

**HB 922**  
**LATE**  
**TESTIMONY**

SENATE  
THE LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

Rep. Ken Ito, Chair  
Rep. Jon Riki Karamatsu, Vice Chair

DATE: Monday, March 21, 2011  
TIME: 3:30 p.m.  
PLACE: Room 224

**Testimony of Camille K. Kalama**  
**RE: HB 922 (HSCR 637)**

Dear Senators and Representatives,

The Native Hawaiian Legal Corporation SUPPORTS House Bill 922 (HSCR 637), permitting land trusts to manage and hold land under 999-year leases for the benefit of the lessee(s) and their families.

NHLC has assisted 999-year leaseholders and their families who will benefit from this bill. This bill enables families who desire to create a manner and method of holding and maintaining their 999-year leasehold to create a land trust. NHLC has worked with several families to create land trusts for other family lands and has found that the creation of those trusts provides the families the chance to create processes to deal with the various requirements, burdens, and benefits of keeping land in the family.

As of 1994, there were only fifty-one 999-year leaseholds state-wide. Bay, John H. and Jane vanSchaick, *Analysis of the 999 Year Homestead Lease Program Current Problems and Solutions*. Prepared for the Seventeenth Legislature of the State of Hawaii and the Office of Hawaiian Affairs (1994). Today there may be fewer still in part due to the difficulties encountered by lessees attempting to preserve the homestead for their families.

In particular, the transfer of 999-year leaseholds has not always been in line with the statutory provisions found in Section 171-99, Hawai'i Revised Statutes. As a result, current lessees experience difficulty transferring their leaseholds to other eligible family members because questions often arise as to the rightful lessee of the property. A family that wishes to work together to resolve the various issues relating to their homestead would be able to do so under this bill. The bill would not, however, obligate any particular lessee or family to create such a trust.

NHLC supports HB 922 to provide the opportunity for mostly Native Hawaiian families to form land trusts and allow family members to hold such leases as trustees on behalf of their families. It is in line with our cultural traditions in permitting such families to work together as larger `ohana for the benefit of the living and generations to follow.

Mahalo for the opportunity to testify.

Camille Kalama  
Alan T. Murakami  
Staff Attorneys  
Native Hawaiian Legal Corporation  
(808) 521-2302