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## A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the nine hundred  
2 ninety-nine-year homestead program is becoming increasingly  
3 difficult to manage as conflicts often arise between family  
4 members who may have an interest in a nine hundred ninety-nine-  
5 year lease. Existing leases are unique in that they can only be  
6 assigned to members of the lessee's family.

7           The purpose of this Act is to expand the potential  
8 assignees of a homestead lease to include trustees of land  
9 trusts created for the purposes of managing and holding a  
10 homestead for the benefit of the lessee and lessee's family  
11 members.

12           SECTION 2. Section 171-99, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14           "(e) Assignment; certificate of occupation or homestead  
15 lease. No existing certificate of occupation or existing  
16 homestead lease, or fractional interest thereof, shall be  
17 transferable or assignable except by conveyance, devise,  
18 bequest, or intestate succession and with the prior approval of



1 the board of land and natural resources; provided that transfer  
2 or assignment by conveyance, devise, or bequest shall be limited  
3 to a member or members of the occupier's or lessee's family[~~-~~]  
4 or in the case of a homestead lease, to any person or persons  
5 designated as a trustee of a land trust.

6 For the purposes of this section[~~-~~]:

7 [~~"family"~~] "Family" means the spouse, reciprocal  
8 beneficiary, children, parents, siblings, grandparents,  
9 grandchildren, nieces, nephews, a parent's siblings, children of  
10 a parent's siblings, and grandchildren of a parent's siblings,  
11 of the occupier or lessee.

12 "Land trust" means a trust that has been created for the  
13 purposes of managing and holding the homestead leasehold estate  
14 for the benefit of the lessee and lessee's family members. The  
15 lessee may be the trustee of the trust.

16 All the successors shall be subject to the performance of  
17 the unperformed conditions of the certificate of occupation or  
18 the homestead lease."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Jessica Woolley*

JAN 26 2009



**Report Title:**

999-year Homestead Lease; Assignment

**Description:**

Allows 999-year homestead leases to be assigned to land trusts that are created for purposes of managing and holding the homestead leasehold estate for the benefit of the lessee and lessee's family members.

