

JAN 25 2023

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# SENATE 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  
3

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  
8

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,  
21 that the Department of Hawaiian Home Lands is urged to notify  
22 beneficiaries through beneficiary consultation prior to  
23 disposing of Hawaiian home lands and to exercise other  
24 protections of beneficiary interests; and  
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26 BE IT FURTHER RESOLVED that, as used in this resolution:  
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- 28 (1) "Beneficiary consultation" means, at a minimum, the  
29 direct, timely, affirmative, and interactive process  
30 of beneficiary-controlled organizations (controlled by  
31 beneficiaries, as defined in 43 Code of Federal  
32 Regulations parts 47 and 48) on regulations,  
33 legislative proposals, or Department of Hawaiian Home  
34 Lands programmatic or policy actions that have a



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1 substantial direct effect or implications on one or  
 2 more homestead areas, or that involves the disposition  
 3 of trust lands to non-beneficiary individuals or  
 4 organizations in which the Department of Hawaiian Home  
 5 Lands provides at least forty-five days to receive  
 6 input from beneficiaries and beneficiary  
 7 organizations;

8  
 9 (2) "Beneficiary consultation" includes communications  
 10 conducted through in-person listening sessions, mail,  
 11 email, or social media, and includes specific  
 12 notification to all registered beneficiary  
 13 organizations; and

14  
 15 (3) "Homestead beneficiary agreement" means a contract or  
 16 agreement signed by a homestead association as defined  
 17 under title 43 Code of Federal Regulations section  
 18 47.10, wherein non-beneficiary lessees provide  
 19 specific amenities and funding to the homestead  
 20 association for community programs and services; and

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 22 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
 23 Lands is also urged to:

24  
 25 (1) Refrain from disposing of retained available lands  
 26 that are not required to be leased under section  
 27 207(a) of the Hawaiian Homes Commission Act and any  
 28 improvements thereon or extending a general lease to  
 29 non-beneficiaries unless there are no applicants, on a  
 30 waitlist or otherwise, seeking to enter into a lease  
 31 for the use and occupancy of a tract or tracts of  
 32 Hawaiian home lands under section 207(a) or section  
 33 207(c) (1) (B) of the Hawaiian Homes Commission Act;

34  
 35 (2) Notify beneficiaries through beneficiary consultation  
 36 before the short- or long-term disposition of Hawaiian  
 37 home lands or any improvements thereon, including  
 38 easements;

39 (3) Obtain evidence that a lessee or licensee has entered  
 40 into a homestead beneficiary agreement as a condition  
 41 of any trust land disposition, including a lease,



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1 license, or revocable permit issued to a non-  
2 beneficiary individual, firm, or organization;

3  
4 (4) Notwithstanding any law to the contrary and unless  
5 otherwise determined by federal law, refrain from  
6 establishing additional criteria for native Hawaiians  
7 to enter into a lease of Hawaiian home lands pursuant  
8 to section 207 of the Act, without notifying  
9 beneficiaries through beneficiary consultation; and

10  
11 (5) Notify beneficiaries through beneficiary consultation  
12 of any interest or other earnings being credited to  
13 and deposited into the Hawaiian home operating fund or  
14 the Hawaiian home receipts fund; and

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16 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
17 Lands is also urged to submit to the Legislature and  
18 beneficiaries a quarterly report that includes data on the  
19 inventory of formerly leased properties and the disposition  
20 status of homestead properties and improvements under the  
21 control of the Department; and

22  
23 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
24 Lands is also urged to post and maintain on the Department's  
25 website a listing of the inventory of formerly leased properties  
26 and the disposition status of homestead properties and  
27 improvements under the control of the Department; and

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29 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
30 Lands is also urged to conduct, at least twice per year,  
31 auctions of properties for the benefit of the beneficiaries on  
32 the waitlist; and

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34 BE IT FURTHER RESOLVED that certified copies of this  
35 Resolution be transmitted to the Chairperson of the  
36 Hawaiian Homes Commission and Chairperson of the Board of  
37 Trustees of the Office of Hawaiian Affairs.

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40 OFFERED BY:



