
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that the State is
2 constitutionally required to conserve and protect agricultural
3 lands, promote diversified agriculture, increase agricultural
4 self-sufficiency, and assure the availability of agriculturally
5 suitable lands. To fulfill this mandate, the legislature
6 established policies and incentives for the designation of lands
7 as important agricultural lands. Important agricultural lands
8 are those lands that:

- 9 (1) Are capable of producing sustained high agricultural
10 yields when treated and managed according to accepted
11 farming methods and technology;
- 12 (2) Contribute to the State's economic base and produce
13 agricultural commodities for export or local
14 consumption; or
- 15 (3) Are needed to promote the expansion of agricultural
16 activities and income for the future, even if
17 currently not in production.



1 As of September 4, 2020, 136,489 acres have been designated
2 as important agricultural lands across the State. The
3 predominant agricultural uses on these lands include coffee,
4 taro, biomass production for renewable energy, cattle ranching,
5 and diversified crops. There are many incentives for important
6 agricultural lands, including the authority to develop farm
7 dwellings and employee housing on the lands, a refundable tax
8 credit, a loan guaranty, and expedited processing.

9 The legislature however finds that there may be individuals
10 who abuse the important agricultural land designation system for
11 its incentives. Individuals who use their important
12 agricultural lands for unintended purposes are undermining the
13 State's objective to support a diversity of agricultural
14 activities and opportunities that expand agricultural income and
15 job opportunities and increase agricultural self-sufficiency for
16 current and future generations. The legislature believes that
17 those who exploit their important agricultural lands designation
18 for personal or financial gain should be subjected to enhanced
19 penalties.

20 Accordingly, the purpose of this Act is to:



1 (1) Increase the fines for violations of land use laws;
2 and

3 (2) Impose enhanced fines for developers and owners of
4 important agricultural lands who repeatedly use the
5 lands for unintended purposes.

6 SECTION 2. Section 205-13, Hawaii Revised Statutes, is
7 amended by amending subsections (a) and (b) to read as follows:

8 "[+] (a) [+] Any person who violates any provision [~~under~~
9 ~~section 205-4.5,~~] of this chapter, or any [~~regulation~~] rule
10 established relating thereto, shall be fined [~~not~~] no more than
11 \$5,000 [~~, and any person who violates any other provision of this~~
12 ~~chapter, or any regulation established relating thereto, shall~~
13 ~~be fined not more than \$1,000.];~~

14 provided that when important agricultural lands are not being
15 used as intended under this chapter, the developers and owners
16 of the important agricultural lands shall be fined:

17 (1) For a second violation, \$20,000; and

18 (2) For a third or subsequent violation, \$30,000.

19 [+] (b) [+] If any person cited for a violation under this
20 chapter fails to remove [~~such~~] the violation within six months
21 of [~~such~~] the citation and the violation continues to exist,



1 [such] the person shall be subject to a citation for a new and
2 separate violation. [~~There shall be a fine of not more than~~
3 ~~\$5,000 for any additional violation.~~"]

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

10

INTRODUCED BY:

Elle Cochran

JAN 22 2024



H.B. NO. 2505

Report Title:

Land Use; Important Agricultural Lands; Fines

Description:

Increases the fines for violations of land use laws. Imposes enhanced fines for developers and owners of important agricultural lands who repeatedly use the lands for unintended purposes.

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