultural or aquaponics structures, including  
4 above-ground water storage or production tanks,  
5 troughs, and raceways with a maximum height of six  
6 feet above grade, and in-ground ponds and raceways,  
7 and piping systems for aeration, carbon dioxide, or  
8 fertilizer or crop protection chemical supplies within  
9 agricultural or aquacultural production facilities;

10 (5) Livestock watering tanks, water piping and plumbing  
11 not connected to a source of potable water, or  
12 separated by an air gap from such a source;

13 (6) Non-masonry fences not exceeding ten feet in height  
14 and masonry fences not exceeding six feet in height;

15 (7) One-story masonry or wood-framed buildings or  
16 structures with a structural span of less than  
17 twenty-five feet and a total square footage of no more  
18 than one thousand square feet, including farm  
19 buildings used as:

20 (A) Barns;

21 (B) Greenhouses;



- 1 (C) Farm production buildings including aquaculture
- 2 hatcheries and plant nurseries;
- 3 (D) Storage buildings for farm equipment or plant or
- 4 animal supplies or feed; or
- 5 (E) Storage or processing buildings for crops;
- 6 provided that the height of any stored items
- 7 shall not collectively exceed twelve feet in
- 8 height;
- 9 (8) Raised beds containing soil, gravel, cinders, or other
- 10 growing media or substrates with wood, metal, or
- 11 masonry walls or supports with a maximum height of
- 12 four feet;
- 13 (9) Horticultural tables or benches no more than four feet
- 14 in height supporting potted plants or other crops; and
- 15 (10) Nonresidential indigenous Hawaiian hale that do not
- 16 exceed five hundred square feet in size, have no
- 17 kitchen or bathroom, and are used for traditional
- 18 agricultural activities or education;
- 19 provided that the buildings, structures, and appurtenances
- 20 thereto comply with all applicable state and county zoning
- 21 codes. "



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

3           SECTION 3. This Act shall take effect on January 1, 2022.

APPROVED this 25 day of JUN, 2021



GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: April 27, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate

SB No. 489, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives