

Learn more about the Real Estate Branch (REB) of the Department of Commerce and Consumer Affairs

Check out the REB website www.hawaii.gov/hirec for more information and some frequently asked questions.

- What services does the REB provide to the condominium community?
- Where can I get help with association disputes?
- What laws apply to my condominium association?
- How do I get a copy of my association documents?
- How do I obtain a real estate license?
- What are the laws and rules for real estate licensees?

Real Estate Branch

About Us

The Real Estate Branch, as part of the Professional and Vocational Licensing Division, assists the Real Estate Commission in carrying out its responsibility for the education, licensure and discipline of real estate licensees; registration of condominium projects, condominium associations, condominium managing agents, and condominium hotel operators; and intervening in court cases involving the real estate recovery fund.

Subscribe

Receive emails on relevant condominium educational materials. Sign up now at <http://cca.hawaii.gov/reb/subscribe/>

Contact Us

Condominium Hotline: 808-586-2644
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Email: hirec@dcca.hawaii.gov
Web: www.hawaii.gov/hirec

This brochure is for informational purposes only and not intended for the purpose of providing legal advice. Information provided is subject to change.



CONDOMINIUM: AGRICULTURAL CONDOMINIUMS

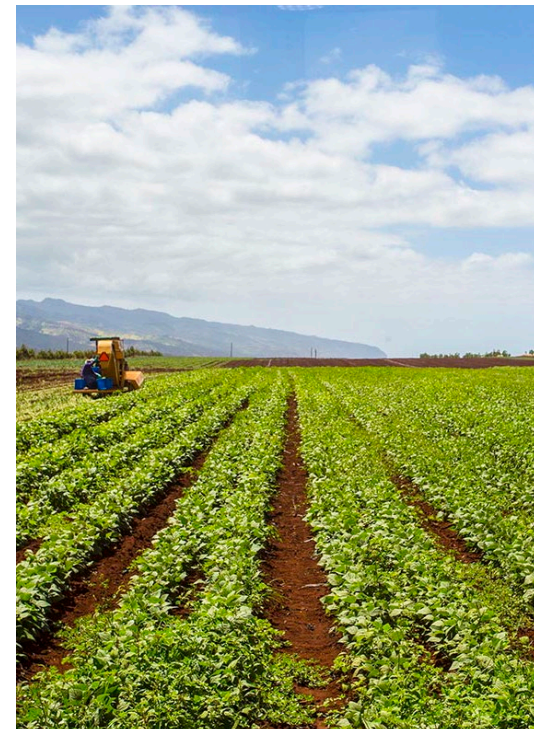
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*Real Estate Branch
Department of Commerce and
Consumer Affairs*

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Agricultural Condominiums

As condominium development expands into agriculturally zoned property across the state, prospective buyers, whether or not focused on farming, must be aware of the complexities that accompany such developments.

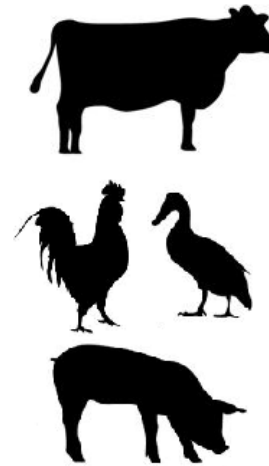
Agricultural Activities

When it comes to water, most buyers of condominiums begin and end their inquiries with “how’s the water pressure?” In agricultural condominiums, however, there are a myriad of questions regarding access to water, monthly available supply, location of water sources, and quality of the water. As water is central to all farming, it is imperative that prospective buyers research how much access to available usable water their units will have.

Agriculturally zoned property often requires special conditions in order to build farm dwellings. Counties often require an agricultural dedication and/or an approved farm plan before they will issue building permits. Furthermore, successor owners may also be required to follow that farm plan. Counties also monitor the farming activities of

agricultural condominiums to ensure compliance with such conditions. Failure to adhere to the agricultural dedication or farm plan may result in fines, increased property tax, or revocation of permits.

While farming may not be the primary focus of a unit owner, they should be aware that chapter 204, HRS, prevents an association from restricting agricultural activities. In other types of condominiums, an association can often restrict activities that result in smells, noise, or animal husbandry. Chapter 204, HRS, however, preserves exceptionally broad freedoms to unit owners in pursuing agricultural activities.



Other County Restrictions

Agricultural condominiums tend to be significantly larger than residential condominiums often with entire projects being measured in acres. That does not mean, however, that the local county will allow many structures. Counties regularly restrict agricultural condominium

developments to a few dwellings, sometimes far fewer than the total number of units.

Prospective buyers should be aware of how many total dwellings will be allowed and if any other units are already assigned those development rights by the developer.

Disclosures & Legislation

The Developer’s Public Report attempts to disclose the most important aspects of a condominium project regarding infrastructure issues, development rights, existing conditions, covenants, and restrictions. Because of the complexity of an agricultural development, including a prospective buyer’s farming plans, buyers should inquire with local county officials regarding specific details that pertain to their agricultural plans.

Be aware that agricultural development has been a significant source of proposed bills at the legislature year after year. Pay



attention to the annual legislation that seeks to modify agricultural freedoms while restricting other types of development.