



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
H.B. NO. 2424, RELATING TO LAND USE.**

**BEFORE THE:
HOUSE COMMITTEE ON WATER & LAND**

DATE: Tuesday, February 10, 2026 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 411

TESTIFER(S): Anne E. Lopez, Attorney General, or
Alyssa-Marie Y.H. Kau, Deputy Attorney General

Chair Hashem and Members of the Committee:

The Department of the Attorney General has concerns regarding this bill and provides the following comments.

This bill temporarily allows county planning commissions, between July 1, 2026, and December 31, 2028, to petition the Land Use Commission (LUC) for a district boundary amendment to reclassify certain lands within the agricultural district to the rural district through the LUC's declaratory ruling process.

To accomplish this, the bill directs the LUC to process these petitions as petitions for declaratory orders pursuant to section 91-8, Hawaii Revised Statutes (HRS), provided that enumerated conditions are met.

With regard to redistricting land, article XI, section 3, of the State Constitution provides that "[l]ands identified by the State as important agricultural lands . . . shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action." Section 205-50, HRS, provides specific criteria that must be met to reclassify important agricultural lands. To avoid any potential constitutional or statutory conflicts, we recommend amending the bill to clarify that lands designated as important agricultural lands are excluded from the district boundary amendment process authorized by this bill.

Testimony of the Department of the Attorney General

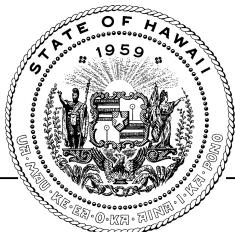
Thirty-Third Legislature, 2026

Page 2 of 2

Additionally, section 3, subsection (a)(7)(C) (page 4, lines 9-11) requires the applicable county planning commission to provide "[r]equired due process for district boundary amendments under constitutional and statutory law[.]" It is unclear what additional process this subparagraph requires beyond the notice and opportunity for public comment provided for in subsection (a)(7)(A) and (B) (page 4, lines 3-8). Greater specificity would improve clarity for effective implementation.

Finally, in section 3, subsection (a)(8) on page 4, lines 12-15, the bill requires the Office of Planning and Sustainable Development (OPSD) to "appear as a party, at both the state and county levels." While the bill clearly contemplates OPSD participation as a party in the LUC at the "state level," it is unclear what specific role OPSD is intended to play at the county level. Clarifying this provision would reduce ambiguity and implementation risk.

Thank you for the opportunity to provide comments.



STATE OF HAWAI'I OFFICE OF PLANNING & SUSTAINABLE DEVELOPMENT

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JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
DIRECTOR

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Statement of **MARY ALICE EVANS, Director**

before the

HOUSE COMMITTEE ON WATER AND LAND

Tuesday, February 10, 2026
9:00 AM

State Capitol, Conference Room 411

in consideration of

HB 2424 RELATING TO LAND USE.

Chair Hashem, Vice Chair Morikawa, and Members of the Committee on Water and Land.

The Office of Planning and Sustainable Development (OPSD) offers **comments with concerns and a solution** on HB 2424, which allows the counties a temporary opportunity to petition for the redistricting of land from the Agricultural District to the Rural District through the Land Use Commission's (LUC) declaratory order proceeding, provided certain conditions are met.

The OPSD's *State Land Use Review of Districts* (January 2022) found that reclassification of established rural subdivisions and rural centers from the Agricultural to the Rural District could accommodate rural settlement patterns and subsistence farming lifestyles, and better align State and county land use policy that seeks to separate non-farm residential uses from bona fide farming to reduce pressure on Hawai'i's limited productive agricultural lands.

However, OPSD has several concerns. First, HRS Chapter 165 - Hawaii Right To Farm Act is intended to apply to all agricultural lands, but HB 2424 appears to amend HRS §165-1 to limit its application to agricultural lands "occurring on former sugar cane lands."

Second, the LUC's declaratory order process has limited purposes. For example, (a) the process is used to allow the LUC to address the applicability of any statutory provision or of any rule or order of the commission to a specific factual situation; (b) designate lands as important agricultural lands (IAL); or (c) issue a declaratory order to terminate a controversy or to remove uncertainty. It should be noted that for IAL designations, this is State zoning overlay and does not change the underlying State Land Use District; land situated in the Agricultural District remains in the Agricultural District even after being designated IAL. Thus, the declaratory order process is not an appropriate means to amend State land use district boundaries.

While we support the bill's intent, OPSD prefers the establishment of a county plan-based district boundary amendment proceeding in HRS Chapter 205 that enables the redistricting of lands to a district that is consistent with a county's adopted general plan and community development plan land use designations. We believe that HB 1015 provides a vehicle to accomplish this and the redistricting sought in this measure.

HB 2424 RELATING TO LAND USE- COMMENTS
State Office of Planning and Sustainable Development
Tuesday, February 10, 2026

Thank you for the opportunity to testify on this measure.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
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**TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE HOUSE COMMITTEE ON WATER AND LAND

**TUESDAY, FEBRUARY 10, 2026
9:00 AM
CONFERENCE ROOM 411**

**HOUSE BILL NO. 2424
RELATING TO LAND USE**

Chair Hashem, Vice Chair Morikawa and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 2424. This measure authorizes each county's planning commission to petition the Land Use Commission (Commission) for a district boundary amendment to reclassify certain lands within the Agricultural District to the Rural District through the Commission's declaratory ruling process. This authorization is in effect from July 1, 2026, through December 31, 2028. The Department of Agriculture and Biosecurity (Department) offers comments, concerns and an amendment.

The Department supports the general concept of reclassifying lands in the Agricultural District that "...are already rural in character and are planned to remain in a rural-like setting" and "based on lower quality soils not conducive to agricultural cultivation, and rural-like low density development patterns either in current use or reflected in county general plans and community development plans." ("State Land Use – Review of Districts", Office of Planning and Sustainable Development, January 28, 2022; pages 136-137). That being said, this bill appears to have a few unintended flaws that may undermine its intent.

Page 1, line 15 to page 2, line 10

The proposed amendment to Section 165-1 (Hawaii Right-to-Farm law) does not appear relevant to what this bill seeks to do. The amending language should be deleted along with Section 1 and the original statutory language retained.

Page 2, line 18 to page 4, line 15

A petition by the county to the Land Use Commission to reclassify Agricultural District land to the Rural District must meet all eight requirements. The Department recommends that these requirements be carefully scrutinized to prevent adverse effect on Agricultural District lands and their use for agricultural production.

Page 3, lines 4-6

It is our understanding that “single-family residences” are not permitted in the Agricultural District unless the lot on which the single-family dwelling” is to be located existed before June 4, 1976 (Section 205-4.5(b)).

Page 3, lines 9-11

The Department recommends that potential candidate lands being considered for reclassification (part of an existing agricultural subdivision consisting of more than 20 subdivided lots) be mapped out to determine what the statewide footprint of 20+ lot subdivisions looks like.

The Department recommends that the counties who choose to implement the provisions in this measure, should it be enacted, consider concurrent revision of their respective ordinances, plans, and rules affecting the subdivision (or other means of partitioning) of agricultural land to direct the development of large lot estates to the Rural District. This may help reduce the continuing adverse impact that ongoing partitioning of Agricultural District land into lots or units with little, if any, agricultural production, are having on agricultural land values and access to these lands for agricultural production.

Thank you for the opportunity to provide testimony on this measure.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.



LAND USE COMMISSION

Komikina Ho'ohana 'Āina

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
Ka 'Oihana Ho'omōhala Pā'oihana, 'Imi Wai wai a Ho'omāka'ika'i

JOSH GREEN, MD
GOVERNOR

DANIEL E. ORODENKER
EXECUTIVE OFFICER

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Statement of
Daniel E. Orodenker
Executive Officer
State Land Use Commission

Before the
House Committee on
Water and Land

Tuesday February 10, 2026
9:00 AM

State Capitol, Room 411 and Video Conference

In consideration of
HB2424

RELATING TO LAND USE

Chair Hashem; Vice Chair Morikawa; and members of the House Committee on Water and Land:

The Land Use Commission ("LUC") staff has no position at this time but has the following comments on this measure that would provide the counties a three-year window to petition to reclassify lands from the State Agricultural District into the State Rural District through the LUC's declaratory ruling ("DR") process.

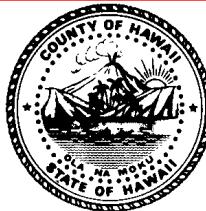
LUC staff are willing to work with the counties and the State Office of Planning and Sustainable Development ("OPSD") on this issue. LUC staff remains concerned that due process be provided by county planning commissions throughout the process being proposed.

Section 2(b) sets forth the process to be used by the LUC for handling such DR petitions. LUC staff is concerned that the DR process may not be the correct procedure to use to ensure affected landowners due process. LUC staff concurs that rules would need to be promulgated for an efficient process and to provide guidance to address due process concerns.

Thank you for the opportunity to testify on this matter

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

HEATHER L. KIMBALL
COUNCIL DISTRICT 1
(North Hilo, Hāmākua, and portion of
Waimea)



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HAWAI'I COUNTY COUNCIL
25 Aupuni Street, Ste. 1402, Hilo, Hawai'i 96720

February 8, 2026

House Committee on Water and Land
Honorable Representative Mark J. Hashem, Chair
Submission via online testimony only

RE: **Support of HB 2424 – Relating to Land Use (Agricultural to Rural)**

Dear Chair Hashem, Vice Chair Morikawa, and Members of the Committee on Water and Land:

Mahalo for the opportunity to submit **testimony in SUPPORT of HB 2424**, which authorizes each county planning commission to petition the Land Use Commission for a district boundary amendment to reclassify certain lands within the agricultural district to the rural district through the declaratory ruling process.

As a Hawai'i County Council Member, I recognize firsthand the longstanding land use challenges associated with small-lot subdivisions located within the agricultural district, many of which were created prior to the enactment of the State Land Use Law in 1961. These legacy subdivisions often contain lots that are insufficient in size or configuration to support viable agricultural use, resulting in persistent nonconformities and regulatory uncertainty for property owners, counties, and state agencies alike.

By authorizing county planning commissions, between July 1, 2026 and December 31, 2028, to petition the Land Use Commission for district boundary amendments through the declaratory ruling process, the bill empowers counties to align land use designations with existing development patterns, while preserving critical agricultural lands and safeguarding public trust resources.

From a county perspective, this measure supports responsible land use planning, reduces regulatory conflicts, and provides clarity for long-established communities without undermining the broader goal of protecting agricultural productivity. HB 2424 reflects a balanced partnership between the State and counties, recognizing that counties are best positioned to evaluate local conditions while remaining accountable to statewide land use priorities.

For these reasons, I respectfully urge your favorable consideration of HB 2424. If you would like to discuss my knowledge of this matter further, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Heather L. Kimball".

HEATHER L. KIMBALL

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.



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February 10, 2026

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON HB 2424
RELATING TO LAND USE

Conference Room 411 & Videoconference
9:00 AM

Aloha Chair Hashem, Vice-Chair Morikawa, 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 provides comments on HB 2424, which creates a temporary and targeted pathway, effective from July 1, 2026, through December 31, 2028, for county planning commissions to seek reclassification of certain lands from the Agricultural District to the Rural District, subject to review by the Land Use Commission.

HB 2424 seeks to address a narrow, longstanding land-use issue involving legacy subdivisions within the Agricultural District created decades ago, often consisting of small residential lots that were never viable for bona fide agricultural use. These situations can create ongoing enforcement challenges, land use uncertainty, and conflicts between residential uses and nearby agricultural operations.

We recognize that, in certain limited circumstances, reclassification of such lands may be appropriate to reflect existing conditions and reduce conflicts that negatively impact both residents and adjacent farmers. The temporary and targeted nature of HB 2424, along with the continued involvement of the Land Use Commission, distinguishes this measure from broader proposals that would more significantly weaken statewide agricultural land protections.

At the same time, the Hawai'i Farm Bureau remains firmly committed to the preservation of productive agricultural lands. Agricultural land, once lost, is rarely recovered. It is critical that any reclassification process include clear safeguards to prevent productive, viable agricultural lands from being inadvertently removed from the Agricultural District.

We appreciate that HB 2424 retains a role for the LUC and includes criteria intended to limit the scope of reclassification. If this measure moves forward, we respectfully encourage continued attention to ensuring that the bill is implemented narrowly, does not create unintended precedent, and does not expand beyond the specific circumstances it is intended to address.

We support housing solutions and land-use clarity, but not at the expense of agriculture or long-term food security. With appropriate safeguards and careful implementation, HB 2424 may provide a limited tool to address legacy land use issues while maintaining the integrity of Hawai'i's agricultural lands.

Thank you for the opportunity to provide comments on this measure.



SIERRA CLUB

OF HAWAII

HOUSE COMMITTEE ON WATER & LAND

February 10, 2026

9:00 AM

Conference Room 411

In OPPOSITION to HB2424: RELATING TO LAND USE

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Committee,

On behalf of our more than 20,000 members and supporters, the Sierra Club of Hawai'i **OPPOSES** HB2424, which attempts to short-circuit the careful process used by the Land Use Commission ("LUC") to oversee large-scale land use changes, without sufficiently examining the myriad impacts that such changes can have on our food security, public trust resources, cultural practices, climate resilience, affordable housing opportunities, and economic development.

The LUC is tasked with assessing and protecting a variety of critical public interests in its review and approval of large-scale land use changes, including in our natural and cultural public trust resources, sea level rise, Native Hawaiian traditional and customary rights, agriculture and food security, affordable housing, and local job creation, among others. To carry out this responsibility, the LUC employs an evidentiary process, called a contested case hearing, that allows stakeholders to provide and cross-examine evidence including but not limited to expert and cultural practitioner testimony, data and technical reports, and other sources of information. The LUC uses this court-like process to issue written findings of fact, conclusions of law, and decisions and orders that can balance and protect the various public interests at hand, providing a level of transparency, objectivity, accountability, and thoroughness that is not found in county general plan and land use decisionmaking processes.¹

This measure directs the LUC to review and approve more intensive land use changes on 15 acres or more of undeveloped lands "intended" for housing through a declaratory ruling, rather than a contested case hearing. **This will prevent the LUC from applying its long-established, court-like process to ensure a careful balancing of potentially impacted public interests in large-scale land use changes, including those that may not have**

¹ For example, county general plans and county land use decisionmaking, while allowing for public testimony, do not provide for the taking or examination of expert testimony – including that of Native Hawaiian traditional and customary practitioners – the cross examination of witnesses, and the building of an evidentiary record that is then explicitly considered in the balancing of public needs and interests described above. The current county practice of taking public testimony and then rendering a decision provides little transparency on how those decisions are made, what countervailing concerns were considered or addressed, what weight was given to any particular testifier or piece of information provided, etc. To the extent that this measure views county decisionmaking as a substitute for the current LUC district boundary amendment process, it is mistaken.



been identified or accessed by county planning commissions. This in turn may all but invite unintended and avoidable impacts to regional food security, Native Hawaiian traditional and customary practices, and other areas of public concern.

While the Sierra Club appreciates that this bill would still allow the LUC to employ a contested case hearing if there is “insufficient evidence presented by the applicable county planning commission or that significant public trust issues are presented by the petition,” it is a contested case hearing itself that is critical to determining what evidence in a petition may be missing, or what public trust issues may exist. For example, simply identifying normally unadvertised Native Hawaiian traditional and customary practices on less-than-fully-developed lands, or the impacts of water use on domestic uses and other public trust purposes, would almost certainly require the careful examination – and cross-examination – provided in the LUC’s normal contested case hearing requirement. However, by setting a declaratory ruling as the default process for district boundary amendments, this measure might prevent the LUC from even identifying the issues it would not otherwise be aware of.

Accordingly, the Sierra Club strongly urges the Committee to **HOLD** this measure. Mahalo nui for the opportunity to testify.