
SENATE RESOLUTION

URGING THE HAWAIIAN HOMES COMMISSION TO APPROPRIATE ONE HUNDRED PER CENT OF LEASE REVENUES FROM COMMERCIAL PROPERTY USES TO HOMELAND LOT DEVELOPMENT.

1 WHEREAS, in 1920, Congress enacted the Hawaiian Homes
2 Commission Act (HHCA), which created a land trust intended to
3 enable displaced native Hawaiians to lease residential,
4 agriculture, or pastoral homestead land from the trust for one
5 dollar per year; and

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7 WHEREAS, when the Territory of Hawaii joined the United
8 States in 1959, the State promised to take the responsibility
9 for the management and disposition of the Hawaiian Homes
10 Commission Act of 1920. In the years that followed, the State
11 has struggled to carry out its duties and obligations as a
12 trustee; and

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14 WHEREAS, to date, more than two thousand native Hawaiian
15 beneficiaries have died while on the Hawaiian homes waiting list
16 for a home land lease, and twenty-eight thousand beneficiaries
17 currently remain on the list, half of which are over the age of
18 sixty; and

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20 WHEREAS, the Department of Hawaiian Home Lands recently
21 estimated that to house all beneficiaries on the waitlist, cost
22 projections range between \$4,000,000,000 to \$12,000,000,000 for
23 infrastructure alone; and

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25 WHEREAS, eliminating the waitlist for the Department of
26 Hawaiian Home Lands has not been made a priority in past and
27 current administrations. The State's lack of effort to address
28 the waiting list for a home land lease and mismanagement of the
29 trust has caused native Hawaiian beneficiaries to languish; and

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31 WHEREAS, in 2009, the First Circuit Court held in *Kalima v.*
32 *State of Hawaii* that the State breached its trust duties to keep
33 and render accounts and failed to exercise reasonable care and



1 skill in the administration of the trust, and make its trust
2 properties productive. The First Circuit Court also found that
3 these breaches caused eligible native Hawaiians to remain on the
4 waiting list for a home land lease and suffer damages as a
5 result; and
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7 WHEREAS, in 2015, the First Circuit Court held in *Nelson v.*
8 *Hawaiian Homes Commission*, that the State "must comply with its
9 constitutional duty to make sufficient sums available to the
10 Department of Hawaiian [Home Lands] for its administrative and
11 operating budget." Additionally, the court ruled that the State
12 underfunded the Department of Hawaiian Home Lands by
13 approximately \$28,000,000 per year; and
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15 WHEREAS, on February 26, 2002, the Hawaiian Homes
16 Commission approved a general plan prepared by the Department of
17 Hawaiian Home Lands. While the general plan includes an
18 emphasis on the management of their existing land inventory, the
19 general plan does not make explicit mention of providing lot
20 development on a trajectory that will extinguish the waitlist;
21 and
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23 WHEREAS, in the general plan, the Department of Hawaiian
24 Home Lands sought to generate \$30,000,000 in land revenues
25 annually (adjusted for inflation) by 2014 and use no more than
26 one per cent of Hawaiian home lands for commercial and
27 industrial uses by 2014; however the department has not
28 accomplished either of those objectives; and
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30 WHEREAS, a May 2017 report from the U.S. Department of
31 Housing and Urban Development finds that the Department of
32 Hawaiian Home Lands' "shift to more expensive housing
33 development may have exacerbated the problem of people staying
34 on the waiting list for extended periods of time." The report
35 also found that even if beneficiaries have been offered a land
36 lease during the past twenty years, they have not accepted land
37 leases because they have been unable to secure the necessary
38 mortgage loans for the home on the property, among other
39 reasons; and
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41 WHEREAS, the Department of Hawaiian Home Lands also failed
42 to aggressively pursue diversification of housing awards for



1 multifamily complexes, rentals, kūpuna housing, and supplemental
2 dwelling units, in addition to turnkey style housing; now,
3 therefore,
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5 BE IT RESOLVED by the Senate of the Thirty-first
6 Legislature of the State of Hawaii, Regular Session of 2021,
7 that the Department of Hawaiian Home Lands is respectfully urged
8 to appropriate one hundred percent of lease revenue from
9 commercial property uses to homeland lot development; and
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11 BE IT FURTHER RESOLVED that certified copies of this
12 Resolution be transmitted to the Governor and the Chairperson of
13 the Hawaiian Homes Commission.

