
HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVIEW AND
CONSIDER THE AMENDMENT OF ITS RULES RELATING TO THE
ASSIGNMENT AND SUBLETTING OF HAWAIIAN HOME LANDS LEASES.

1 WHEREAS, section 10-3-35, Hawaii Administrative Rules
2 (Department of Hawaiian Home Lands), provides the following:

3
4 No lessee may, without written approval from the
5 commission, enter into any contract, joint venture,
6 agreement or other arrangement of any sort with a
7 third person on lands covered by lessee's lease for
8 the cultivation of crops or the raising of livestock.

9
10 ; and

11
12 WHEREAS, section 10-3-36, Hawaii Administrative Rules
13 (Department of Hawaiian Home Lands), provides in relevant part
14 the following:

15
16 A lessee, with the written approval of the commission,
17 may transfer the leasehold to any individual who is a
18 native Hawaiian and is at least eighteen years old.

19
20 ; and

21
22 WHEREAS, within the broad provisions of section 10-3-35, it
23 has been reported that, in a number of instances, Hawaiian home
24 lands lessees have been subletting Hawaiian home lands leases to
25 non-native Hawaiians; and

26
27 WHEREAS, within the broad provisions of section 10-3-36, it
28 has been reported that there have been instances where a
29 Hawaiian home lands lessee has sold or otherwise transferred a
30 Hawaiian home lands lease to the native Hawaiian highest bidder
31 at a profit, to the detriment of other native Hawaiian
32 applicants on the waiting list for residential, agricultural, or
33 pastoral lots; and



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1 WHEREAS, the subletting of any Hawaiian home lands should
2 be limited to native Hawaiian sublessees; and

3
4 WHEREAS, any assignments of any Hawaiian home lands lease
5 should be made available to the native Hawaiians on the waiting
6 lists for residential, agricultural, or pastoral lots, and not
7 to the native Hawaiian highest bidder; now, therefore,

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9 BE IT RESOLVED by the House of Representatives of the
10 Twenty-third Legislature of the State of Hawaii, Regular Session
11 of 2006, that the Department of Hawaiian Home Lands is requested
12 to investigate whether the reported practices of:

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14 (1) Subletting, contracting, or joint venturing of
15 Hawaiian home lands to non-native Hawaiians; and

16
17 (2) The assigning of Hawaiian home lands leases to the
18 native Hawaiian highest bidder,

19
20 are prevalent practices, with or without the approval of the
21 Hawaiian Homes Commission; and

22
23 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
24 Lands and the Hawaiian Homes Commission are requested to review
25 their rules and to consider the amendment of the rules to limit:

26
27 (1) The approval of any sublease, contract, joint venture,
28 agreement, or other arrangement of any Hawaiian home
29 lands lease only to another native Hawaiian or an
30 organization formed and controlled by native
31 Hawaiians; and

32
33 (2) The approval of any assignment of a Hawaiian home
34 lands lease to the next eligible native Hawaiian on
35 the waiting list for any residential, agricultural, or
36 pastoral lot; and

37
38 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
39 Lands is requested to report its findings to the Legislature
40 twenty days before the convening of the Regular Session of 2007;
41 and



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1 BE IT FURTHER RESOLVED that a certified copy of this
2 Resolution be transmitted to the Chairperson of the Hawaiian
3 Homes Commission.
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OFFERED BY:

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