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# A BILL FOR AN ACT

RELATING TO AGRICULTURAL LANDS.

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

1 SECTION 1. Section 205-4.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3  
4 " (a) Within the agricultural district, all lands with soil  
5 classified by the land study bureau's detailed land  
6 classification as overall (master) productivity rating class A  
7 or B and for solar energy facilities, class B or C, shall be  
8 restricted to the following permitted uses:  
9  
10 (1) Cultivation of crops, including crops for bioenergy,  
11 flowers, vegetables, foliage, fruits, forage, and  
12 timber;  
13 (2) Game and fish propagation;  
14 (3) Raising of livestock, including poultry, bees, fish,  
15 or other animal or aquatic life that are propagated  
16 for economic or personal use;  
17 (4) Farm dwellings, employee housing, farm buildings, or  
activities or uses related to farming and animal  
husbandry. For the purposes of this paragraph, "farm



1           dwelling" means a single-family dwelling located on  
2           and accessory to a farm, including clusters of  
3           single-family farm dwellings permitted within  
4           agricultural parks developed by the State, where the  
5           agricultural activity meets the definition of a  
6           farming operation under section 165-2 and is conducted  
7           on more than fifty per cent of the entire lot, or  
8           where agricultural activity provides [income] to the  
9           family occupying the dwelling[?]:

10          (A) Not less than \$30,000 in income per year as  
11           determined by the:  
12            (i) Family's state general excise tax return; or  
13            (ii) Agricultural dedication for the parcel or  
14           lot approved by the county in which the  
15           dwelling and agricultural activity are  
16           located; or  
17          (B) Not less than twenty per cent of the family's  
18           total gross household income as determined by the  
19           family's state income tax return filing;  
20           provided that the tax filer for the family consents to  
21           disclosure requirements under section 237-34(b);



1                   provided further that the department of taxation may  
2                   prescribe the manner in which the consent for  
3                   disclosure is made;

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 new employee housing and agricultural support  
2 buildings may be allowed on land within the  
3 subdivision as follows:  
4 (A) The employee housing is occupied by employees or  
5 former employees of the plantation who have a  
6 property interest in the land;  
7 (B) The employee housing units not owned by their  
8 occupants shall be rented or leased at affordable  
9 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 (13) Agricultural tourism conducted on a working farm, or a  
14 farming operation as defined in section 165-2, for the  
15 enjoyment, education, or involvement of visitors;  
16 provided that the agricultural tourism activity is  
17 accessory and secondary to the principal agricultural  
18 use and does not interfere with surrounding farm  
19 operations; provided further that this paragraph shall  
20 apply only to a county that has adopted ordinances  
21 regulating agricultural tourism under section 205-5;



- 1 (14) Agricultural tourism activities, including overnight  
2 accommodations of twenty-one days or less, for any one  
3 stay within a county; provided that this paragraph  
4 shall apply only to a county that includes at least  
5 three islands and has adopted ordinances regulating  
6 agricultural tourism activities pursuant to section  
7 205-5; provided further that the agricultural tourism  
8 activities coexist with a bona fide agricultural  
9 activity. For the purposes of this paragraph, "bona  
10 fide agricultural activity" means a farming operation  
11 as defined in section 165-2;
- 12 (15) Wind energy facilities, including the appurtenances  
13 associated with the production and transmission of  
14 wind generated energy; provided that the wind energy  
15 facilities and appurtenances are compatible with  
16 agriculture uses and cause minimal adverse impact on  
17 agricultural land;
- 18 (16) Biofuel processing facilities, including the  
19 appurtenances associated with the production and  
20 refining of biofuels that is normally considered  
21 directly accessory and secondary to the growing of the



1 energy feedstock; provided that biofuel processing  
2 facilities and appurtenances do not adversely impact  
3 agricultural land and other agricultural uses in the  
4 vicinity.

5 For the purposes of this paragraph:

18 (17) Agricultural-energy facilities, including  
19 appurtenances necessary for an agricultural-energy  
20 enterprise; provided that the primary activity of the  
21 agricultural-energy enterprise is agricultural



activity. To be considered the primary activity of an agricultural-energy enterprise, the total acreage devoted to agricultural activity shall be no less than ninety per cent of the total acreage of the agricultural-energy enterprise. The agricultural-energy facility shall be limited to lands owned, leased, licensed, or operated by the entity conducting the agricultural activity.

As used in this paragraph:

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

12 "Agricultural-energy enterprise" means an  
13 enterprise that integrally incorporates an  
14 agricultural activity with an agricultural-energy  
15 facility.

16 "Agricultural-energy facility" means a facility  
17 that generates, stores, or distributes renewable  
18 energy as defined in section 269-91 or renewable fuel  
19 including electrical or thermal energy or liquid or  
20 gaseous fuels from products of agricultural activities  
21 from agricultural lands located in the State.



1                   "Appurtenances" means operational infrastructure  
2                   of the appropriate type and scale for the economic  
3                   commercial generation, storage, distribution, and  
4                   other similar handling of energy, including equipment,  
5                   feedstock, fuels, and other products of  
6                   agricultural-energy facilities;

7                   (18) Construction and operation of wireless communication  
8                   antennas, including small wireless facilities;  
9                   provided that, for the purposes of this paragraph,  
10                  "wireless communication antenna" means communications  
11                  equipment that is either freestanding or placed upon  
12                  or attached to an already existing structure and that  
13                  transmits and receives electromagnetic radio signals  
14                  used in the provision of all types of wireless  
15                  communications services; provided further that "small  
16                  wireless facilities" shall have the same meaning as in  
17                  section 206N-2; provided further that nothing in this  
18                  paragraph shall be construed to permit the  
19                  construction of any new structure that is not deemed a  
20                  permitted use under this subsection;



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

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



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

6 (A) The area occupied by the solar energy facilities  
7 is also made available for compatible  
8 agricultural activities at a lease rate that is  
9 at least fifty per cent below the fair market  
10 rent for comparable properties;

11 (B) Proof of financial security to decommission the  
12 facility is provided to the satisfaction of the  
13 appropriate county planning commission before the  
14 date of commencement of commercial generation;  
15 and

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

19 (i) Removal of all equipment related to the  
20 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);

10 (22) Geothermal resources exploration and geothermal  
11 resources development, as defined under section 182-1;  
12 (23) Hydroelectric facilities, including the appurtenances  
13 associated with the production and transmission of  
14 hydroelectric energy, subject to section 205-2;  
15 provided that the hydroelectric facilities and their  
16 appurtenances:

17 (A) Shall consist of a small hydropower facility as  
18 defined by the United States Department of  
19 Energy, including:

20 (i) Impoundment facilities using a dam to store  
21 water in a reservoir;





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

8 SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:

JAN 22 2026



# H.B. NO. 1828

**Report Title:**

DOTAX; Agricultural Housing; Farm Dwelling; Agricultural Lands; Permissible Uses; Agricultural Activity; Income Qualifications

**Description:**

For purposes of permissible uses in agricultural districts, establishes minimum requirements for income received from agricultural activity for a family occupying a farm dwelling. Provides that the definition of a "farm dwelling" includes agricultural activity that is considered a farming operation under section 165-2, HRS, and is conducted on more than 50 per cent of the entire lot.

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

