

GOV. MSG. NO. (322

#### EXECUTIVE CHAMBERS KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D. GOVERNOR KE KIA'ĀINA

July 5, 2023

The Honorable Ronald D. Kouchi President of the Senate, and Members of the Senate Thirty-Second State Legislature State Capitol, Room 409 Honolulu, Hawai'i 96813 The Honorable Scott K. Saiki Speaker, and Members of the House of Representatives Thirty-Second 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 July 5, 2023, the following bill was signed into law:

HB615 HD1 SD1

RELATING TO RESTRICTIONS ON AGRICULTURAL USES AND ACTIVITIES. ACT 219

Sincerely,

Green M.D.

Josh Green, M.D. Governor, State of Hawaiʻi

### Approved by the Governor

STATE OF HAWAII

on

JUL 5 2023

HOUSE OF REPRESENTATIVES

THIRTY-SECOND LEGISLATURE, 2023

ACT 219

1

H.B. NO. <sup>615</sup> H.D. 1 S.D. 1

# A BILL FOR AN ACT

RELATING TO RESTRICTIONS ON AGRICULTURAL USES AND ACTIVITIES.

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

SECTION 1. Section 205-4.6, Hawaii Revised Statutes, is 1 amended by amending subsection (a) to read as follows: 2 "(a) Agricultural uses and activities as defined in 3 sections 205-2(d) and 205-4.5(a) on lands classified as 4 agricultural shall not be restricted by any private agreement 5 contained in any: 6 Deed, agreement of sale, or other conveyance of land 7 (1)recorded in the bureau of conveyances after July 8, 8 2003, that subjects the agricultural lands to any 9 servitude, including but not limited to covenants, 10 easements, or equitable and reciprocal negative 11 servitudes; provided that any private agreement 12 contained in a conveyance of land recorded on or 13 before July 8, 2003, that: 14 Limits or prohibits agricultural use or activity; 15 (A)

16

2023-2595 HB615 SD1 SMA.docx

and

H.B. NO. <sup>615</sup> H.D. 1 S.D. 1

1		(B) Is renewed and recorded in the bureau of
2		conveyances after July 8, 2003,
3		shall be considered a new private agreement that is
. 4		subject to the prohibition on agricultural use and
5		activity restrictions under this section; provided
6		further that any provision in a private agreement
7		contained in a conveyance of land recorded on or
8		before July 8, 2003, that limits or prohibits
9		agricultural use or activity and has since expired but
10	· .	has not been renewed and recorded in the bureau of
11		conveyances shall be void; and
12	(2)	Condominium declaration, map, bylaws, and other
13		documents executed and submitted in accordance with
14		chapter 514B or any predecessor thereto.
15	Any private restriction limiting or prohibiting agricultural use	
16	or activity shall be voidable, subject to special restrictions	
17	enacted by the county ordinance pursuant to section 46-4; except	
18	that restrictions taken to protect environmental or cultural	
19	resources, agricultural leases, utility easements, and access	
20	easements shall not be subject to this section."	
21	SECT	ION 2. New statutory material is underscored.

# 2023-2595 HB615 SD1 SMA.docx

2

1

2

H.B. NO. <sup>615</sup> H.D. 1 s.D. 1

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

APPROVED this 5th day of July , 2023

) . L. Sneer

GOVERNOR OF THE STATE OF HAWAII

2023-2595 HB615 SD1 SMA.docx

### HB No. 615, HD 1, SD 1

### THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2023 Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.

(Jan

Scott K. Saiki Speaker House of Representatives

Mili, lette

Brian L. Takeshita Chief Clerk House of Representatives

H.B. No. 615, H.D. 1, S.D. 1

## THE SENATE OF THE STATE OF HAWAI'I

Date: April 11, 2023 Honolulu, Hawai'i 96813

Í

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate

of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.

President of the Senate

Clerk of the Senate