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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 purpose of this Act is to reiterate and  
2 declare that the intent of the legislature in enacting Act 166  
3 on April 6, 2000, to amend section 177-99(e), Hawaii Revised  
4 Statutes, concerning the assignment of homestead leases, was  
5 originally and is now to leave intact the vested rights of  
6 persons holding homestead leases as joint tenants with rights of  
7 survivorship.

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

10           "(e) Assignment; certificate of occupation or homestead  
11 lease. No existing certificate of occupation or existing  
12 homestead lease, or fractional interest thereof, shall be  
13 transferable or assignable except by conveyance, devise,  
14 bequest, or intestate succession and with the prior approval of  
15 the board of land and natural resources; provided that transfer  
16 or assignment by conveyance, devise, or bequest shall be limited  
17 to a member or members of the occupier's or lessee's family.



1 For the purposes of this section, "family" means the  
 2 spouse, reciprocal beneficiary, children, parents, siblings,  
 3 grandparents, grandchildren, nieces, nephews, a parent's  
 4 siblings, children of a parent's siblings, and grandchildren of  
 5 a parent's siblings, of the occupier or lessee.

6 All the successors shall be subject to the performance of  
 7 the unperformed conditions of the certificate of occupation or  
 8 the homestead lease.

9 Nothing in this section shall be construed to automatically  
 10 terminate any joint tenancy created under this chapter on or  
 11 before April 6, 2000."

12 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: Calvin K. Day

JAN 26 2009



**Report Title:**

Public Lands; Homestead Leases

**Description:**

Declares the intent of the legislature to leave intact the rights of persons holding homestead leases as joint tenants, with rights of survivorship, before 4/6/2000.

