

JAN 21 2022

A BILL FOR AN ACT

RELATING TO AGRICULTURAL BUILDINGS.

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

1 SECTION 1. The legislature finds that Act 114, Session
2 Laws of Hawaii 2012, was enacted to assist the local agriculture
3 industry by providing an exemption from county building permit
4 and county building code requirements for certain structures on
5 commercial farms and ranches. In passing this Act, the
6 legislature found that existing building codes and permitting
7 processes were "overly burdensome to the State's commercial
8 agricultural and aquaculture industries and add substantial time
9 and costs to establishing or expanding farming and ranching
10 enterprises in the State."

11 However, the legislature also finds that some persons and
12 entities have abused this exemption by using it to construct
13 buildings or structures that, while constructed on
14 agriculturally zoned lands, either are not used for agricultural
15 purposes or have only nominal agricultural purposes. For
16 example, certain structures built using these exemptions
17 function as dwellings and are not used for agricultural



1 purposes. The legislature finds that these abuses violate the
2 spirit of the law and should be addressed. Further, the
3 legislature believes that clarifying that this exemption applies
4 only to buildings that are used exclusively for agricultural
5 purposes will assist county officials in enforcing county
6 building permit and building code requirements.

7 Accordingly, the purpose of this Act is to clarify that the
8 exemption from building permit and building code requirements
9 for agricultural buildings applies only to buildings used
10 exclusively for agricultural or aquacultural purposes.

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

13 "(d) As used in this section:

14 "Agricultural building" means a development, including a
15 nonresidential building or structure, built exclusively for
16 agricultural or aquacultural purposes, located on a commercial
17 farm or ranch constructed or installed to house farm or ranch
18 implements, agricultural or aquacultural feeds or supplies, used
19 in or necessary for the operation of the farm or ranch, and for
20 the production, harvesting, storage, raising, or drying of
21 livestock, poultry, or other agricultural or aquacultural



1 products[, ~~used in or necessary for the operation of the farm or~~
2 ~~ranch, or for the processing and selling of farm or ranch~~
3 ~~products~~]. The term does not include:

4 (1) Buildings used for human habitation, whether as a
5 permanent residence or as a temporary or seasonal
6 living quarters;

7 (2) Buildings used by the public, such as a place of
8 employment or entertainment; and

9 (3) Buildings with multiple or mixed uses where one or
10 more use does not meet the definition of "agricultural
11 building" as used in this section.

12 "Agricultural operation" means the planting, cultivating,
13 harvesting, processing, or storage of crops, including those
14 planted, cultivated, harvested, and processed for food,
15 ornamental, grazing, feed, or forestry purposes, as well as the
16 feeding, breeding, management, and sale of animals including
17 livestock, poultry, honeybees, and their products.

18 "Appurtenance" means an object or device in, on, or
19 accessory to a building or structure, and which enhances or is
20 essential to the usefulness of the building or structure,
21 including but not limited to work benches, horticultural and



1 floricultural growing benches, aquacultural, aquaponic, and
2 hydroponic tanks, raceways, troughs, growbeds, and filterbeds,
3 when situated within a structure.

4 "Aquacultural operation" means the propagation,
5 cultivation, farming, harvesting, processing, and storage of
6 aquatic plants and animals in controlled or selected
7 environments for research, commercial, or stocking purposes and
8 includes aquaponics or any growing of plants or animals in or
9 with aquaculture effluents.

10 "Development" means any manmade change to improved or
11 unimproved real estate, including but not limited to buildings
12 or other structures, mining, dredging, filling, grading, paving,
13 excavation or drilling operations, or storage of equipment or
14 materials.

15 "Dwelling" means a structure, or part of a structure, which
16 is used as a home, residence, or sleeping place by one person or
17 by two or more persons maintaining a common household, to the
18 exclusion of all others.

19 "Manufactured pre-engineered commercial building or
20 structure" means a building or structure whose specifications



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1 comply with appropriate county codes, and have been pre-approved
2 by a county or building official.

3 "Nonresidential building or structure" means a building or
4 structure, including an agricultural building, that is used only
5 for agricultural or aquacultural operations and is not intended
6 for use as, or used as, a dwelling."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13
INTRODUCED BY: 



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Report Title:

Counties; Agricultural Building; Definition

Description:

Amends the definition of "agricultural building" for purposes of section 46-88, HRS, to clarify that "agricultural building" means a development built exclusively for agricultural or aquacultural purposes. Clarifies that buildings used for human habitation; buildings used by the public, such as a place of employment or entertainment; and buildings with multiple or mixed uses where one or more uses do not meet the definition of agricultural building, are not agricultural buildings.

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