

JAN 25 2023

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO NOTIFY
BENEFICIARIES THROUGH BENEFICIARY CONSULTATION PRIOR TO
DISPOSING OF HAWAIIAN HOME LANDS AND TO EXERCISE OTHER
PROTECTIONS OF BENEFICIARY INTERESTS.

1 WHEREAS, the United States Congress passed the Hawaiian
2 Homes Commission Act in 1921; and

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4 WHEREAS, the Hawaiian Homes Commission Act was authored by
5 Prince Jonah Kuhio Kalaniana'ole and dedicated two hundred three
6 thousand acres of land in Hawaii to benefit native Hawaiians;
7 and

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9 WHEREAS, the purpose of the Act is to restore the cultural
10 link between native Hawaiians and the land and to provide native
11 Hawaiians the stability, financial equity, and economic
12 self-sufficiency that comes from land and home ownership; and

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14 WHEREAS, for the future of native Hawaiians and their
15 well-being, the Department of Hawaiian Home Lands must fulfill
16 its purpose by providing housing and information on housing to
17 its native Hawaiian beneficiaries; now, therefore,

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19 BE IT RESOLVED by the Senate of the Thirty-second
20 Legislature of the State of Hawaii, Regular Session of 2023, the
21 House of Representatives concurring, that the Department of
22 Hawaiian Home Lands is urged to notify beneficiaries through
23 beneficiary consultation prior to disposing of Hawaiian home
24 lands and to exercise other protections of beneficiary
25 interests; and

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27 BE IT FURTHER RESOLVED that, as used in this resolution:

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29 (1) "Beneficiary consultation" means, at a minimum, the
30 direct, timely, affirmative, and interactive process
31 of beneficiary-controlled organizations (controlled by



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1 beneficiaries, as defined in 43 Code of Federal
2 Regulations parts 47 and 48) on regulations,
3 legislative proposals, or Department of Hawaiian Home
4 Lands programmatic or policy actions that have a
5 substantial direct effect or implications on one or
6 more homestead areas, or that involves the disposition
7 of trust lands to non-beneficiary individuals or
8 organizations in which the Department of Hawaiian Home
9 Lands provides at least forty-five days to receive
10 input from beneficiaries and beneficiary
11 organizations;

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13 (2) "Beneficiary consultation" includes communications
14 conducted through in-person listening sessions, mail,
15 email, or social media, and includes specific
16 notification to all registered beneficiary
17 organizations; and

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19 (3) "Homestead beneficiary agreement" means a contract or
20 agreement signed by a homestead association as defined
21 under title 43 Code of Federal Regulations section
22 47.10, wherein non-beneficiary lessees provide
23 specific amenities and funding to the homestead
24 association for community programs and services; and
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26 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
27 Lands is also urged to:

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29 (1) Refrain from disposing of retained available lands
30 that are not required to be leased under section
31 207(a) of the Hawaiian Homes Commission Act and any
32 improvements thereon or extending a general lease to
33 non-beneficiaries unless there are no applicants, on a
34 waitlist or otherwise, seeking to enter into a lease
35 for the use and occupancy of a tract or tracts of
36 Hawaiian home lands under section 207(a) or section
37 207(c)(1)(B) of the Hawaiian Homes Commission Act;
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39 (2) Notify beneficiaries through beneficiary consultation
40 before the short- or long-term disposition of Hawaiian
41 home lands or any improvements thereon, including
42 easements;



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1 (3) Obtain evidence that a lessee or licensee has entered
2 into a homestead beneficiary agreement as a condition
3 of any trust land disposition, including a lease,
4 license, or revocable permit issued to a non-
5 beneficiary individual, firm, or organization;
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7 (4) Notwithstanding any law to the contrary and unless
8 otherwise determined by federal law, refrain from
9 establishing additional criteria for native Hawaiians
10 to enter into a lease of Hawaiian home lands pursuant
11 to section 207 of the Act, without notifying
12 beneficiaries through beneficiary consultation; and
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14 (5) Notify beneficiaries through beneficiary consultation
15 of any interest or other earnings being credited to
16 and deposited into the Hawaiian home operating fund or
17 the Hawaiian home receipts fund; and
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19 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
20 Lands is also urged to submit to the Legislature and
21 beneficiaries a quarterly report that includes data on the
22 inventory of formerly leased properties and the disposition
23 status of homestead properties and improvements under the
24 control of the Department; and
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26 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
27 Lands is also urged to post and maintain on the Department's
28 website a listing of the inventory of formerly leased properties
29 and the disposition status of homestead properties and
30 improvements under the control of the Department; and
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32 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
33 Lands is also urged to conduct, at least twice per year,
34 auctions of properties for the benefit of the beneficiaries on
35 the waitlist; and
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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the Chairperson of the



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1 Hawaiian Homes Commission and Chairperson of the Board of
2 Trustees of the Office of Hawaiian Affairs.

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OFFERED BY:

Kurt Feella

