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WRITTEN ONLY

TESTIMONY OF SHARON HURD CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

**THURSDAY, FEBRUARY 26, 2026
2:00 PM
CONFERENCE ROOM 329**

HOUSE BILL NO.1571, HOUSE DRAFT 1 RELATING TO CONDOMINIUMS

Chair Matayoshi, Vice Chair Grandinetti and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1571, House Draft 1 that amends Section 514B-52 (condominium projects in the Agricultural District) by (1) lowering the minimum threshold from projects with five units to projects with two units for which a signed statement from a county is required and (2) requires the project applicant to make a presentation on the project to the neighborhood board, if applicable. The Department of Agriculture and Biosecurity (Department) offers comments.

The Department does not know what effect the lowering of the minimum threshold from projects with five condominium units to projects with two units that requires a signed statement from a county will have on reducing the impact of condominiumization of agricultural land on agricultural land values for uses other than agricultural production. We do appreciate the opportunity for the public to learn about agricultural condominium projects proposed in their vicinity, if there is no other existing requirement to do so.

Thank you for the opportunity to provide our written testimony.



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February 26, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

**TESTIMONY ON HB 1571, HD1
RELATING TO CONDOMINIUMS**

Conference Room 329 & Videoconference
2:00 PM

Aloha Chair Matayoshi, Vice-Chair Grandinetti, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau offers comments on HB 1571, HD1.

HFB shares the concern regarding misuse of condominium property regimes (CPRs) on agricultural lands for speculative residential development that is not tied to bona fide agricultural activity. "Gentleman farms" undermine the intent of the Agricultural District, inflate land values, reduce access to land for working farmers, and create long-term conflicts that negatively impact legitimate agricultural operations. Efforts to preserve agricultural lands for real agricultural production are important to Hawai'i's food security and resilience goals.

At the same time, legitimate CPR structures can serve important agricultural purposes. CPRs are sometimes used to facilitate farm dwellings, employee housing, succession planning, financing arrangements, and multi-generational agricultural operations. For many farmers, particularly on O'ahu, CPRs have been one of the few available mechanisms to support agricultural viability while complying with existing land use laws.

HB 1571, HD1 lowers the threshold for triggering additional review for condominium projects in the Agricultural District and requires applicants to present their projects to the applicable neighborhood board. We appreciate that the measure was amended to require a presentation rather than formal neighborhood board approval, which helps avoid creating a de facto veto process.

However, HFB respectfully notes that neighborhood boards are advisory bodies and are not land use or agricultural regulatory agencies. Determinations regarding bona fide agricultural activity, compliance with Chapter 205, and enforcement of agricultural use requirements are traditionally the responsibility of agencies and departments with subject-matter expertise. While community awareness is important, care should be taken to ensure that additional procedural requirements do not unintentionally create uncertainty or delay for legitimate agricultural operations.

If the goal is to address misuse of CPRs on agricultural lands, HFB encourages continued focus on clear standards, consistent enforcement of agricultural use requirements, and coordination among state and county agencies with appropriate expertise. Strengthening enforcement against non-bona fide agricultural activity may be more effective than layering additional procedural steps that also affect legitimate farmers.

HFB appreciates the Legislature's attention to protecting agricultural lands and looks forward to continued collaboration to ensure that policies both prevent speculative abuse and preserve viable tools for working farmers.

Mahalo for the opportunity to provide testimony.

February 26, 2026

The Honorable Scot Z. Matayoshi, Chair

House Committee on Consumer Protection & Commerce
State Capitol, Conference Room 329 & Videoconference

RE: House Bill 1571, HD1, Relating to Condominiums

HEARING: Thursday, February 26, 2026, at 2:00 p.m.

Aloha Chair Matayoshi, Vice Chair Grandinetti, and Members of the Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR provides **comments expressing concerns** on House Bill 1571, HD1, which for purposes of registering a condominium project in an agricultural district, (1) lowers the minimum threshold from projects with five units to projects with two units for which a signed statement from a county is required and (2) requires the project applicant to make a presentation on the project to the neighborhood board, if applicable. Effective 7/1/3000.

Condominium Property Regimes ("CPR") do not describe the type of building but rather denote a form of ownership. A CPR property may consist of a single-family structure divided into two units or multiple detached structures. Establishing a CPR does not permit any development that would otherwise not be allowed under county zoning or state land use laws.

HAR believes that this measure adds additional procedural layers by lowering the CPR threshold from five units to two units, which triggers expanded county statement requirements and requires presentations to neighborhood boards. These added requirements may impact the development and availability of much needed housing, including farm dwellings or employee and farmworker housing.

Mahalo for the opportunity to testify on this measure.



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Aloha Chair Matayoshi, Vice Chair Grandinetti, and Members of the House Consumer Protection & Commerce Committee,

The Hawai'i Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFU supports HB1571.**

HB1571 is a meaningful reform that enhances community engagement and protects agricultural lands by ensuring more robust oversight of condominium projects within agricultural districts. By lowering the threshold from five to two units, the bill ensures that even smaller developments are subject to community scrutiny and regulatory checks. This is crucial for preserving our valuable agricultural lands, as it prevents developers from exploiting loopholes to bypass regulations meant to protect these areas. Such oversight ensures that any development within these districts remains consistent with both zoning laws and community objectives, safeguarding our agricultural landscape for future generations.

The requirement for developers to present their projects to neighborhood boards is a practical and effective measure that fosters transparency and direct dialogue between developers and community members, including farmers. This provision empowers local residents and farmers to voice their concerns, share insights, and influence decisions that affect their communities. By ensuring that the voices of those most impacted are heard, the bill facilitates informed decision-making that respects and incorporates farmers' needs and priorities. Ultimately, HB1571 strengthens the community's role in the development process and helps to align growth with the long-term interests of Hawaii's agricultural districts and communities.

Mahalo for the opportunity to testify.

Hunter Heavilin
Advocacy Director
Hawai'i Farmers Union



February 24, 2026

To: Chair Scot Matayoshi, and Vice Chair Tina Nakada Grandinetti, and the House Committee on Consumer Protection and Commerce

Subject: **HB1571 HD1**, Relating to Condominiums

Aloha,

I am writing in **support of the intent of HB1571 HD1** which takes important steps to mitigate the threat of CPR speculation on ag land. This measure would require a verified statement that declares the development does not restrict agricultural activities and also lower the threshold requirement for further assessments on infrastructure and environmental resources from 5 dwellings to 2, thereby employing more oversight and potential limitations on real estate development. Additionally, the requirement of presenting the project to the neighborhood board furthers the ability for county governments and local communities to protect agricultural land.

In these ways **HB1571 HD1** aims to preserve the intended use of land zoned for agriculture. This bill can limit speculation that violates land use restrictions, which is an essential action to protect the state's food security interests. Ensuring the preservation of Hawai'i's agricultural lands is in the state's best interest for meeting resilience goals.

Mahalo,
Sydney Haas & the Food+ Policy Team
#fixourfoodsystem

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2026, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

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HB1571 (CPR's)

Aloha, my name is Racquel Achiu of the Waialua Moku (North Shore, O'ahu) I am Vice Chair of the North Shore neighborhood Board (NSNB) and Chair of the Water & Land Committee (sub committee of the NSNB). I AM TESTIFYING AS A COMMUNITY MEMBER AND RANCHER.

I am writing in **SUPPORT** of **HB1571**.

Waialua Moku has lost an estimated 6000 acres of AG LAND to Non Compliant CPR Development.

Developers continue to purchase significant amounts of Agricultural Lands for developments under the guise of Agricultural farm lots. Once purchased, the land is registered as a CPR project and then listed for sale as Agricultural Farm lots in the \$1M to \$5M range, sometimes more depending on what has been developed on the property.

Developers opt for CPR's since it is a cheaper route than a subdivision, doesn't require public input and doesn't provide for transparency or accountability.

DEVELOPERS have SEVERELY ABUSED the CPR structure by submitting plans that adversely impact the community in which they have chosen to take space. They intentionally avoid the zoning and permitting processes that would likely place an unwelcome public review and implementation and or sharing of documents, including but not limited to, EIS, Ka Pa`aka i Analysis, Traffic studies, & Construction Documents

Following is a brief breakdown of how this process has been taking place;

1. Developers (Foreign, from the Continent AND OR local real estate agents/investors) purchase large acreage of Agriculturally zoned lands
2. File for an Agricultural Dedication with the City & County on Honolulu Real Property Division (this provides a SIGNIFICANT reduction in property tax)
3. Submit/Register CPR plans to DCCA - DCCA extends to County DPP for input
4. Once the CPR is registered with DCCA, on many occasions BEFORE THE REGISTRATION IS COMPLETE, the developers real estate agents list the "CPR AG LOTS" FOR SALE. Lots are in 2 and or 5 acres lots in most cases for millions of dollars OR they'll create their own map, let buyer select a spot, take half the money down and the balance upon delivery of promised infrastructure, water, roads and individual TMK within an agreed timeline. (Once a realtor gets a listing for these lots, they know exactly who they are going to market and or sell to ...and it's not to the average local family. Its to the person out of country or on the continent because that cash buy via a cash deal - Realtors know exactly who they're going to market and or sell the lots too)
5. Buyers agree and purchase with the intent of building on these lots (placing a tree and or a horse on the land & calling it AGRICULTURE.) No one is transparent about the Zoning of the space. The County of Honolulu does not recognize CPR LOTS, instead they recognize the entire TMK as one lot. As a result, the buyers are TENANTS IN COMMON vs. OWNERS OF A LOT

LATE

6. The buyer of the “CPR AG LOT” sees their lot as a stand alone property. However, they continue to build their “gentlemen farm” home/structure with NO BUILDING PERMITS, NO ZONING COMPLIANCE, NO AUTHORIZED RESOURCES, NO BONAFIDE AGRICULTURE IT'S AGRIWASHING AT ITS FINEST.
7. This “Imposter Industry” has now displaced or pushed out the bonafide farmer/rancher for their fake/gentlemen farm.
8. These lands end up being OVER DEVELOPED as the original Zoning of the TMK remains unchanged, regardless of the CPR map. Zoning & potential permitting is based on the TMK as a whole/TOTAL acreage of the TMK, not as the individual lots. For example, if there are 100 acres, Zoned AG-1 - this would mean the land could have 1 “farm dwelling” per 5 acres BUT it is capped at 2 farm dwellings - 3 or more dwellings would require an Agricultural Site Development Plan AND “Agricultural Cluster” for the dwellings for efficient infrastructure design. Permitting of such plans is considered “discretionary” and requires significant background materials and planning. Additionally, the Land Use Ordinance (LUO) would require 51% (of the total acreage of the entire TMK - not an individual CPR lot) to be in active agricultural production. NONE OF THESE DEVELOPERS, REAL ESTATE INVESTORS AND OR BUYERS ARE COMPLIANT WITH ANY OF THESE GUIDELINES. Instead they sell the lots and owners just build what they want on their lots without permitting or appropriate infrastructure oversight.
9. Once the developer has secured the CPR and sells off lots, buyers begin their own building process WITHOUT CERTAINTY OR GUARANTEES OF APPROPRIATE INFRASTRUCTURE resulting in the non regulated non permitted non compliant actions of grading and grubbing, no oversight to potential archeological considerations, digging water wells, waste water installation, creating roadways and road access off main highways without without necessary State or County oversight. There is instance when actual applications for resources occur which prompts further concern as to why these applications would be considered, let alone approved, when the actual structure(s) aren't compliant. Why? (We are consistently told to conserve water, conserve energy yet we provide them to properties, projects, structures that aren't permitted or compliant. We then end up providing resources to multiple individual lots vs a structured plan for a Cluster Housing . This would include a waste water management system vs individual septic systems (that are in most situations not permitted or certified)

The community catches wind of these non permitted, non compliant “new neighborhoods” after the fact and when the structures are already built. The change to the footprint of existing communities with no regulations or accountability for the impacts of the project is concerning on many levels. There is burden placed on resources that weren't planned for (for example, water, fires, ambulance, police etc)

Additionally, the clearing of these lands creates serious concern with regard to runoff and drainage from lands that once held strong vegetation. Not to mention the lack of attention to the cultural sensitivity of our spaces and potential desecration of cultural sites.

Critical Ag Land is lost, real farmers and ranchers are displaced by complaints of their farm/ranch activity being bothersome or just being evicted by the land owner/developer.

These CPR projects over develop critical Agricultural land and severely impact the community where it is located. The structures/dwellings in most instances are non permitted and non compliant. Resources of water, waste water and appropriate access are not addressed but pursued without consideration to reliability, availability, impacts to existing community or necessary regulation oversights. Additionally, there are safety concerns, such as, when EMS, FIRE or POLICE are called, more times than not, the responders don't know where to go as there is no address or lot identifier. The only time they know where to go is when they've become familiar with the area from previous calls.

Representative Amy Perruso and I have met with the team at DCCA, Dathan Choy, Neil Fujitani and Kedin Kleinhaus who take in the CPR Registrations. We had, what I believe was a very positive and productive conversation about how to address the issue which is what has led us to this Bill.

Adding to any agency process or budget is not the intent. However, I believe it is fair and effective to place the responsibility on the applicant to have to include a letter from an appropriate community group such as the Neighborhood Board and or Community Associations.

Appropriate Neighborhood Boards/Community Association input would be essential to allow DCCA and DPP to consider a more informed decision. The value in community input and knowledge vs checking the check list is INVALUABLE. The input and letter of reference/support should be sought by the Applicant from the appropriate board/association prior to the submission of the documentation packet to register the CPR.

Again, having the applicant present the proposed CPR plan to an appropriate Neighborhood Board/Community Association or other Advisory Community Group will provide opportunity for the Community to provide input with recommendations, concerns, support or opposition etc FOR THE APPLICANT TO INCLUDE WITH THEIR APPLICATION FOR SUBMISSION. Once DCCA gets the packet they will have the letter from the community to be better informed of the area the developer wants to take space. Once DCCA has done their review and passes on to DPP for their review, they also will have the information provided by the community to better address any form of approvals for planning and or permitting.

For counties without Neighborhood Boards or Community Associations the applicant could hold their own community meeting/forum or arrange/coordinate submitting their plans to the appropriate DPP/Planning/Zoning agency prior to ensure zoning and compliance prior to submission to DCCA.

This would allow for accountability and transparency of the process on the shoulders of the applicant vs the community and or county finding out about a development that shouldn't have taken place on AG LAND with no resources or appropriate planning. Currently, nothing is

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realized until the Gentlemen Farm, Luxury homes are built, seen and submitted for complaint
OR if a farmer/rancher is pushed out.

I am grateful for your consideration in this measure and respectfully ask for your support in passing HB1571. I look forward to further opportunities to participate in discussions of this measure. I am happy to respond to any questions.

Mahalo,

Racquel Achiu

Waialua Moku, O`ahu