
A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

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

1 SECTION 1. The legislature finds that Act 279, Session
2 Laws of Hawaii 2022 (Act 279), appropriated out of the general
3 revenues of the State of Hawaii the sum of \$600,000,000 or so
4 much thereof as may be necessary for fiscal year 2021-2022 to
5 provide a multi-pronged approach to reducing the over twenty-
6 eight thousand applicants on the department of Hawaiian home
7 lands waitlist. Since this historic investment, mortgage
8 interest rates have increased, and continue to rise, and
9 construction costs are ever-increasing due in large part to
10 global inflation and the 2023 Maui wildfires. These market
11 conditions have created a situation in which an increased number
12 of Hawaiian home lands lessees are unable to qualify for a
13 mortgage at the amount needed to afford the home prices being
14 offered through the department's turnkey offerings, nor can
15 lessees afford contractor costs for vacant lot home builds. In
16 response to rising costs, subsidy and affordable mortgage
17 programs have been developed and expanded by government agencies
18 and private institutions to assist homebuyers. These programs

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1 require security to ensure repayment during their recapture
2 periods or loan terms. On Hawaiian home lands, the department
3 guarantees the loan because the land is held in trust. The
4 projected number of new housing units on Hawaiian home lands
5 expected over the next several years because of Act 279
6 necessitates an increase in the department's loan guarantee
7 limit.

8 The purpose of this Act is to increase the limits of the
9 State's liability from \$100,000,000 to \$500,000,000 for moneys
10 borrowed by the department of Hawaiian home lands or loans made
11 to lessees that are guaranteed by the department.

12 SECTION 2. Section 214, Hawaiian Homes Commission Act,
13 1920, as amended, is amended by amending subsection (b) to read
14 as follows:

15 "(b) In addition the department may:

16 (1) Use moneys in the Hawaiian home operating fund, with
17 the prior approval of the governor, to match federal,
18 state, or county funds available for the same purposes
19 and to that end, enter into an undertaking, agree to
20 conditions, transfer funds therein available for
21 expenditure, and do and perform other acts and things,
22 as may be necessary or required, as a condition to

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1 securing matching funds for the department's projects
2 or works;

3 (2) Loan or guarantee the repayment of or otherwise
4 underwrite any authorized loan or portion thereof to
5 lessees in accordance with section 215;

6 (3) Loan or guarantee the repayment of or otherwise
7 underwrite any authorized loan or portion thereof to a
8 cooperative association in accordance with section
9 215;

10 (4) Permit and approve loans made to lessees by government
11 agencies or private lending institutions, where the
12 department assures the payment of these loans;
13 provided that upon receipt of notice of default in the
14 payment of the assured loans, the department may, upon
15 failure of the lessee to cure the default within sixty
16 days, cancel the lease and pay the outstanding balance
17 in full or may permit the new lessee to assume the
18 outstanding debt; provided further that the department
19 shall reserve the following rights:
20 (A) The right of succession to the lessee's interest
21 and assumption of the contract of loan;

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- 1 (6) Use available loan fund moneys or other funds
2 specifically available for guarantee purposes as cash
3 guarantees when required by lending agencies;
- 4 (7) Exercise the functions and reserved rights of a lender
5 of money or mortgagee of residential property in all
6 direct loans made by government agencies or by private
7 lending institutions to lessees the repayment of which
8 is assured by the department. The functions and
9 reserved rights shall include but not be limited to,
10 the purchasing, repurchasing, servicing, selling,
11 foreclosing, buying upon foreclosure, guaranteeing the
12 repayment, or otherwise underwriting, of any loan, the
13 protecting of security interest, and after
14 foreclosures, the repairing, renovating, or
15 modernization and sale of property covered by the loan
16 and mortgage;
- 17 (8) Pledge receivables of loan accounts outstanding as
18 collateral to secure loans made by government agencies
19 or private lending institutions to the department, the
20 proceeds of which shall be used by the department to
21 make new loans to lessees or to finance the
22 development of available lands for purposes permitted

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1 by this Act; provided that any loan agreement entered
2 into under this paragraph by the department shall
3 include a provision that the money borrowed by the
4 department is not secured directly or indirectly by
5 the full faith and credit or the general credit of the
6 State or by any revenues or taxes of the State other
7 than the receivables specifically pledged to repay the
8 loan; provided further that in making loans or
9 developing available lands out of money borrowed under
10 this paragraph, the department may establish, revise,
11 charge, and collect fees, premiums, and charges as
12 necessary, reasonable, or convenient, to assure
13 repayment of the funds borrowed, and the fees,
14 premiums, and charges shall be deposited into the
15 Hawaiian home trust fund; and provided further that no
16 moneys of the Hawaiian home loan fund may be pledged
17 as security under this paragraph; and
18 (9) Notwithstanding any other provisions of this Act to
19 the contrary, transfer into the Hawaiian home trust
20 fund any available and unpledged moneys from any loan
21 funds, the Hawaiian loan guarantee fund, or any fund
22 or account succeeding thereto, except the Hawaiian

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1 home loan fund, for use as cash guarantees or reserves
2 when required by a federal agency authorized to insure
3 or guarantee loans to lessees."

4 SECTION 3. The provisions of the amendments made by this
5 Act to the Hawaiian Homes Commission Act, 1920, as amended, are
6 declared to be severable, and if any section, sentence, clause,
7 or phrase, or the application thereof to any person or
8 circumstances is held ineffective because there is a requirement
9 of having the consent of the United States to take effect, then
10 that portion only shall take effect upon the granting of consent
11 by the United States and effectiveness of the remainder of these
12 amendments or the application thereof shall not be affected.

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect upon its approval
16 pursuant to section 16 of article III of the Constitution of the
17 State of Hawaii; provided that section 2 shall take effect
18 pursuant to title 43 Code of Federal Regulations part 48 on
19 either:

20 (1) The date of the United States Secretary of the
21 Interior's notification letter to the Congressional
22 Committee Chairpersons that this Act meets none of the

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1 criteria in title 43 Code of Federal Regulations
2 section 48.20; or
3 (2) The date that the United States Congress 's approval
4 becomes law.

5
6 INTRODUCED BY: Mark K. Warner

7 BY REQUEST
JAN 26 2026

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Report Title:

DHHL; Hawaiian Home Land Lessees; Loans

Description:

Increases the limit of the State's liability for moneys borrowed by the Department of Hawaiian Home Lands or loans made to lessees that are guaranteed by the Department from \$100,000,000 to \$500,000,000.

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

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JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

PURPOSE: To increase the limit of the State's liability for moneys borrowed by the Department or loans made to lessees that are guaranteed by the Department from \$100,000,000 to \$500,000,000.

MEANS: Amend section 214 of the Hawaiian Homes Commission Act, 1920, as amended.

JUSTIFICATION: Mortgage interest rates have increased and continue to rise, and construction costs are ever increasing. These market conditions have created a situation in which an increased number of Hawaiian Home Land lessees are unable to qualify for a mortgage at the amount needed to afford the home prices being offered through the Department's turnkey offerings, nor can lessees afford contractor costs for vacant lot home builds. This bill will help Hawaiian Home Land lessees afford the home prices being offered through the Department's turnkey offerings and afford contractor costs for vacant lot home builds.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by increasing the limit of the State's liability for moneys borrowed by the Department or loans made to lessees that are guaranteed by the Department from \$100,000,000 to \$500,000,000 so that Hawaiian Home Land lessees can afford the home prices being offered through the Department's turnkey offerings and contractor costs for vacant lot home builds.

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Impact on the department and other agencies:
The Department would be better able to offer more direct loans for its turnkey offerings and lessees would be better able to afford contractor costs for vacant lot home builds.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval; provided that section 2 shall take effect pursuant to title 43 Code of Federal Regulations part 48 on either:
(1) The date of the United States Secretary of the Interior's notification letter to the Congressional Committee Chairpersons that this Act meets none of the criteria in title 43 Code of Federal Regulations section 48.20; or
(2) The date that the United States Congress's approval becomes law.