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## HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ADOPT AND IMPLEMENT NEW ADMINISTRATIVE RULES TO PROHIBIT A BENEFICIARY FROM APPLYING FOR A HAWAIIAN HOME LANDS LEASE IF THE PERSON ALREADY RECEIVED A LEASE AWARD AND SOLD, UNLESS THERE ARE COMPELLING OR PERSUASIVE REASONS FOR SELLING THE LEASE.

1           WHEREAS, the Hawaiian Homes Commission Act of 1920 was  
2 signed into law by Congress for the purpose of rehabilitation of  
3 native Hawaiians through land stewardship and setting aside  
4 approximately two hundred thousand acres of land; and

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6           WHEREAS, the Department of Hawaiian Home Lands was created  
7 upon statehood to execute the Hawaiian Homes Commission Act of  
8 1920, as amended, with a mission to manage the Hawaiian home  
9 lands trust effectively and to develop and deliver lands to  
10 native Hawaiians; and

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12           WHEREAS, native Hawaiians may apply for up to two separate  
13 leases including residential, agricultural, or pastoral; and

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15           WHEREAS, while there are nine thousand five hundred native  
16 Hawaiians holding Department of Hawaiian Home Land leases, more  
17 than twenty-four thousand native Hawaiian applicants are  
18 awaiting a lease award; and

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20           WHEREAS, there are approximately thirty-five thousand more  
21 native Hawaiians who are eligible for a Department of Hawaiian  
22 Home Lands lease; and

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24           WHEREAS, the administrative rules adopted by the Department  
25 of Hawaiian Home Lands do not prohibit lessees from selling  
26 their leases, so long as the buyer of the lease is at least  
27 fifty per cent native Hawaiian; and

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1 WHEREAS, this practice essentially enables the purchaser to  
 2 automatically move to the top of the waiting list, skipping over  
 3 hundreds or thousands of other applicants on the list; and  
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5 WHEREAS, a lessee who decides to sell their lease has  
 6 chosen their avenue of "rehabilitation"; and  
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8 WHEREAS, given the scope of eligible beneficiaries still  
 9 waiting for a lease award, it is reasonable for the Department  
 10 of Hawaiian Home Lands to adopt and implement administrative  
 11 rules prohibiting beneficiaries from applying for similar leases  
 12 if the beneficiary has already received a lease award and  
 13 subsequently sold the lease; now, therefore,  
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15 BE IT RESOLVED by the House of Representatives of the  
 16 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
 17 of 2010, the Senate concurring, that the Legislature urges the  
 18 Department of Hawaiian Home Lands to adopt and implement  
 19 administrative rules to prohibit a beneficiary from applying for  
 20 a lease if the beneficiary has already received a lease award  
 21 and subsequently sold the lease, unless there are compelling  
 22 reasons for selling the lease; and  
 23

24 BE IT FURTHER RESOLVED that certified copies of this  
 25 Concurrent Resolution be transmitted to the Chairperson and  
 26 members of the Hawaiian Homes Commission.  
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 28  
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OFFERED BY:

Mele Carroll

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J. H. K... [Signature]

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