

MAR 10 2023

SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO TAKE CERTAIN
ACTIONS TO PREVENT THE MISUSE OF HAWAIIAN HOME LANDS.

1 WHEREAS, the most important aspect of the Hawaiian Homes
2 Commission Act, 1920, as amended (the Act), is to provide homes
3 to native Hawaiians; and
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5 WHEREAS, certain licensees and private companies have taken
6 advantage of the Act to gain access to Hawaiian home lands, and
7 at below-market rates; and
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9 WHEREAS, the Act should not be used to facilitate windfall
10 profits for licensees and other private companies; and
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12 WHEREAS, the Department of Hawaiian Home Lands has some
13 discretion in imposing certain conditions on the use of Hawaiian
14 home lands; now, therefore,
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16 BE IT RESOLVED by the Senate of the Thirty-second
17 Legislature of the State of Hawaii, Regular Session of 2023,
18 that the Department of Hawaiian Home Lands is requested to:
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20 (1) Grant licenses for lots based on fees that are equal
21 to the fair market rental values of the lots; provided
22 that this paragraph is not intended to apply if a
23 licensee is a lessee to a lease under section 207(a)
24 of the Act or is on the Department's waitlist to
25 become a lessee under section 207(a) of the Act; and
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27 (2) Prohibit any licensee from reassigning a license to
28 another party, or leasing any portion of a licensed
29 lot to another party,
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31 in administering section 207(c) of the Act; and
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33 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
34 Lands is requested to decline to permit any lessee to sublet
35 lodging to any person, including any native Hawaiian or Hawaiian



1 person, if the tract is also used for non-residential purposes,
2 in administering paragraph (5) section 208 of the Act; and

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4 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
5 Lands is requested to decline to construe sections 220.5(e) and
6 222(b) of the Act to authorize a:

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8 (1) Lessee awarded a lease pursuant to section 207(a) of
9 the Act to sublet the tract in violation of paragraph
10 (5) of section 208 of the Act, or to sublet the tract;
11 or

12

13 (2) Licensee subject to section 207(c) of the Act to act,
14 in a manner contrary to this measure; and

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16 BE IT FURTHER RESOLVED that this measure is not intended to
17 authorize or request the Department of Hawaiian Home Lands to
18 violate any provision of the Hawaiian Homes Commission Act,
19 1920, as amended, or any other applicable law; and

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21 BE IT FURTHER RESOLVED that certified copies of this
22 Resolution be transmitted to the Chairperson of the Hawaiian
23 Homes Commission and Chairperson of the Board of Trustees of the
24 Office of Hawaiian Affairs.
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OFFERED BY:

Kurt Ferrelle

