
SENATE RESOLUTION

REQUESTING THE OFFICE OF PLANNING TO ESTABLISH AN AGRICULTURAL
HOUSING TASK FORCE TO STUDY EXISTING COUNTY AND STATE LAWS,
RULES, AND PROCESSES TO PLAN FOR THE CONSTRUCTION OF ON-FARM
EMPLOYEE HOUSING WITHIN THE STATE AGRICULTURAL DISTRICT.

WHEREAS, the State has the duty to conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands; and

WHEREAS, the State has made sustainability and self-sufficiency in agriculture and local food production a priority; and

WHEREAS, economically safe, sanitary, and affordable on-farm employee housing is critical for working farms to attract and retain long-term and short-term farm workers; and

WHEREAS, existing laws governing construction of such on-farm employee housing are multi-layered and vary across the State; and

WHEREAS, many of the laws and rules governing construction of traditional residential housing units are ill-suited for the demands and economic realities of working farms; and

WHEREAS, these existing laws, rules, and processes preclude farms from providing safe, sanitary, and affordable on-farm employee housing to attract and retain farm workers, and stand as an obstacle to the State's agricultural self-sufficiency; and

WHEREAS, the Legislature supports the intent of the existing laws to prevent use of agricultural lands for primarily residential use or creation of "gentlemen estates" or "fake farms", and recognizes that supporting housing for actual farm workers on farms producing commercial agricultural products must be tailored for that purpose; now, therefore,

BE IT RESOLVED by the Senate of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019, that the Office of Planning is requested to establish an agricultural housing task force to analyze and provide recommendations that would support existing laws, rules, and processes to plan for the construction of safe, sanitary, and affordable on-farm employee housing within the state agricultural district limited to farms that are engaged in agricultural production; and

BE IT FURTHER RESOLVED that the agricultural housing task force is requested to have the following objectives:

(1) Study existing county and state laws, rules, and processes for the construction of employee housing on working farms within the state agricultural district across the State;

(2) Identify existing barriers in laws, rules, and processes that prohibit the construction of safe, sanitary, and affordable on-farm employee housing for farmworkers, including mobile units for temporary and seasonal farmworkers;

(3) Give special consideration to modular, portable, and temporary employee housing, which can be removed in the event a farm ceases commercial production, as a solution;

(4) Create a separate legal designation, as it relates to such housing without a permanent foundation;

(5) Make recommendations for changes to existing state and county laws, rules, and processes as necessary; and

(6) Propose one master use application process, as well as laws and rules that can be applied consistently throughout the State, to issue a discretionary permit for the construction of safe, sanitary, and affordable on-farm employee housing for farmworkers on active commercial farms, including permit conditions intended to promote agricultural production and restrict residential uses that are not serving primary commercial agricultural purposes; and

BE IT FURTHER RESOLVED that the agricultural housing task force is requested to consist of the following:

(1) The Director of the Office of Planning or the Director's designee, who is requested to serve as chairperson;

(2) The Chairperson of the Board of Agriculture or the Chairperson's designee;

(3) The Deputy Director of the Department of Health's Environmental Health Administration or the Deputy Director's designee;

(4) The Chairperson of the Land Use Commission or the Chairperson's designee;

(5) One representative member from each of the several counties' zoning and planning departments;

(6) Two representative members from an agricultural or farming association, to be selected by the Director of the Office of Planning; and

(7) One representative member from a public interest organization with a focus on housing issues, to be selected by the Director of the Office of Planning; and

BE IT FURTHER RESOLVED that the agricultural housing task force is requested to:

(1) Submit a preliminary report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2021, including a discussion of the task force's objectives;

(2) Prepare and submit to the Legislature a draft guide explaining the existing process for, and the laws and rules relating to, approval of employee housing in the state agricultural district across the State, including county and local ordinances that pertain to each locality for the public's understanding and benefit, no later than twenty days prior to the convening of the Regular Session of 2022; and

(3) Submit a final report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2025; and

BE IT FURTHER RESOLVED that the Office of Planning is requested to provide administrative and clerical support to the agricultural housing task force; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of the Office of Planning; Chairperson of the Board of Agriculture; Deputy Director of the Department of Health's Environmental Health Administration; Chairperson of the Land Use Commission; and mayors of the several counties.