
A BILL FOR AN ACT

RELATING TO FARM EMPLOYEE HOUSING.

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

SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

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

(1) Cultivation of crops, including crops for bioenergy, flowers, vegetables, foliage, fruits, forage, and timber;

(2) Game and fish propagation;

(3) Raising of livestock, including poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;

(4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal



1 husbandry. For the purposes of this paragraph, "farm
2 dwelling" means a [~~single-family~~] residential dwelling
3 located on and accessory to a farm, including
4 [~~clusters~~]:

5 (A) Clusters of single-family farm dwellings
6 permitted within agricultural parks developed by
7 the State, or where agricultural activity
8 provides income to the family occupying the
9 dwelling; and

10 (B) An accessory employee housing structure, which
11 may consist of multiple residential dwelling
12 units and be attached or detached from the
13 single-family dwelling; provided that the
14 accessory employee housing structure shall be no
15 larger than eight hundred habitable square feet
16 under roof per residential dwelling unit;
17 provided further that the total land area upon
18 which the single-family dwelling, accessory
19 employee housing structure, and all appurtenances
20 are situated shall be no larger than a ratio
21 of square feet per acre of agricultural land



1 leased to the fee owner of the farm dwelling;
2 provided further that no fee owner of the farm
3 dwelling shall submit any portion thereof to a
4 condominium property regime to separate the
5 ownership of the accessory employee housing
6 structure from the single-family dwelling
7 pursuant to chapter 514B; and provided further
8 that no portion of the farm dwelling shall be
9 used for agricultural tourism or related
10 accommodations under paragraph (14);

11 (5) Public institutions and buildings that are necessary
12 for agricultural practices;

13 (6) Public and private open area types of recreational
14 uses, including day camps, picnic grounds, parks, and
15 riding stables, but not including dragstrips,
16 airports, drive-in theaters, golf courses, golf
17 driving ranges, country clubs, and overnight camps;
18 provided that overnight camps in operation before
19 January 1, 1961, may be approved by special permit;

20 (7) Public, private, and quasi-public utility lines and
21 roadways, transformer stations, communications



1 equipment buildings, solid waste transfer stations,
2 major water storage tanks, and appurtenant small
3 buildings such as booster pumping stations, but not
4 including offices or yards for equipment, material,
5 vehicle storage, repair or maintenance, treatment
6 plants, corporation yards, or other similar
7 structures;

8 (8) Retention, restoration, rehabilitation, or improvement
9 of buildings or sites of historic or scenic interest;

10 (9) Agricultural-based commercial operations as described
11 in section 205-2(d)(15);

12 (10) Buildings and uses, including mills, storage, and
13 processing facilities, maintenance facilities,
14 photovoltaic, biogas, and other small-scale renewable
15 energy systems producing energy solely for use in the
16 agricultural activities of the fee or leasehold owner
17 of the property, and vehicle and equipment storage
18 areas that are normally considered directly accessory
19 to the above-mentioned uses and are permitted under
20 section 205-2(d);

21 (11) Agricultural parks;



(12) Plantation community subdivisions, which as used in this chapter means an established subdivision or cluster of employee housing, community buildings, and agricultural support buildings on land currently or formerly owned, leased, or operated by a sugar or pineapple plantation; provided that the existing structures may be used or rehabilitated for use, and new employee housing and agricultural support buildings may be allowed on land within the subdivision as follows:

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

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

(C) The agricultural support buildings shall be rented or leased to agricultural business operators or agricultural support services;

(13) Agricultural tourism conducted on a working farm, or a farming operation as defined in section 165-2, for the



1 enjoyment, education, or involvement of visitors;
2 provided that the agricultural tourism activity is
3 accessory and secondary to the principal agricultural
4 use and does not interfere with surrounding farm
5 operations; provided further that this paragraph shall
6 apply only to a county that has adopted ordinances
7 regulating agricultural tourism under section 205-5;

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

19 (15) Wind energy facilities, including the appurtenances
20 associated with the production and transmission of
21 wind generated energy; provided that the wind energy



1 facilities and appurtenances are compatible with
2 agriculture uses and cause minimal adverse impact on
3 agricultural land;

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

12 For the purposes of this paragraph:

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

18 "Biofuel processing facility" means a facility
19 that produces liquid or gaseous fuels from organic
20 sources such as biomass crops, agricultural residues,
21 and oil crops, including palm, canola, soybean, and



1 waste cooking oils; grease; food wastes; and animal
2 residues and wastes that can be used to generate
3 energy;

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

16 As used in this paragraph:

17 "Agricultural activity" means any activity
18 described in paragraphs (1) to (3) of this subsection.

19 "Agricultural-energy enterprise" means an
20 enterprise that integrally incorporates an



1 agricultural activity with an agricultural-energy
2 facility.

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

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

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



1 used in the provision of all types of wireless
2 communications services; provided further that "small
3 wireless facilities" shall have the same meaning as in
4 section 206N-2; provided further that nothing in this
5 paragraph shall be construed to permit the
6 construction of any new structure that is not deemed a
7 permitted use under this subsection;

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



1 (20) Solar energy facilities that do not occupy more than
2 ten per cent of the acreage of the parcel, or twenty
3 acres of land, whichever is lesser or for which a
4 special use permit is granted pursuant to section
5 205-6; provided that this use shall not be permitted
6 on lands with soil classified by the land study
7 bureau's detailed land classification as overall
8 (master) productivity rating class A;

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

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

19 (B) Proof of financial security to decommission the
20 facility is provided to the satisfaction of the
21 appropriate county planning commission before the



date of commencement of commercial generation;

and

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

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

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

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

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

(23) Hydroelectric facilities, including the appurtenances associated with the production and transmission of hydroelectric energy, subject to section 205-2;



1 provided that the hydroelectric facilities and their
2 appurtenances:

3 (A) Shall consist of a small hydropower facility as
4 defined by the United States Department of
5 Energy, including:

6 (i) Impoundment facilities using a dam to store
7 water in a reservoir;

8 (ii) A diversion or run-of-river facility that
9 channels a portion of a river through a
10 canal or channel; and

11 (iii) Pumped storage facilities that store energy
12 by pumping water uphill to a reservoir at
13 higher elevation from a reservoir at a lower
14 elevation to be released to turn a turbine
15 to generate electricity;

16 (B) Comply with the state water code, chapter 174C;

17 (C) Shall, if over five hundred kilowatts in
18 hydroelectric generating capacity, have the
19 approval of the commission on water resource
20 management, including a new instream flow



1 standard established for any new hydroelectric
2 facility; and

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

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

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

16 "(c) Within the agricultural district, all lands with soil
17 classified by the land study bureau's detailed land
18 classification as overall (master) productivity rating class C,
19 D, E, or U shall be restricted to the uses permitted for
20 agricultural districts as set forth in subsection (a)(4) and
21 section 205-5(b)."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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.

7

INTRODUCED BY:

ZML

JAN 20 2026



H.B. NO. 1737

Report Title:

Agriculture; Agricultural Districts; Zoning; Farm Dwelling;
Accessory Employee Housing

Description:

Clarifies that a "farm dwelling" permitted in an agricultural district includes a single-family farm dwelling with an accessory employee housing structure, subject to certain restrictions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

