

STAND. COM. REP. NO.

658

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 186

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

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 186 entitled:

"A BILL FOR AN ACT RELATING TO RESTRICTIONS ON AGRICULTURAL USES AND ACTIVITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the enforcement of a re-recorded homeowners' association restriction if the restriction prohibits bona fide agricultural uses and activities on agricultural land.

Your Committee received testimony in support of this measure from the Department of Agriculture, Office of Planning, Hawai'i Farm Bureau, and Wootens Produce of Kauai.

Your Committee finds that subdivisions of agricultural lands have significantly increased over the past few decades, and homeowners' associations, which govern those subdivisions, have imposed restrictions that limit bona fide agricultural uses on agricultural lands. Restrictive covenants that limit agricultural uses on agricultural lands undermine the State's interest in protecting and preserving agricultural resources and promoting self-sufficiency. Thus, this measure is needed to prevent the restriction of agricultural uses and activities on lots within state agricultural districts. This measure also clarifies that renewed contracts restricting agricultural uses and activities



within agricultural lands are considered new contracts and are therefore voidable, under certain circumstances.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 186 and recommends that it pass Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce and  
Consumer Protection,



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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.:*	Committee Referral:	Date:
SB 186	AEN, CPN	02/24/2021

The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312       Pass, with amendments 2311       Hold 2310       Recommit 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.	/			
FEVELLA, Kurt	/			
<b>TOTAL</b>	7	—	—	—

Recommendation:  Adopted       Not Adopted

Chair's or Designee's Signature:  
*Clarence K. Nishihara*

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\*Only one measure per Record of Votes