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Farm Ownership & Corporate Farming Laws: *Hawaii*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

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Farm Ownership & Corporate Farming Laws: Hawaii

Fast Find:

- 1) Prohibition: HI Organic Act § 73(f); Haw. Rev. Stat. § 171-68
- 2) Permission: Not Expressly
- 3) Reporting: None
- 4) Corporate Farming: None

HI Organic Act § 73(f)

Haw. Rev. Stat. § 171-68

Current through laws passed by the 2021 Regular Session and the 2021 Special Session of the 31st Hawaii State Legislature, pending text revisions by the revisor of statutes. Some statute sections may be more current.

§ 73(f). Commissioner of public lands

No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who, or whose husband or wife, has previously taken or held more than ten acres of land under any such certificate, lease, or agreement made or issued after May 27, 1910, or under any homestead lease or patent based thereon; or who, or whose husband or wife, or both of them, owns other land in the Territory, the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law. No person who has so declared his intention and taken or held under any such certificate, lease, or agreement shall continue so to hold or become entitled to a homestead lease or patent of the land, unless he becomes a citizen within five years after so taking.

§ 171-68. Applicants; qualifications of

(a) A person shall be eligible to apply for a farm if the person has the qualifications as follows:

- (1) The person has been a resident in the State at any time for at least three years;
- (2) The person is a bona fide farmer:
 - (A) Who has not less than two years' experience as a full-time farmer; or
 - (B) Who was an owner-operator of an established farm conducting a substantial farming operation and who for a



substantial period of the person's life resided on a farm or depended on farm income for the person's livelihood; or

(C) Who has been a farm tenant or farm laborer or other individual, who has for the two years last preceding the person's application obtained the major portion of the person's income from farming operations; or

(D) Who has a college degree in agriculture; or

(E) Who by reason of ability, experience, and training as a vocational trainee is likely to successfully operate a farm; or

(F) Who has qualified for and received a commitment for a loan under the Bankhead-Jones Farm Tenant Act as amended, or as may hereafter be amended, for the acquisition of a farm; or

(G) Who is displaced from employment in an agricultural production enterprise; or

(H) Who is a member of the Hawaii Young Farmer Association or a Future Farmer of America graduate with two years of training with farming projects; or

(3) The person meets such other qualifications as the board of land and natural resources may prescribe pursuant to section 171-6.

(b) No person shall be entitled to apply for a farm:

(1) Who, or whose husband or wife, has previously taken or held land for farm or homesteading under any certificate, lease, or agreement or under any homestead lease or patent based thereon; or

(2) Who, or whose husband or wife, or both of them, owns in fee simple other land in the State, the combined area of which with the land in question exceeds eighty acres; provided that:

(A) The ownership of a residence lot or tract, not exceeding three acres in area, shall not disqualify any person otherwise qualified from applying for and receiving any form of farm;

(B) Any person who would otherwise qualify to take a farm lot shall not be disqualified by reason of taking, holding or owning land for farm or homesteading or otherwise, if the land so taken, held or owned becomes unusable for the purpose of farming as defined in section 171-65.

(c) The terms "farm" and "farmer" as used herein also mean ranch and rancher respectively for the purposes of this section.

