

JAN 23 2014

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. Section 171-99, Hawaii Revised Statutes, is
2 amended by amending subsection (e) to read as follows:
3 " (e) ~~[Transfer or assignment; certificate]~~ Certificate of
4 occupation or homestead lease. No existing certificate of
5 occupation or existing homestead lease, or fractional interest
6 thereof, shall be transferable or assignable ~~[except by~~
7 ~~conveyance, devise, bequest, or intestate succession and with~~
8 ~~the prior approval of the board of land and natural resources,~~
9 ~~provided that transfer or assignment by conveyance, devise, or~~
10 ~~bequest shall be limited to a member or members of the~~
11 ~~occupier's or lessee's family or in the case of a homestead~~
12 ~~lease, to any person or persons designated as a trustee of a~~
13 ~~land trust.], and all interests shall be held in joint tenancy~~
14 with right of survivorship.

15 For the purposes of this section[+]

16 ~~"Family" means the spouse, reciprocal beneficiary,~~
17 ~~children, parents, siblings, grandparents, grandchildren,~~
18 ~~nieces, nephews, a parent's siblings, children of a parent's~~



1 ~~siblings, and grandchildren of a parent's siblings, of the~~
2 ~~occupier or lessee.~~

3 ~~"Land trust" means a trust created for the purposes of~~
4 ~~managing and holding the homestead leasehold estate for the~~
5 ~~benefit of the lessee and lessee's family members. The lessee~~
6 ~~may be the trustee of the trust.], "joint tenancy with right of~~
7 ~~survivorship" means a concurrent estate where the joint tenants~~
8 ~~own one interest together and where, upon the death of a joint~~
9 ~~tenant, the decedent's interest in the property passes to the~~
10 ~~surviving owner or owners.~~

11 All the successors shall be subject to the performance of
12 the unperformed conditions of the certificate of occupation or
13 the homestead lease."

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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

17

INTRODUCED BY: Will Taylor



S.B. NO. 3104

Report Title:

Public Lands; Homestead Leases; Joint Tenancy

Description:

Requires all existing certificates of occupation or existing homestead leases, or fractional interests to be held in joint tenancy with right of survivorship.

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