
A BILL FOR AN ACT

RELATING TO LANDS CONTROLLED BY THE STATE.

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

PART I

SECTION 1. Section 205, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"§205. **Sale or lease, limitations on.** (a) Available lands shall be sold or leased only:

(1) In the manner and for the purposes set out in this title; or

(2) As may be necessary to complete any valid agreement of sale or lease in effect at the time of the passage of this Act;

except that such limitations shall not apply to the unselected portions of lands from which the department has made a selection and given notice thereof, or failed so to select and give notice within the time limit, as provided in paragraph (3) of section 204 of this title.

(b) Notwithstanding any other law to the contrary, the department may grant title to lands in fee simple to native Hawaiian lessees, subject to any conditions or qualifications as



1 determined by the department; provided that upon the conveyance
2 of title in fee simple to a lessee, the department shall have
3 the right of first refusal to reacquire the fee simple title to
4 the land on the same terms and conditions as contained in a bona
5 fide offer for the sale of the land."

6 SECTION 2. Section 207, Hawaiian Homes Commission Act,
7 1920, as amended, is amended by amending subsection (b) to read
8 as follows:

9 "(b) The title to lands so leased [~~shall remain in the~~
10 ~~State.~~] may be granted to the lessee in fee simple, as
11 determined by the department; provided that upon the conveyance
12 of title in fee simple to a lessee, the department shall have
13 the right of first refusal to reacquire the fee simple title to
14 the land on the same terms and conditions as contained in a bona
15 fide offer for the sale of the land. Applications for tracts
16 shall be made to and granted by the department, under such
17 regulations, not in conflict with any provisions of this title,
18 as the department may prescribe. The department shall, whenever
19 tracts are available, enter into such a lease with any applicant
20 who, in the opinion of the department, is qualified to perform
21 the conditions of such lease."



SECTION 3. Section 207.5, Hawaiian Homes Commission Act, 1920, as amended, is amended to read as follows:

"[+]§207.5.[+] **Housing development.** The department is authorized to develop and construct single-family and multifamily units for housing native Hawaiians[-] and make those units available in fee simple for native Hawaiians; provided that upon the conveyance of title in fee simple to a lessee, the department shall have the right of first refusal to reacquire the fee simple title to the land on the same terms and conditions as contained in a bona fide offer for the sale of the land. The method of disposition, including rentals, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such single-family and multifamily units shall be prescribed by rules adopted by the department pursuant to chapter 91."

SECTION 4. The provisions of the amendments made by this part to the Hawaiian Homes Commission Act, 1920, as amended, are declared to be severable, and if any section, sentence, clause, or phrase, or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect, then 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 **PART II**

4 SECTION 5. (a) Notwithstanding section 171-99, Hawaii
5 Revised Statutes, the board of land and natural resources may
6 transfer to every existing occupier or lessee of a homestead
7 lease title to the lands in fee simple for below fair market
8 value. Any other applicable terms and conditions enumerated in
9 section 171-99, Hawaii Revised Statutes, shall remain in effect.

10 (b) If the board of land and natural resources agrees to
11 transfer fee title for minimal or no compensation, the occupier
12 or lessee shall be responsible for any costs related to the
13 transfer of the title.

14 (c) For the purposes of this section, "homestead lease"
15 means the same as defined in section 171-97, Hawaii Revised
16 Statutes.

17 (d) The board of land and natural resources may exercise
18 the authority provided in this section until the close of
19 business on December 31, 2013.

20 (e) Regardless of whether the title has been transferred,
21 any agreement to transfer title under the authority of this



1 section shall be valid if made prior to December 31, 2013;
2 provided that all terms and conditions of the agreement are met.
3 (f) The board of land and natural resources shall submit a
4 report on the progress of the dispositions to the legislature no
5 later than twenty days prior to the convening of the 2012
6 regular session, and shall submit a final report to the
7 legislature no later than twenty days prior to the convening of
8 the 2014 regular session.

9 **PART III**

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.
13



Report Title:

Native Hawaiians; Homestead Lease; Fee Simple; Transfer of Title

Description:

Authorizes the department of Hawaiian home lands and the board of land and natural resources to transfer title in fee simple to lessees of homestead lands. (SD1)

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

