

MAR 11 2022

SENATE CONCURRENT 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 Kalaniana'ole 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 Senate of the Thirty-first
20 Legislature of the State of Hawaii, Regular Session of 2022, the
21 House of Representatives concurring, that the Department of
22 Hawaiian Home Lands is urged to notify beneficiaries through
23 beneficiary consultation prior to disposing of Hawaiian home
24 lands and to exercise other protections of beneficiary
25 interests; and

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27 BE IT FURTHER RESOLVED that, as used in this resolution:
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1 (1) "Beneficiary consultation" means, at a minimum, the
2 direct, timely, affirmative, and interactive process
3 of beneficiary organizations, as defined in 43 Code of
4 Federal Regulations parts 47 and 48, on regulations,
5 legislative proposals, or Department of Hawaiian Home
6 Lands programmatic or policy actions that have a
7 substantial direct effect or implications on one or
8 more homestead areas, or that involves the disposition
9 of trust lands to non-beneficiary individuals or
10 organizations in which the Department of Hawaiian Home
11 Lands provides at least forty-five days to receive
12 input from beneficiaries and beneficiary
13 organizations;

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15 (2) "Beneficiary consultation" includes communications
16 conducted through in-person listening sessions, mail,
17 email, or social media, and includes specific
18 notification to all registered beneficiary
19 organizations; and

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21 (3) "Homestead beneficiary agreement" means a contract or
22 agreement signed by a homestead association as defined
23 under title 43 Code of Federal Regulations section
24 47.10, wherein non-beneficiary lessees provide
25 specific amenities and funding to the homestead
26 association for community programs and services; and

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28 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
29 Lands is urged to:

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31 (1) Refrain from disposing of retained available lands not
32 required for leasing under section 207(a) of the
33 Hawaiian Homes Commission Act and any improvements
34 thereon or extending a general lease to non-
35 beneficiaries unless there are no applicants seeking,
36 on a waitlist or otherwise, to enter into a lease for
37 the use and occupancy of a tract or tracts of Hawaiian
38 home lands under section 207(a) or section
39 207(c)(1)(B) of the Hawaiian Homes Commission Act;

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41 (2) Notify beneficiaries through beneficiary consultation
42 before the short- or long-term disposition of Hawaiian



- 1 home lands or any improvements thereon, including
2 easements;
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4 (3) Obtain evidence that the lessee or licensee has
5 entered into a homestead beneficiary agreement as a
6 condition of any trust land disposition, including a
7 lease, license, or revocable permit issued to a non-
8 beneficiary individual, firm, or organization;
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10 (4) Notwithstanding any law to the contrary and unless
11 otherwise determined by federal law, refrain from
12 establishing additional criteria for native Hawaiians
13 to enter into a lease of Hawaiian home lands pursuant
14 to section 207 of the Act, without notifying
15 beneficiaries through beneficiary consultation; and
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17 (5) Notify beneficiaries through beneficiary consultation
18 of any interest or other earnings being credited to
19 and deposited into the Hawaiian home operating fund or
20 the Hawaiian home receipts fund; and
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22 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
23 Lands is urged to submit a quarterly report to the Legislature
24 and beneficiaries that includes data on the inventory of
25 formerly leased properties and the disposition status of
26 homestead properties and improvements under the control of the
27 Department; and
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29 BE IT FURTHER RESOLVED that the Department of Hawaiian Home
30 Lands is also urged to post and maintain a listing of the
31 inventory of formerly leased properties and the disposition
32 status of homestead properties and improvements under the
33 control of the Department on the Department's website and
34 conduct auctions of properties to the beneficiaries on the
35 waitlist at least twice per year; and
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37 BE IT FURTHER RESOLVED that certified copies of this
38 Concurrent Resolution be transmitted to the Chairperson of the
39 Hawaiian Homes Commission and the Chairperson of the Board of
40 Trustees of the Office of Hawaiian Affairs.
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OFFERED BY: Kurt Fevelka

