

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1134

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

May 26, 2026

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine K. Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on May 26, 2026, the following bill was signed into law:

H.B. NO. 1737, H.D. 3, S.D. 2,
C.D. 1

RELATING TO FARM EMPLOYEE HOUSING.
ACT 034

Mahalo,

A handwritten signature in black ink that reads "Josh Green M.D." in a cursive style.

Josh Green, M.D.
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO FARM EMPLOYEE HOUSING.

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

- 1 SECTION 1. Section 205-2, Hawaii Revised Statutes, is
- 2 amended by amending subsection (d) to read as follows:
- 3 "(d) Agricultural districts shall include:
- 4 (1) Activities or uses as characterized by the cultivation
- 5 of crops, crops for bioenergy, orchards, forage, and
- 6 forestry;
- 7 (2) Farming activities or uses related to animal husbandry
- 8 and game and fish propagation;
- 9 (3) Aquaculture, which means the production of aquatic
- 10 plant and animal life within ponds and other bodies of
- 11 water;
- 12 (4) Wind-generated energy production for public, private,
- 13 and commercial use;
- 14 (5) Biofuel production, as described in section
- 15 205-4.5(a)(16), for public, private, and commercial
- 16 use;
- 17 (6) Solar energy facilities; provided that:



- 1 (A) This paragraph shall apply only to land with soil
2 classified by the land study bureau's detailed
3 land classification as overall (master)
4 productivity rating class B, C, D, or E; and
- 5 (B) Solar energy facilities placed within land with
6 soil classified as overall productivity rating
7 class B or C shall not occupy more than ten per
8 cent of the acreage of the parcel, or twenty
9 acres of land, whichever is lesser, unless a
10 special use permit is granted pursuant to section
11 205-6;
- 12 (7) Bona fide agricultural services and uses that support
13 the agricultural activities of the fee or leasehold
14 owner of the property and accessory to any of the
15 above activities, regardless of whether conducted on
16 the same premises as the agricultural activities to
17 which they are accessory, including farm dwellings and
18 farm employee housing as defined in section
19 205-4.5(a)(4), [~~employee housing,~~] farm buildings,
20 mills, storage facilities, processing facilities,
21 photovoltaic, biogas, and other small-scale renewable



1 energy systems producing energy solely for use in the
2 agricultural activities of the fee or leasehold owner
3 of the property, agricultural-energy facilities as
4 defined in section 205-4.5(a)(17), vehicle and
5 equipment storage areas, and plantation community
6 subdivisions as defined in section 205-4.5(a)(12);
7 (8) Wind machines and wind farms;
8 (9) Small-scale meteorological, air quality, noise, and
9 other scientific and environmental data collection and
10 monitoring facilities occupying less than one-half
11 acre of land; provided that these facilities shall not
12 be used as or equipped for use as living quarters or
13 dwellings;
14 (10) Agricultural parks;
15 (11) Agricultural tourism conducted on a working farm, or a
16 farming operation as defined in section 165-2, for the
17 enjoyment, education, or involvement of visitors;
18 provided that the agricultural tourism activity is
19 accessory and secondary to the principal agricultural
20 use and does not interfere with surrounding farm
21 operations; provided further that this paragraph shall



1 apply only to a county that has adopted ordinances
2 regulating agricultural tourism [~~under~~] pursuant to
3 section 205-5;

4 (12) Agricultural tourism activities, including overnight
5 accommodations of twenty-one days or less, for any one
6 stay within a county; provided that this paragraph
7 shall apply only to a county that includes at least
8 three islands and has adopted ordinances regulating
9 agricultural tourism activities pursuant to section
10 205-5; provided further that the agricultural tourism
11 activities coexist with a bona fide agricultural
12 activity. For the purposes of this paragraph, "bona
13 fide agricultural activity" means a farming operation
14 as defined in section 165-2;

15 (13) Open area recreational facilities;

16 (14) Geothermal resources exploration and geothermal
17 resources development, as defined under section 182-1;

18 (15) Agricultural-based commercial operations registered in
19 Hawaii, including:

20 (A) A roadside stand that is not an enclosed
21 structure, owned and operated by a producer for



1 the display and sale of agricultural products
2 grown in Hawaii and value-added products that
3 were produced using agricultural products grown
4 in Hawaii;

5 (B) Retail activities in an enclosed structure owned
6 and operated by a producer for the display and
7 sale of agricultural products grown in Hawaii,
8 value-added products that were produced using
9 agricultural products grown in Hawaii, logo items
10 related to the producer's agricultural
11 operations, and other food items;

12 (C) A retail food establishment owned and operated by
13 a producer and permitted under chapter 11-50,
14 Hawaii administrative rules, that prepares and
15 serves food at retail using products grown in
16 Hawaii and value-added products that were
17 produced using agricultural products grown in
18 Hawaii;

19 (D) A farmers' market, which is an outdoor market
20 limited to producers selling agricultural
21 products grown in Hawaii and value-added products



1 that were produced using agricultural products
2 grown in Hawaii; and

3 (E) A food hub, which is a facility that may contain
4 a commercial kitchen and provides for the
5 storage, processing, distribution, and sale of
6 agricultural products grown in Hawaii and
7 value-added products that were produced using
8 agricultural products grown in Hawaii.

9 The owner of an agricultural-based commercial
10 operation shall certify, upon request of an officer or
11 agent charged with enforcement of this chapter under
12 section 205-12, that the agricultural products
13 displayed or sold by the operation meet the
14 requirements of this paragraph;

15 (16) Hydroelectric facilities as described in section
16 205-4.5(a)(23); and

17 (17) Composting and co-composting operations; provided that
18 operations that process their own green waste and do
19 not require permits from the department of health
20 shall use the finished composting product only on the



1 operation's own premises to minimize the potential
2 spread of invasive species.
3 Agricultural districts shall not include golf courses and golf
4 driving ranges, except as provided in section 205-4.5(d). No
5 landfill unit, as defined in section 342H-52, shall be located
6 on land within the agricultural district that has soil
7 classified by the land study bureau's detailed land
8 classification as overall (master) productivity rating class A
9 in a county with a population greater than five hundred
10 thousand. Agricultural districts include areas that are not
11 used for, or that are not suited to, agricultural and ancillary
12 activities by reason of topography, soils, and other related
13 characteristics."

14 SECTION 2. Section 205-4.5, Hawaii Revised Statutes, is
15 amended as follows:

16 1. By amending subsection (a) to read:

17 "(a) Within the agricultural district, all lands with soil
18 classified by the land study bureau's detailed land
19 classification as overall (master) productivity rating class A
20 or B and for solar energy facilities, class B or C, shall be
21 restricted to the following permitted uses:



- 1 (1) Cultivation of crops, including crops for bioenergy,
2 flowers, vegetables, foliage, fruits, forage, and
3 timber;
- 4 (2) Game and fish propagation;
- 5 (3) Raising of livestock, including poultry, bees, fish,
6 or other animal or aquatic life that are propagated
7 for economic or personal use;
- 8 (4) Farm dwellings, farm employee housing, farm buildings,
9 or activities or uses related to farming and animal
10 husbandry. For the purposes of this paragraph[, "~~farm~~
11 ~~dwelling~~"]:
- 12 (A) "Farm dwelling" means a [~~single-family~~]
13 residential dwelling located on and accessory to
14 a farm[, ~~including~~] where agricultural activity
15 is occurring. "Farm dwelling" includes clusters
16 of [~~single-family~~] farm dwellings permitted
17 within agricultural parks developed by the
18 State[, ~~or where agricultural activity provides~~
19 ~~income to the family occupying the dwelling~~]; and
- 20 (B) "Farm employee housing" means one or more
21 residential dwelling units accessory to the farm



1 operation that may be attached to or detached
2 from the primary farm dwelling; provided that:
3 (i) Each residential dwelling unit shall not
4 exceed eight hundred square feet of
5 habitable area under roof; and
6 (ii) A county may limit occupancy of each
7 residential dwelling unit to agricultural
8 employees who are actively engaged in the
9 farm operation and their immediate family
10 members;
11 provided further that no fee owner of the farm
12 dwelling shall submit any portion thereof to a
13 condominium property regime to separate the ownership
14 of the farm employee housing units from the farm
15 dwelling pursuant to chapter 514B; provided further
16 that agricultural tourism or related activities under
17 paragraph (14) may occur on the same parcel as a farm
18 dwelling when those activities are secondary and
19 incidental to an agricultural activity, do not occur
20 within farm employee housing units, and comply with
21 county ordinances adopted pursuant to section 205-5.



- 1 For the purposes of this paragraph, "agricultural
2 activity" means any activity described in paragraphs
3 (1) to (3);
- 4 (5) Public institutions and buildings that are necessary
5 for agricultural practices;
- 6 (6) Public and private open area types of recreational
7 uses, including day camps, picnic grounds, parks, and
8 riding stables, but not including dragstrips,
9 airports, drive-in theaters, golf courses, golf
10 driving ranges, country clubs, and overnight camps;
11 provided that overnight camps in operation before
12 January 1, 1961, may be approved by special permit;
- 13 (7) Public, private, and quasi-public utility lines and
14 roadways, transformer stations, communications
15 equipment buildings, solid waste transfer stations,
16 major water storage tanks, and appurtenant small
17 buildings such as booster pumping stations, but not
18 including offices or yards for equipment, material,
19 vehicle storage, repair or maintenance, treatment
20 plants, corporation yards, or other similar
21 structures;



- 1 (8) Retention, restoration, rehabilitation, or improvement
- 2 of buildings or sites of historic or scenic interest;
- 3 (9) Agricultural-based commercial operations as described
- 4 in section 205-2(d) (15);
- 5 (10) Buildings and uses, including mills, storage, and
- 6 processing facilities, maintenance facilities,
- 7 photovoltaic, biogas, and other small-scale renewable
- 8 energy systems producing energy solely for use in the
- 9 agricultural activities of the fee or leasehold owner
- 10 of the property, and vehicle and equipment storage
- 11 areas that are normally considered directly accessory
- 12 to the above-mentioned uses and are permitted under
- 13 section 205-2(d);
- 14 (11) Agricultural parks;
- 15 (12) Plantation community subdivisions, which as used in
- 16 this chapter means an established subdivision or
- 17 cluster of farm employee housing, community buildings,
- 18 and agricultural support buildings on land currently
- 19 or formerly owned, leased, or operated by a sugar or
- 20 pineapple plantation; provided that the existing
- 21 structures may be used or rehabilitated for use, and



1 new farm employee housing and agricultural support
2 buildings may be allowed on land within the
3 subdivision as follows:

4 (A) The farm employee housing is occupied by
5 employees or former employees of the plantation
6 who have a property interest in the land;

7 (B) The farm employee housing units not owned by
8 their occupants shall be rented or leased at
9 affordable rates for agricultural workers; or

10 (C) The agricultural support buildings shall be
11 rented or leased to agricultural business
12 operators or agricultural support services[+].

13 For the purposes of this paragraph, "farm employee
14 housing" has the same meaning as in paragraph (4) (B);

15 (13) Agricultural tourism conducted on a working farm, or a
16 farming operation as defined in section 165-2, for the
17 enjoyment, education, or involvement of visitors;
18 provided that the agricultural tourism activity is
19 accessory and secondary to the principal agricultural
20 use and does not interfere with surrounding farm
21 operations; provided further that this paragraph shall



1 apply only to a county that has adopted ordinances
2 regulating agricultural tourism [~~under~~] pursuant to
3 section 205-5;

4 (14) Agricultural tourism activities, including overnight
5 accommodations of twenty-one days or less, for any one
6 stay within a county; provided that this paragraph
7 shall apply only to a county that includes at least
8 three islands and has adopted ordinances regulating
9 agricultural tourism activities pursuant to section
10 205-5; provided further that the agricultural tourism
11 activities coexist with a bona fide agricultural
12 activity. For the purposes of this paragraph, "bona
13 fide agricultural activity" means a farming operation
14 as defined in section 165-2;

15 (15) Wind energy facilities, including the appurtenances
16 associated with the production and transmission of
17 wind generated energy; provided that the wind energy
18 facilities and appurtenances are compatible with
19 agriculture uses and cause minimal adverse impact on
20 agricultural land;



1 (16) Biofuel processing facilities, including the
2 appurtenances associated with the production and
3 refining of biofuels that is normally considered
4 directly accessory and secondary to the growing of the
5 energy feedstock; provided that biofuel processing
6 facilities and appurtenances do not adversely impact
7 agricultural land and other agricultural uses in the
8 vicinity.

9 For the purposes of this paragraph:

10 "Appurtenances" means operational infrastructure
11 of the appropriate type and scale for economic
12 commercial storage and distribution, and other similar
13 handling of feedstock, fuels, and other products of
14 biofuel processing facilities.

15 "Biofuel processing facility" means a facility
16 that produces liquid or gaseous fuels from organic
17 sources such as biomass crops, agricultural residues,
18 and oil crops, including palm, canola, soybean, and
19 waste cooking oils; grease; food wastes; and animal
20 residues and wastes that can be used to generate
21 energy;



1 (17) Agricultural-energy facilities, including
2 appurtenances necessary for an agricultural-energy
3 enterprise; provided that the primary activity of the
4 agricultural-energy enterprise is agricultural
5 activity. To be considered the primary activity of an
6 agricultural-energy enterprise, the total acreage
7 devoted to agricultural activity shall be no less than
8 ninety per cent of the total acreage of the
9 agricultural-energy enterprise. The
10 agricultural-energy facility shall be limited to lands
11 owned, leased, licensed, or operated by the entity
12 conducting the agricultural activity.

13 As used in this paragraph:

14 "Agricultural activity" means any activity
15 described in paragraphs (1) to (3) [~~of this~~
16 ~~subsection~~].

17 "Agricultural-energy enterprise" means an
18 enterprise that integrally incorporates an
19 agricultural activity with an agricultural-energy
20 facility.



1 "Agricultural-energy facility" means a facility
2 that generates, stores, or distributes renewable
3 energy as defined in section 269-91 or renewable fuel
4 including electrical or thermal energy or liquid or
5 gaseous fuels from products of agricultural activities
6 from agricultural lands located in the State.

7 "Appurtenances" means operational infrastructure
8 of the appropriate type and scale for the economic
9 commercial generation, storage, distribution, and
10 other similar handling of energy, including equipment,
11 feedstock, fuels, and other products of
12 agricultural-energy facilities;

13 (18) Construction and operation of wireless communication
14 antennas, including small wireless facilities;
15 provided that, for the purposes of this paragraph,
16 "wireless communication antenna" means communications
17 equipment that is either freestanding or placed upon
18 or attached to an already existing structure and that
19 transmits and receives electromagnetic radio signals
20 used in the provision of all types of wireless
21 communications services; provided further that "small



1 wireless facilities" [~~shall have~~] has the same meaning
2 as in section 206N-2; provided further that nothing in
3 this paragraph shall be construed to permit the
4 construction of any new structure that is not deemed a
5 permitted use under this subsection;

6 (19) Agricultural education programs conducted on a farming
7 operation as defined in section 165-2, for the
8 education and participation of the general public;
9 provided that the agricultural education programs are
10 accessory and secondary to the principal agricultural
11 use of the parcels or lots on which the agricultural
12 education programs are to occur and do not interfere
13 with surrounding farm operations. For the purposes of
14 this paragraph, "agricultural education programs"
15 means activities or events designed to promote
16 knowledge and understanding of agricultural activities
17 and practices conducted on a farming operation as
18 defined in section 165-2;

19 (20) Solar energy facilities that do not occupy more than
20 ten per cent of the acreage of the parcel, or twenty
21 acres of land, whichever is lesser or for which a



1 special use permit is granted pursuant to section
2 205-6; provided that this use shall not be permitted
3 on lands with soil classified by the land study
4 bureau's detailed land classification as overall
5 (master) productivity rating class A;

6 (21) Solar energy facilities on lands with soil classified
7 by the land study bureau's detailed land
8 classification as overall (master) productivity rating
9 B or C for which a special use permit is granted
10 pursuant to section 205-6; provided that:

11 (A) The area occupied by the solar energy facilities
12 is also made available for compatible
13 agricultural activities at a lease rate that is
14 at least fifty per cent below the fair market
15 rent for comparable properties;

16 (B) Proof of financial security to decommission the
17 facility is provided to the satisfaction of the
18 appropriate county planning commission before the
19 date of commencement of commercial generation;
20 and



1 (C) Solar energy facilities shall be decommissioned
2 at the owner's expense according to the following
3 requirements:

4 (i) Removal of all equipment related to the
5 solar energy facility within twelve months
6 of the conclusion of operation or useful
7 life; and

8 (ii) Restoration of the disturbed earth to
9 substantially the same physical condition as
10 existed before the development of the solar
11 energy facility.

12 For the purposes of this paragraph, "agricultural
13 activities" means the activities described in
14 paragraphs (1) to (3);

15 (22) Geothermal resources exploration and geothermal
16 resources development, as defined under section 182-1;

17 (23) Hydroelectric facilities, including the appurtenances
18 associated with the production and transmission of
19 hydroelectric energy, subject to section 205-2;
20 provided that the hydroelectric facilities and their
21 appurtenances:



- 1 (A) Shall consist of a small hydropower facility as
- 2 defined by the United States Department of
- 3 Energy, including:
 - 4 (i) Impoundment facilities using a dam to store
 - 5 water in a reservoir;
 - 6 (ii) A diversion or run-of-river facility that
 - 7 channels a portion of a river through a
 - 8 canal or channel; and
 - 9 (iii) Pumped storage facilities that store energy
 - 10 by pumping water uphill to a reservoir at
 - 11 higher elevation from a reservoir at a lower
 - 12 elevation to be released to turn a turbine
 - 13 to generate electricity;
- 14 (B) Comply with the state water code, chapter 174C;
- 15 (C) Shall, if over five hundred kilowatts in
- 16 hydroelectric generating capacity, have the
- 17 approval of the commission on water resource
- 18 management, including a new instream flow
- 19 standard established for any new hydroelectric
- 20 facility; and



1 (D) Do not impact or impede the use of agricultural
2 land or the availability of surface or ground
3 water for all uses on all parcels that are served
4 by the ground water sources or streams for which
5 hydroelectric facilities are considered; or

6 (24) Notwithstanding any other law to the contrary,
7 composting and co-composting operations; provided that
8 operations that process their own green waste and do
9 not require permits from the department of health
10 shall use the finished composting product only on the
11 operation's own premises to minimize the potential
12 spread of invasive species."

13 2. By amending subsection (c) to read:

14 "(c) Within the agricultural district, all lands with soil
15 classified by the land study bureau's detailed land
16 classification as overall (master) productivity rating class C,
17 D, E, or U shall be restricted to the uses permitted for
18 agricultural districts as set forth in section 205-5(b) [-] and
19 to the uses permitted for farm dwellings and farm employee
20 housing as set forth in section 205-2(d) (7); provided that
21 nothing in this section shall be construed to supersede or limit



1 the counties' authority to regulate zoning, density, building
2 size, setbacks, or other land use requirements within the
3 agricultural district."

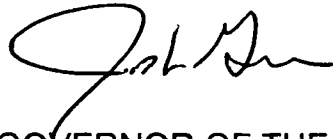
4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 1737
H.D. 3
S.D. 2
C.D. 1

APPROVED this 26th day of May, 2026



GOVERNOR OF THE STATE OF HAWAII

HB No. 1737, HD 3, SD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 6, 2026
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2026.



Nadine K. Nakamura
Speaker
House of Representatives




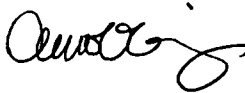
Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2026
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Third Legislature of the State of Hawai'i, Regular Session of 2026.


President of the Senate


Clerk of the Senate