

MAR 11 2022

---

## SENATE 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

3  
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

8  
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

13  
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,

18  
19           BE IT RESOLVED by the Senate of the Thirty-first  
20 Legislature of the State of Hawaii, Regular Session of 2022,  
21 that the Department of Hawaiian Home Lands is urged to notify  
22 beneficiaries through beneficiary consultation prior to  
23 disposing of Hawaiian home lands and to exercise other  
24 protections of beneficiary interests; and

25  
26           BE IT FURTHER RESOLVED that, as used in this resolution:

27  
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,



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;

10  
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

16  
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  
23

24 BE IT FURTHER RESOLVED that the Department of Hawaiian Home  
25 Lands is urged to:

26  
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;

36  
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;

41



# S.R. NO. 183

- 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;
- 6
- 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
- 13
- 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
- 18

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

25

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

33

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.

38  
 39  
 40

OFFERED BY: *Kurt Ferrel*

