
HOUSE 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

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4 WHEREAS, the Hawaiian Homes Commission Act was authored by
5 Prince Jonah Kuhio Kalanianaʻole and dedicated two hundred three
6 thousand acres of land in Hawaii to benefit native Hawaiians;
7 and

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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 self-
12 sufficiency that comes from land and home ownership; and

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14 WHEREAS, for the future of native Hawaiians and their well-
15 being, the Department of Hawaiian Home Lands must fulfill its
16 purpose by providing housing and information on housing to its
17 native Hawaiian beneficiaries; now, therefore,

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19 BE IT RESOLVED by the House of Representatives of the
20 Thirty-first Legislature of the State of Hawaii, Regular Session
21 of 2022, that the Department of Hawaiian Home Lands is urged to
22 notify 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 organizations, as defined in 43 Code of
31 Federal Regulations parts 47 and 48, on regulations,



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

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11 (2) "Beneficiary consultation" includes communications
12 conducted through in-person listening sessions, mail,
13 email, or social media, and includes specific
14 notification to all registered beneficiary
15 organizations; and
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17 (3) "Homestead beneficiary agreement" means a contract or
18 agreement signed by a homestead association as defined
19 under title 43 Code of Federal Regulations section
20 47.10, wherein non-beneficiary lessees provide
21 specific amenities and funding to the homestead
22 association for community programs and services; and
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24 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
25 Lands is urged to:

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27 (1) Refrain from disposing of retained available lands not
28 required for leasing under section 207(a) of the
29 Hawaiian Homes Commission Act and any improvements
30 thereon or extending a general lease to non-
31 beneficiaries unless there are no applicants seeking,
32 on a waitlist or otherwise, to enter into a lease for
33 the use and occupancy of a tract or tracts of Hawaiian
34 home lands under section 207(a) or section
35 207(c) (1) (B) of the Hawaiian Homes Commission Act;
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37 (2) Notify beneficiaries through beneficiary consultation
38 before the short- or long-term disposition of Hawaiian
39 home lands or any improvements thereon, including
40 easements;
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- 1 (3) Obtain evidence that the lessee or licensee has
- 2 entered into a homestead beneficiary agreement as a
- 3 condition of any trust land disposition, including a
- 4 lease, license, or revocable permit issued to a non-
- 5 beneficiary individual, firm, or organization;
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- 7 (4) Notwithstanding any law to the contrary and unless
- 8 otherwise determined by federal law, refrain from
- 9 establishing additional criteria for native Hawaiians
- 10 to enter into a lease of Hawaiian home lands pursuant
- 11 to section 207 of the Act, without notifying
- 12 beneficiaries through beneficiary consultation; and
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- 14 (5) Notify beneficiaries through beneficiary consultation
- 15 of any interest or other earnings being credited to
- 16 and deposited into the Hawaiian home operating fund or
- 17 the Hawaiian home receipts fund; and
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19 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
 20 Lands is urged to submit a quarterly report to the Legislature
 21 and beneficiaries that includes data on the inventory of
 22 formerly leased properties and the disposition status of
 23 homestead properties and improvements under the control of the
 24 Department; and

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26 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
 27 Lands is also urged to post and maintain a listing of the
 28 inventory of formerly leased properties and the disposition
 29 status of homestead properties and improvements under the
 30 control of the Department on the Department's website and
 31 conduct auctions of properties to the beneficiaries on the
 32 waitlist at least twice per year; and

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

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OFFERED BY:



MAR 10 2022

