

1 determined by the department; provided that the department shall
2 have the right of first refusal."

3 SECTION 2. Section 207, Hawaiian Homes Commission Act,
4 1920, as amended, is amended by amending subsection (b) to read
5 as follows:

6 "(b) The title to lands so leased [~~shall remain in the~~
7 ~~State.~~] may be granted to the lessee in fee simple, as
8 determined by the department; provided that the department shall
9 have the right of first refusal. Applications for tracts shall
10 be made to and granted by the department, under such
11 regulations, not in conflict with any provisions of this title,
12 as the department may prescribe. The department shall, whenever
13 tracts are available, enter into such a lease with any applicant
14 who, in the opinion of the department, is qualified to perform
15 the conditions of such lease."

16 SECTION 3. Section 207.5, Hawaiian Homes Commission Act,
17 1920, as amended, is amended to read as follows:

18 "[+]§207.5.[+] **Housing development.** The department is
19 authorized to develop and construct single-family and
20 multifamily units for housing native Hawaiians[=] and make those
21 units available in fee simple for native Hawaiians; provided
22 that the department shall have the right of first refusal. The



1 method of disposition, including rentals, as well as the terms,
2 conditions, covenants, and restrictions as to the use and
3 occupancy of such single-family and multifamily units shall be
4 prescribed by rules adopted by the department pursuant to
5 chapter 91."

6 SECTION 4. The provisions of the amendments made by this
7 part to the Hawaiian Homes Commission Act, 1920, as amended, are
8 declared to be severable, and if any section, sentence, clause,
9 or phrase, or the application thereof to any person or
10 circumstances is held ineffective because there is a requirement
11 of having the consent of the United States to take effect, then
12 that portion only shall take effect upon the granting of consent
13 by the United States and effectiveness of the remainder of these
14 amendments or the application thereof shall not be affected.

15 **PART II**

16 SECTION 5. (a) Notwithstanding section 171-99, Hawaii
17 Revised Statutes, the board of land and natural resources may
18 transfer to every existing occupier or lessee of a homestead
19 lease title to the lands in fee simple for below fair market
20 value. Any other applicable terms and conditions enumerated in
21 section 171-99, Hawaii Revised Statutes, shall remain in effect.



1 (b) If the board of land and natural resources agrees to
2 transfer fee title for minimal or no compensation, the occupier
3 or lessee shall be responsible for any costs related to the
4 transfer of the title.

5 (c) For the purposes of this section, "homestead lease"
6 means the same as defined in section 171-97, Hawaii Revised
7 Statutes.

8 (d) The board of land and natural resources may exercise
9 the authority provided in this section until the close of
10 business on December 31, 2013.

11 (e) Regardless of whether the title has been transferred,
12 any agreement to transfer title under the authority of this
13 section shall be valid if made prior to December 31, 2013;
14 provided that all terms and conditions of the agreement are met.

15 (f) The board of land and natural resources shall submit a
16 report on the progress of the dispositions to the legislature no
17 later than twenty days prior to the convening of the 2012
18 regular session, and shall submit a final report to the
19 legislature no later than twenty days prior to the convening of
20 the 2014 regular session.

21 **PART III**



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.
4

INTRODUCED BY:

ASST. DIR. Kerk-Lige

JAN 27 2010



Report Title:

Native Hawaiians; Homestead Lease; Fee Simple; Transfer of Title

Description:

Authorizes the department of Hawaiian home lands and the board of land and natural resources to transfer title in fee simple to lessees of homestead lands.

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