
A BILL FOR AN ACT

RELATING TO LIVING PARKS.

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

1 SECTION 1. The legislature finds that the department of
2 land and natural resources requires the flexibility to negotiate
3 and enter into long-term residential leases for lands located
4 within state living parks. Long-term lessees provide valuable
5 caretaking services for state parks for the benefit of the
6 public. For example, the Kahana valley state park is a model
7 for such endeavors.

8 Kahana valley, together with its resident community, may be
9 the only ahupua'a owned by the State in its entirety. Kahana is
10 home to families that have long been associated with the valley
11 and the ahupua'a lifestyle.

12 The State acquired the Kahana ahupua'a in 1969 to preserve
13 the natural setting of the ahupua'a and to provide public
14 recreational opportunities. In 1970, a governor's task force
15 proposed the concept of a living park to protect the rights of
16 the residents living in the valley. The governor recommended
17 the concept to the department of land and natural resources, and



1 the residents were allowed to stay in the park under revocable
2 permits.

3 Act 5, Session Laws of Hawaii 1987, set aside a portion of
4 public lands in Kahana valley and authorized the department of
5 land and natural resources to negotiate and enter into sixty-
6 five-year residential leases with persons who had lived
7 continuously in Kahana valley since before 1970 or had permits
8 issued by the department of land and natural resources allowing
9 them to reside on certain parcels within the valley. One
10 provision of the sixty-five-year residential leases required all
11 qualified lessees to agree to be an essential part of the
12 interpretive programs in Kahana valley state park, as directed
13 by the department of land and natural resources. Act 5, Session
14 Laws of Hawaii 1987, expired on January 1, 1992.

15 Pursuant to Act 5, Session Laws of Hawaii 1987, the
16 department of land and natural resources issued sixty-five-year
17 residential leases to thirty-one qualifying families.
18 Descendants of six families that did not initially receive
19 sixty-five-year residential leases were allowed to remain in the
20 valley under revocable permits. The department of land and
21 natural resources has refused to issue long-term residential



1 leases to the six families and recently initiated eviction
2 proceedings against them.

3 The purpose of this Act is to authorize the department of
4 land and natural resources to issue long-term residential leases
5 directly to qualified persons, on the condition that they
6 participate in the living park's interpretive or caretaking
7 programs to benefit the public. The Act also establishes an
8 advisory committee.

9 SECTION 2. The department of land and natural resources is
10 authorized to negotiate and enter into long-term residential
11 leases for lands acquired for state living parks, not to exceed
12 sixty-five years in duration, with persons who:

- 13 (1) Reside in state living parks on land acquired for
14 state living parks;
15 (2) Have a long standing history of residing on this land
16 in a culturally appropriate manner; and
17 (3) Have remained on the land as caretakers.

18 The lands eligible for long-term residential lease
19 negotiations under this Act are limited to those determined
20 eligible by the department of land and natural resources, in
21 consultation with the affected residents.



1 SECTION 3. The lessees agreement to participate in, and
2 become an essential part of, the caretaking programs in state
3 parks, as directed by the department of land and natural
4 resources, shall be considered valuable consideration for a
5 lease granted pursuant to this Act.

6 SECTION 4. The department of land and natural resources
7 may provide persons with long-term leases under this Act that
8 shall be exempt from all statutes, ordinances, charter
9 provisions, and rules of any governmental agency related to
10 zoning and construction standards for subdivisions, the
11 development and improvement of land, and the construction of
12 units thereon; provided that the department of land and natural
13 resources finds the project is consistent with the findings and
14 purpose of this Act and the project meets minimum requirements
15 of health and safety as determined by the department.

16 SECTION 5. For every state living park there shall be
17 established a public advisory body that shall advise the
18 department of land and natural resources on matters relating to
19 the management of the lease program under this Act, including
20 the eligibility of applicants for leases and the monitoring of
21 lessee compliance with participation in interpretive programs.



1 The public advisory body shall consist of seven members without
2 regard to section 26-34, Hawaii Revised Statutes, as follows:

3 (1) One member representing the department of land and
4 natural resources, as designated by the chairperson of
5 the board of land and natural resources;

6 (2) Two members who are leaseholders, as designated by the
7 chairperson of the board of land and natural
8 resources;

9 (3) One member of the Native Hawaiian Legal Corporation,
10 as designated by the corporation;


11 (4) Two members of the public, as designated by the
12 governor; and

13 (5) One member of the office of Hawaiian affairs, as
14 designated by the office of Hawaiian affairs.

15 SECTION 6. Notwithstanding any other law to the contrary,
16 including chapter 171, Hawaii Revised Statutes, the department
17 of land and natural resources may negotiate and enter into lease
18 agreements in accordance with this Act.

19 SECTION 7. This Act shall take effect upon its approval.
20

INTRODUCED BY:





Report Title:

State Park; Residential Leases

Description:

Authorizes the department of land and natural resources to issue long-term residential leases to qualified families residing in state living parks and establishes a public advisory body to monitor compliance with the agreements.

