
A BILL FOR AN ACT

RELATING TO HAWAIIAN HOME LANDS.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 "Hawaiian Home Lands Preservation Act".

3 SECTION 2. The Hawaiian Homes Commission Act, 1920, as
4 amended, is amended by adding a new section to title 2 to be
5 appropriately designated and to read as follows:

6 "§ _____. Beneficiaries on waitlist; successors.

7 Notwithstanding any provision of this Act to the contrary, a
8 living beneficiary's place on the department of Hawaiian home
9 lands' waitlist for any residential, agricultural, or pastoral
10 tract available pursuant to this Act may be designated for
11 transfer to a successor if the living beneficiary dies before
12 receiving an offer for a tract; provided that the successor
13 shall be at least one thirty-second Hawaiian. The department of
14 Hawaiian home lands shall implement this provision at the sole
15 discretion of the Hawaiian homes commission."



1 SECTION 3. Section 207, Hawaiian Homes Commission Act,
2 1920, as amended, is amended by amending subsection (a) to read
3 as follows:

4 "(a) The department is authorized to lease to native
5 Hawaiians or qualified application successors the right to the
6 use and occupancy of a tract or tracts of Hawaiian home lands
7 within the following acreage limits per each lessee: (1) not
8 more than forty acres of agriculture lands or lands used for
9 aquaculture purposes; or (2) not more than one hundred acres of
10 irrigated pastoral lands and not more than one thousand acres of
11 other pastoral lands; or (3) not more than one acre of any class
12 of land to be used as a residence lot; provided that in the case
13 of any existing lease of a farm lot in the Kalaniana'ole
14 Settlement on Molokai, a residence lot may exceed one acre but
15 shall not exceed four acres in area, the location of such area
16 to be selected by the department; provided further that a lease
17 granted to any lessee may include two detached farm lots or
18 aquaculture lots, as the case may be, located on the same island
19 and within a reasonable distance of each other, one of which, to
20 be designated by the department, shall be occupied by the lessee
21 as the lessee's home, the gross acreage of both lots not to



1 exceed the maximum acreage of an agricultural, pastoral, or
2 aquacultural lot, as the case may be, as provided in this
3 section."

4 SECTION 4. Section 208, Hawaiian Homes Commission Act,
5 1920, as amended, is amended to read as follows:

6 "§208. **Conditions of leases.** Each lease made under the
7 authority granted the department by section 207 of this Act, and
8 the tract in respect to which the lease is made, shall be deemed
9 subject to the following conditions, whether or not stipulated
10 in the lease:

11 (1) The original lessee shall be a native Hawaiian or a
12 qualified application successor, not less than
13 eighteen years of age. In case two lessees either
14 original or in succession marry, they shall choose the
15 lease to be retained, and the remaining lease shall be
16 transferred, quitclaimed, or canceled in accordance
17 with the provisions of succeeding sections.

18 (2) The lessee shall pay a rental of \$1 a year for the
19 tract and the lease shall be for a term of ninety-nine
20 years; except that the department may extend the term
21 of any lease; provided that the approval of any



1 extension shall be subject to the condition that the
2 aggregate of the initial ninety-nine year term and any
3 extension granted shall not be for more than one
4 hundred ninety-nine years.

5 (3) The lessee may be required to occupy and commence to
6 use or cultivate the tract as the lessee's home or
7 farm or occupy and commence to use the tract for
8 aquaculture purposes, as the case may be, within one
9 year after the commencement of the term of the lease.

10 (4) The lessee thereafter, for at least such part of each
11 year as the department shall prescribe by rules, shall
12 occupy and use or cultivate the tract on the lessee's
13 own behalf.

14 (5) The lessee shall not in any manner transfer to, or
15 otherwise hold for the benefit of, any other person or
16 group of persons or organizations of any kind, except
17 a native Hawaiian or Hawaiians, and then only upon the
18 approval of the department, or agree so to transfer,
19 or otherwise hold, the lessee's interest in the tract;
20 except that the lessee, with the approval of the
21 department, also may transfer the lessee's interest in



1 the tract to the following qualified relatives of the
2 lessee who are at least one-quarter Hawaiian: husband,
3 wife, child, or grandchild. A lessee who is at least
4 one-quarter Hawaiian who has received an interest in
5 the tract through succession or transfer may, with the
6 approval of the department, transfer the lessee's
7 leasehold interest to a brother or sister who is at
8 least one-quarter Hawaiian. Such interest shall not,
9 except in pursuance of such a transfer to or holding
10 for or agreement with a native Hawaiian or Hawaiians
11 or qualified relative who is at least one-quarter
12 Hawaiian approved of by the department or for any
13 indebtedness due the department or for taxes or for
14 any other indebtedness the payment of which has been
15 assured by the department, including loans from other
16 agencies where such loans have been approved by the
17 department, be subject to attachment, levy, or sale
18 upon court process. The lessee shall not sublet the
19 lessee's interest in the tract or improvements
20 thereon; provided that a lessee may be permitted, with
21 the approval of the department, to rent to a native



1 Hawaiian or Hawaiians, lodging either within the
2 lessee's existing home or in a separate residential
3 dwelling unit constructed on the premises.

4 (6) Notwithstanding the provisions of paragraph (5), the
5 lessee, with the consent and approval of the
6 commission, may mortgage or pledge the lessee's
7 interest in the tract or improvements thereon to a
8 recognized lending institution authorized to do
9 business as a lending institution in either the State
10 or elsewhere in the United States; provided the loan
11 secured by a mortgage on the lessee's leasehold
12 interest is insured or guaranteed by the Federal
13 Housing Administration, Department of Veterans
14 Affairs, or any other federal agency and their
15 respective successors and assigns, which are
16 authorized to insure or guarantee such loans, or any
17 acceptable private mortgage insurance as approved by
18 the commission. The mortgagee's interest in any such
19 mortgage shall be freely assignable. Such mortgages,
20 to be effective, must be consented to and approved by
21 the commission and recorded with the department.



1 Further, notwithstanding the authorized purposes
2 of loan limitations imposed under section 214 of this
3 Act and the authorized loan amount limitations imposed
4 under section 215 of this Act, loans made by lending
5 institutions as provided in this paragraph, insured or
6 guaranteed by the Federal Housing Administration,
7 Department of Veterans Affairs, or any other federal
8 agency and their respective successors and assigns, or
9 any acceptable private mortgage insurance, may be for
10 such purposes and in such amounts, not to exceed the
11 maximum insurable limits, together with such
12 assistance payments and other fees, as established
13 under section 421 of the Housing and Urban Rural
14 Recovery Act of 1983 which amended Title II of the
15 National Housing Act of 1934 by adding section 247,
16 and its implementing regulations, to permit the
17 Secretary of Housing and Urban Development to insure
18 loans secured by a mortgage executed by the homestead
19 lessee covering a homestead lease issued under section
20 207(a) of this Act and upon which there is located a
21 one to four family single family residence.



1 (7) The lessee shall pay all taxes assessed upon the tract
2 and improvements thereon. The department may pay such
3 taxes and have a lien therefor as provided by section
4 216 of this Act.

5 (8) The lessee shall perform such other conditions, not in
6 conflict with any provision of this Act, as the
7 department may stipulate in the lease; provided that
8 an original lessee shall be exempt from all taxes for
9 the first seven years after commencement of the term
10 of the lease."

11 SECTION 5. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 6. The provisions of the amendments made by this
15 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
16 declared to be severable, and if any section, sentence, clause,
17 or phrase, or the application thereof to any person or
18 circumstances is held ineffective because there is a requirement
19 of having the consent of the United States to take effect, then
20 that portion only shall take effect upon the granting of consent



1 by the United States and effectiveness of the remainder of these
2 amendments or the application thereof shall not be affected.

3 SECTION 7. New statutory material is underscored.

4 SECTION 8. This Act shall take effect on either the date
5 of the Secretary of the Interior's notification letter to the
6 Congressional Committee Chairmen that this Act meets none of the
7 criteria in title 43 Code of Federal Regulations section 48.20
8 necessitating congressional approval, or on the date that the
9 United States Congress' approval becomes law.



Report Title:

DHHL; Hawaiian Home Lands Preservation Act; Waitlist; Successors

Description:

Provides that a living beneficiary's place on the Department of Hawaiian Home Land's waitlist for any residential, agricultural or pastoral tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least 1/32 Hawaiian. Takes effect on either the date of the Secretary of the Interior's notification that congressional approval of this Act is unnecessary, or on the date of consent by the United States Congress. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

