
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that in the State, land
2 is a precious and limited resource, and zoning laws often
3 distinguish between land used for agricultural purposes and
4 other uses, such as residential or commercial development. The
5 lack of a uniform standard for what constitutes a bona fide
6 farmer can lead to discrepancies in the way agricultural zoning
7 is applied. Landholders who are not truly engaged in farming
8 may take advantage of agricultural zoning designations,
9 potentially reducing available agricultural land and undermining
10 the State's efforts to preserve land for commercial agricultural
11 activities. This creates conflicts with the preservation and
12 allocation of agricultural resources, which should be reserved
13 for farmers who are engaged in genuine farming activities.

14 The legislature acknowledges that some of the persistent
15 difficulties in Hawaii agriculture have been reconciling the
16 diversity of agricultural practices with the need for a uniform,
17 enforceable standard that prevents abuse of agricultural tax



1 classifications and land entitlements, incorporating the breadth
2 and scope of agricultural activity in the State and providing
3 comprehensive language that successfully incorporates county
4 level zoning and property tax ordinances regarding land and
5 water usage.

6 The purpose of this Act is to require the department of
7 agriculture and biosecurity to convene a bona fide farmer
8 working group to develop multi-tiered, matrix-based definitions
9 for the terms "bona fide farmer" and "bona fide agricultural
10 activity".

11 SECTION 2. (a) The department of agriculture and
12 biosecurity shall convene a bona fide farmer working group to
13 develop multi-tiered, matrix-based definitions for the terms
14 "bona fide farmer" and "bona fide agricultural activity".

15 (b) The bona fide farmer working group shall consist of
16 the following members:

17 (1) The chairperson of the board of agriculture and
18 biosecurity, or the chairperson's designee, who shall
19 serve as the chair of the working group;

20 (2) The chairperson of the board of trustees of the office
21 of Hawaiian affairs, or the chairperson's designee;



- 1 (3) The executive director of the Hawaii Farm Bureau, or
2 the executive director's designee, who shall be
3 invited by the chair of the working group;
- 4 (4) The president and chief executive officer of the
5 Hawaii Farmers Union United, or the president and
6 chief executive officer's designee, who shall be
7 invited by the chair of the working group;
- 8 (5) The president of the Hawaii Cattlemen's Council, or
9 the president's designee, who shall be invited by the
10 chair of the working group; and
- 11 (6) The president of the Hawaii Floriculture and Nursery
12 Association, or the president's designee, who shall be
13 invited by the chair of the working group.
- 14 (c) The chair of the bona fide farmer working group may
15 invite other representatives of interested organizations with
16 relevant experience and expertise to participate in the working
17 group, as necessary.
- 18 (d) In developing the multi-tiered, matrix-based
19 definitions for the terms "bona fide farmer" and "bona fide
20 agricultural activity", the bona fide farmer working group shall
21 consider the following tiers, determine the individuals that are



1 to be included in each tier, and examine the feasibility of
2 implementing the tier system when considering the different
3 types of farming operations in the State:

4 (1) Tier I. Entry-level and transitional farmers. Tier I
5 shall recognize bona fide entry-level and transitional
6 farms and ensure access to land, water, and
7 agricultural support resources during the
8 establishment or recovery phase of a farm;

9 (2) Tier II. Small-scale and diversified farmers. Tier
10 II shall recognize bona fide small-scale and
11 diversified farms without imposing unrealistic or
12 strictly uniform income thresholds;

13 (3) Tier III. Commercial and professional farmers. Tier
14 III shall recognize bona fide commercial and
15 professional farms and ensure accountability for
16 operators whose primary livelihood is derived from
17 agriculture while recognizing sector-specific economic
18 realities; and

19 (4) Tier IV. Corporate and institutional agricultural
20 enterprises. Tier IV shall recognize bona fide
21 corporate and institutional agricultural enterprises



1 and ensure that large-scale agricultural enterprises
2 maintain genuine agricultural operations and do not
3 use the designation of "bona fide farmer" or "bona
4 fide agricultural activity" for the purposes of land
5 speculation or residential development.

6 (e) Members of the bona fide farmer working group shall
7 serve without compensation but shall be reimbursed for
8 reasonable expenses, including travel expenses, necessary for
9 the performance of their duties.

10 (f) The bona fide farmer working group shall submit a
11 report of its findings and recommendations, including any
12 proposed legislation, to the legislature no later than twenty
13 days prior to the convening of the regular session of 2028.

14 (g) The bona fide farmer working group shall cease to
15 exist on June 30, 2028.

16 SECTION 3. This Act shall take effect on July 1, 2026.



Report Title:

DAB; Working Group; Bona Fide Farmer; Bona Fide Agricultural Activity; Definitions; Report

Description:

Requires the Department of Agriculture and Biosecurity to convene a Bona Fide Farmer Working Group to develop multi-tiered, matrix-based definitions for the terms "bona fide farmer" and "bona fide agricultural activity". Requires a report to the Legislature. (CD1)

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