STAND. COM. REP. NO. 1590

Honolulu, Hawaii

#### APR 0 9 2021

RE: H.B. No. 247 S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committees on Commerce and Consumer Protection and Ways and Means, to which was referred H.B. No. 247, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to amend certain land subdivision and condominium property regime laws related to agricultural land, as recommended pursuant to Act 278, Session Laws of Hawaii 2019, to ensure condominium property regime projects within the agricultural district are used for agricultural purposes.

Your Committees received testimony in support of this measure from the Department of Agriculture, Office of Planning, Real Estate Commission, City and County of Honolulu Department of Planning and Permitting, Hawai'i Farm Bureau, Ulupono Initiative, and two individuals. Your Committees received testimony in opposition to this measure from Island Banana Bread; We Are One Ministries; Mala O Ka Pono, LLC; fifty-two individuals; and a petition signed by over one thousand individuals.

Your Committees find that Act 278, Session Laws of Hawaii 2019 (Act 278), required the Office of Planning, in consultation with a number of other state agencies, to conduct a study of land subdivision and condominium property regime laws as they relate to agricultural land on Oahu and how these laws interact with certain

City and County of Honolulu zoning ordinances. The goals of the stakeholder group convened pursuant to Act 278 were to keep suitable agricultural lands for agriculture; support farmers and farming; keep agricultural lands affordable for farming; enable long-term access to agricultural lands for farmers; and minimize the subdivision of and the creation of condominium property regimes on productive agricultural lands except for bona fide agricultural reasons. This measure reflects consensus language recommended by the stakeholders pursuant to Act 278 to establish statewide amendments to existing law to ensure that agricultural lands are used primarily for productive agricultural purposes and allow greater county enforcement.

Your Committees note the concerns raised in testimony that this measure, as currently drafted, unreasonably restricts small family-operated farms and may have the unintended consequence of impeding the creation of affordable housing options, particularly on the neighbor islands where most residents live on agricultural Therefore, amendments to this measure are necessary to address these concerns.

Your Committees have amended this measure by:

- (1) Clarifying that the required verified statement concerning the applicant's assessment and county comments regarding the availability of supportive infrastructure, potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules, shall apply only for projects containing greater than five units; and
- (2) Inserting an effective date of July 1, 2021.

As affirmed by the records of votes of the members of your Committees on Commerce and Consumer Protection and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 247, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 247, S.D. 2.

Respectfully submitted on behalf of the members of the Committees on Commerce and Consumer Protection and Ways and Means,

DONOVAN M. DELA CRUZ, Cha

ROSALYN H. BAKER, Chair

### The Senate Thirty-First Legislature State of Hawai'i

# Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:* HB247 SDI	Committee AEN/W	Referrat:	Dai	te: 04.07. 7	W21				
The Committee is reconsidering its previous decision on this measure.									
If so, then the previous decision was to:									
The Recommendation is:									
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313									
Members		Aye	Aye (WR)	Nay	Excused				
BAKER, Rosalyn H. (C)									
CHANG, Stanley (VC)									
MISALUCHA, Bennette E.					_				
NISHIHARA, Clarence K.		/							
RIVIERE, Gil		/.							
SAN BUENAVENTURA, Joy A	١.	/,							
FEVELLA, Kurt									
		_							
		- <u>-</u>							
		-							
TOTAL		7		—					
Recommendation:  Adopted  Not Adopted									
Chair's or Designee's Signature:  Cheene R Reshiha									
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy									

\*Only one measure per Record of Votes

### The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Ways and Means WAM

Bill / Resolution No.:*	Committee Referral:		Date:					
48 247 SD 1	AEN/WTL, CPN/WAM			4/7/21				
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (W	R)	Nay	Excused		
DELA CRUZ, Donovan M. (C)		×						
KEITH-AGARAN, Gilbert S.C. (VC)		X						
ENGLISH, J. Kalani		X						
INOUYE, Lorraine R.		Х						
KANUHA, Dru Mamo		X						
KIDANI, Michelle N.						×		
MORIWAKI, Sharon Y.		X						
SHIMABUKURO, Maile S.L.						X		
TANIGUCHI, Brian T.		X						
WAKAI, Glenn						X		
FEVELLA, Kurt		X				<del></del>		
			ļ					
	<del> </del>	· 	<u></u>					
	-		<u> </u>	_				
· · · · · · · · · · · · · · · · · · ·								
				<del>-</del>				
TOTAL		8				3		
Recommendation:   Adopted  Not Adopted								
Chair's or Designee's Signature:								
De Schol-agar								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

\*Only one measure per Record of Votes