
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[-,"family"]:

7 "Family" means the spouse, reciprocal beneficiary,
8 children, parents, siblings, grandparents, grandchildren,
9 nieces, nephews, a parent's siblings, children of a parent's
10 siblings, and grandchildren of a parent's siblings, of the
11 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 and assignees, including the trustee of
17 a land trust, shall be subject to the performance of the
18 unperformed conditions of the certificate of occupation or the
19 homestead lease[-], and the trustee of a land trust, as assignee
20 of the homestead lease, may assume all obligations of the lessee
21 under the homestead lease."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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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. Allows trustee of land trust to assume obligations of lessee. (SD2)

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