

The Hawaiian Homes Commission Act
Most Don't Read It, Every Beneficiary Should! It's NOT Complicated

Section 201. Definition & Purpose. Defines words. Lays out Purpose of HHCA, to give land and resources to beneficiaries for living, farming, ranching, mercantile and self sustainability.

Section 202. DHHL & Commission. Establishes the DHHL agency, a governing board known as the Hawaiian Homes Commission, how commissioners are appointed and eligibility. States that civil service positions shall be filled in compliance with HRS provided that first to qualify are Hawaiians.

Section 203. Establishes Original Inventory of Trust Lands

Big Island/114,050 Acres-Maui/31,000 Acres-Molokai/33,300 Acres-Oahu/9,012-Kauai/22,500

**HHLRA of 1995 conveyed federal lands to the trust to compensate for trust lands taken since 1959 (ie, Wailua on Kauai, Barbers Point on Oahu were conveyed) plus State required to pay trust \$600 million for lands taken by State.*

Section 204. Lands NOT REQUIRED by Hawaiians May be Leased to the General Public.

This section established that lands still under the control of BLNR until leases expired, could continue to be managed by BLNR under leases to the general public with revenues paid to the Land Trust, or it gave the option for the lands to be transferred to DHHL to be managed, with a condition.....that DHHL can only issue lands to the general public if they are not required for homesteading by Hawaiians, and further, that Hawaiians may have an opportunity to lease the lands before the general public.

This section also authorizes land exchanges with the approval of the Secretary of DoI. It also empowers DHHL to be a developer by assembling lands for residential and other development.

Section 205. Lands Sold or Leased. Describes that lands sold or leased must be done within the parameters of the Act or as may be necessary to complete any valid agreements on lands at the time of enactment.

Section 206. State BLNR Not to Control Trust Lands. States that the Governor and the BLNR do not have the same authority over Hawaiian Home Lands, except where expressly authorized under the Act.

Section 207. Leases and Licenses to Hawaiians. (a) & (b) leases to native Hawaiians for homesteading (homes, up to 40 acre farms and 100 to 1000 acre ranches);

(c) licenses for land to nonprofits (schools, churches, clinics, etc) OR

(c) licenses for land for mercantile to native Hawaiians and organizations controlled by native Hawaiians for theatres, markets, stores, service stations, etc

Essentially, Section 207 is the heart of the purpose of the HHCA – to give land only to native Hawaiians for homes, farms, ranches and mercantile use, or to give land to nonprofits. There are



no conditions on these land dispositions, whereas issuing land to the General Public under Section 204 has a clear condition that land cannot be given out if it is required for homesteading.

Section 208. Terms of Homestead Leases to Hawaiians. Defines who is eligible for homestead and mercantile, the lease term, transfer eligibility, successor eligibility, ability to rent to other Hawaiians, and the ability to mortgage with approved lenders. Also describes responsibilities with taxes on improvements.

Section 209. Homestead Lease Disposition in the Event of Death of Hawaiian Lessee. Describes options for successorship upon the death of a lessee, options for disposition of improvement value, options if a successor is not named, and the process of valuation and payment.

Section 210. Cancellation of Homestead Lease due to Violation of Section 8 or 9. Describes when homestead leases can be cancelled and possession is taken by DHHL.

Section 211. Community Pastures. States that a community pasture can be established in districts where homesteading agricultural lands are issued.

Section 212. Allows Lands to be Managed by BLNR and Managed as Public Lands. States that any lands not issues to native Hawaiians under section 207 (homesteading and mercantile) or to nonprofits, can be returned to the control of BLNR and leased by BLNR to the public with a withdrawal clause, upon DHHL notification of needing the lands.

Section 213. Trust Fund Accounts of Hawaiians. This section governs several trust fund accounts, how funds can be spent and for what purposes to advance native Hawaiians. For example, this section states the criteria for farm loans, how interest payments are invested, requires 30% of state govt revenue from former sugar lands (DLNR, ADC, etc) to be deposited to the NHRF fund for native Hawaiians, families and homestead communities, including educational, economic, political, social and cultural well being.

This section also describes a trust fund account for Act 14 monies and requires annual reports to the legislature and beneficiaries.

Section 214. Availability of Loans to Hawaiians. Loans may be made available from Hawaiian trust funds or other sources to Hawaiians for homes, for ranches, for farms, refinancing existing debt, conservation practices, relief to farms and ranches experiencing natural disasters or livestock disease, etc, and to Hawaiians in the operation or erection of mercantile establishments that shall be owned by native Hawaiians or by associations controlled by native Hawaiians.

Section 215. Conditions or Terms of Loans. Establishes loan limits, eligibility of borrowers, repayment terms, and delinquencies.

Section 216. Insurance Requirements and Loan Acceleration. Describes insurance requirements, action on loan violations, lien position required.

Section 217. Ejectment for Non Payment. Describes authority of DHHL to evict or bring legal action.

Section 218. Repealed

Section 219. General Assistance & Experts. Describes that DHHL is to provide assistance to beneficiaries to maximize land utilization for homesteading, mercantile and nonprofit purposes, including the provision of experts in agriculture, aquaculture, livestock and other operations. Also states that DHHL can form an insurance company or association or pool if necessary to serve beneficiaries.

Section 220. Developer Agreements, Projects & Bonds. Section describes water development requirements, authority of DHHL to develop trust lands that advance economic and social welfare of beneficiaries, to derive revenue from non-homesteaders for products and services. Describes legislature authority to appropriate funds and/or bonds.

Section 221. Water. Makes it law that all water licenses in the state are subject to the condition that water deemed necessary by Hawaiian home lands to supply livestock, farm operations or domestic needs of homesteading shall be granted free of charge. Establishes a superior water right for beneficiaries over any water licensee upon demand of DHHL. Also authorizes DHHL to use free of charge water tributary to the Waimea River on Kauai for irrigation purposes.

Section 222. DHHL Administration. Allows State to make expenditures and adopt rules. Requires State to issue an annual report of finances to the legislature. Also must report to the legislature annually, the disposition of lands and to whom.

Section 223. Federal Oversight. The Congress reserves the right to alter, amend, or repeal provisions of this title.

Section 224. Sanitation and Reclamation Expert. DoI designee to live in the state with expertise in sanitation, rehabilitation and reclamation.

Section 225. Investment Eligibility and Accounting Requirements. Describes what investments are allowed, how receipts are to be handled, donations and other fiscal actions.

Section 226. Qualification for Other Federal Programs. Establishes that DHHL is eligible to participate in any federal program that renders assistance in HHCA areas mandated to be implemented.

Section 227. Enterprise Zones. Allows participation in federal or state enterprise zones only if program will result in economic benefits to native Hawaiians.