

Testimony of the Hawai'i Real Estate Commission

**Before the
Senate Committee on Commerce and Consumer Protection
Wednesday, March 4, 2026
9:30 a.m.
Conference Room 229 & Via Videoconference**

**On the following measure:
S.B. 3231, RELATING TO AGRICULTURAL DISTRICTS**

WRITTEN TESTIMONY ONLY

Chair Keohokalole and Members of the Committee:

My name is Derrick Yamane, and I am the Chairperson of the Hawai'i Real Estate Commission (Commission). The Commission offers comments on this bill.

The purposes of this bill are to: (1) require condominium maps for lands within an agricultural district to include a letter signed by an appropriate county official or agency certifying that the condominium property regime will conform to county zoning laws; (2) authorize counties to require the county's approval of the subdivision of parcels of land larger than ten acres prior to the effective date of the condominium property regime.

The Commission has concerns regarding the proposed amendments to section 514B-52(b), HRS. Subdivision and condominium are fundamentally different processes. Subdivision divides a parcel into separate, individually owned lots, whereas a condominium creates units with exclusive-use common areas where all owners retain an undivided interest in the underlying land. Additionally, condominium property regimes are not issued "effective dates" (page 3, lines 16-17). It is unclear whether this provision intends to reference the recordation date of the condominium or the effective date of a developer's public report for a condominium project.

The Commission believes this bill may lead to unintended consequences. If county subdivision approval is required before creating or registering a condominium, some developers may choose to instead pursue a full subdivision of agriculturally zoned parcels, which could potentially lead to indefinite divisions of agriculturally zoned parcels.

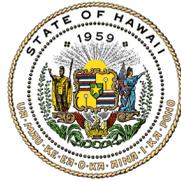
Currently, section 514B-52(b), HRS, requires counties to verify an expanded agricultural letter addressing “the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules” for condominium projects containing five or more units. If the intent of the bill is to further protect the integrity of agricultural lands, the Commission suggests expanding this existing requirement to include large agricultural condominium projects by acreage. For the Committee’s consideration, the Commission respectfully proposes the following revisions to section 514B-52(b), HRS:

“(b) An application for registration of a project in the agricultural district classified pursuant to chapter 205 shall include a verified statement, signed by an appropriate county official, confirming that the project as described and set forth in the project’s declaration, condominium map, bylaws, and house rules does not include any restrictions limiting or prohibiting agricultural uses or activities, in compliance with section 205-4.6. For projects containing [~~greater~~] more than five units or larger than ten acres, the statement shall also include the applicant’s assessment and county comments regarding the availability of supportive infrastructure, any potential impact on governmental plans and resources, sensitive environmental resources, and any other requirements pursuant to county ordinances and rules. The commission shall not accept the registration of a project where a county official has not signed a verified statement.”

Thank you for the opportunity to testify on this bill.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE & BIOSECURITY
KA 'OIHANA MAHI'AI A KIA'I MEAOLA
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9560 FAX: (808) 973-9613

SHARON HURD
Chairperson
Board of Agriculture & Biosecurity

DEAN M. MATSUKAWA
Deputy to the Chairperson

WRITTEN ONLY

TESTIMONY OF SHARON HURD CHAIRPERSON, BOARD OF AGRICULTURE AND BIOSECURITY

BEFORE THE SENATE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

WEDNESDAY, MARCH 4, 2026

9:30 AM

CONFERENCE ROOM 229

SENATE BILL NO. 3231 RELATING TO AGRICULTURAL DISTRICTS

Chair Keohokalole, Vice Chair Fukunaga and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 3231 that requires condominium maps for lands within the Agricultural District to include a letter signed by an appropriate county official or agency certifying that the condominium property regime (CPR) will conform to county zoning laws. The bill also authorizes counties to require the county's approval of the subdivision of parcels of land larger than ten acres prior to the effective date of the condominium property regime. The Department of Agriculture and Biosecurity (Department) supports this measure.

The Department supports the first amendment (page 2, lines 10-15) involving Section 514B-52 that reinforces the requirement that CPRs be in conformance with the county's zoning laws (Section 514B-5), and that a signed letter from the county attesting to this conformance is to be attached to the condominium map.

The Department supports the second amendment (page 3, lines 13-17) that offers the counties the opportunity to require county approval of a subdivision of agricultural land greater than ten acres prior to the effective date of the CPR. This may result in the establishment of feasible agricultural use within the agricultural subdivision and be in conformance with applicable State and county laws and regulations.

Thank you for the opportunity to testify on this measure.

SB-3231

Submitted on: 2/26/2026 2:32:16 PM

Testimony for CPN on 3/4/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cathy Goeggel	Testifying for Animal Rights Hawai'i	Support	Written Testimony Only

Comments:

WE are in strong support of SB3231. Mahalo



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 4, 2026

HEARING BEFORE THE
SENATE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

TESTIMONY ON SB 3231
RELATING TO AGRICULTURAL DISTRICTS

Conference Room 229 & Videoconference
9:30 AM

Aloha Chair Keohokalole, Vice-Chair Fukunaga, 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 supports the intent of SB 3231, which requires condominium maps for lands within an agricultural district to include a letter signed by an appropriate county official or agency certifying that the condominium property regime will conform to county zoning laws and authorizes counties to require the county's approval of the subdivision of parcels of land larger than ten acres prior to the effective date of the condominium property regime.

HFB has consistently supported efforts to protect agricultural lands from fragmentation and misuse. Land in the Agricultural District should remain available and viable for bona fide agricultural production. Strengthening oversight to prevent the use of condominium property regimes as a substitute for subdivision review aligns with the goal of preserving the integrity of agricultural lands.

However, HFB has concerns about the provision that authorizes counties to require subdivision approval for projects involving parcels larger than 10 acres prior to the effective date of a condominium property regime.

Acreage alone does not distinguish between residential estate development and legitimate agricultural operations. Many viable agricultural operations in Hawai'i exceed ten acres and may utilize condominium regimes for operational, financing, succession planning, or shared infrastructure purposes. Allowing subdivision requirements to be triggered solely by parcel size could unintentionally impose significant cost, delay, and

infrastructure obligations on bona fide agricultural projects that are not seeking to circumvent zoning requirements.

HFB respectfully suggests that subdivision authority be more clearly tied to findings of non-agricultural use or demonstrable attempts to avoid existing land use controls, rather than to a fixed acreage threshold. State and county processes should retain the flexibility to distinguish between misuse of the Agricultural District and legitimate agricultural business structuring.

As this measure moves forward, we respectfully encourage continued attention to implementation that avoids unnecessary delays or barriers to legitimate agricultural operations. Farmers and ranchers depend on predictable land use rules to secure financing, invest in infrastructure, and maintain long-term agricultural viability.

HFB remains committed to preserving agricultural lands for agricultural production and supports thoughtful refinement of this measure to ensure it targets abuse without impairing viable farming operations.

Thank you for the opportunity to provide testimony.

SB-3231

Submitted on: 2/26/2026 7:11:51 PM

Testimony for CPN on 3/4/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Oppose

complaints from tenants regarding AG farming methodology, dust, etc.

3231 SB RELATING TO AGRICULTURAL DISTRICTS.

LATE

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 AN INDIVIDUAL & RANCHER.

I am writing in SUPPORT of SB3231. My kaiāulu has lost an estimated 6000 acres of AG LAND, Good Ag Land to CPR Development. CPR applications slip through the process under the guise of Agricultural Farm Lots.

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 oversight of review and requirement implementation, including but not limited to, EIS, Ka Pa`aka i Analysis & 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. (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 BUILDING PERMITS, NO ZONING COMPLIANCE, NO AUTHORIZED RESOURCES, NO BONAFIDE AGRICULTURE ITS AGRIWASHING AT ITS FINEST. The "Imposter Industry" has now displaced or pushed out the bonafide farmer/rancher for their fake/gentlemen farm.
6. 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.

7. 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 an 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 with providing resources to multiple individual lots vs a structured plan for a Cluster former. This would include a waste water management system vs individual septic systems (that are in most situations not permitted or certified)

Community catches wind of these non permitted, non compliant little neighborhoods that change the footprint of existing communities with no regulations or accountability for the impacts of the project. Additionally, the clearing of these lands creates serious concern with regard to runoff and drainage from lands that once held strong vegetation. 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 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 who takes in the CPR Registrations. We had, what I believe was a very positive and productive conversation about how to address the issue. 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, Community Associations and or any appropriate Community Groups.

It would not make sense for the County to provide comment to DCCA if there are Neighborhood boards and or Community Associations since the county doesn't have purview of the project until DCCA submits the project to them. By addressing the project to the community, the community can then submit a letter of support, opposition, concerns, recommendations 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 community groups the applicant would have to arrange or coordinate submitting their plans to the appropriate DPP/Planning/Zoning agency 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 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 SB3231. 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