

MAR 04 2021

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# SENATE CONCURRENT RESOLUTION

URGING THE HAWAIIAN HOMES COMMISSION TO APPROPRIATE ONE HUNDRED PER CENT OF LEASE REVENUES FROM COMMERCIAL PROPERTY USES TO HOMELAND LOT DEVELOPMENT.

1           WHEREAS, in 1920, Congress enacted the Hawaiian Homes  
2 Commission Act (HHCA), which created a land trust intended to  
3 rehabilitate displaced native Hawaiian people by enabling them  
4 to lease residential, agriculture, or pastoral homestead land  
5 from the trust for one dollar per year; and

6  
7           WHEREAS, when the Territory of Hawaii joined the United  
8 States in 1959, the State promised to take the responsibility  
9 for the management and disposition of the Hawaiian Homes  
10 Commission Act of 1920. In the years that followed, the State  
11 has struggled to carry out its duties and obligations as a  
12 trustee; and

13  
14           WHEREAS, to date, more than two thousand native Hawaiian  
15 beneficiaries have died while on the Hawaiian homes waiting list  
16 for a home land lease, and twenty-eight thousand beneficiaries  
17 currently remain on the list, half of which are over the age of  
18 sixty. Additionally, the Department of Hawaiian Home Lands  
19 recently estimated that to house all beneficiaries on the  
20 waitlist, cost projections range between \$4,000,000,000 to  
21 \$12,000,000,000 for infrastructure alone; and

22  
23           WHEREAS, eliminating the waitlist for the Department of  
24 Hawaiian Home Lands has not been made a priority in past and  
25 current administrations. The State's lack of effort to address  
26 the waiting list for a home land lease and mismanagement of the  
27 trust has caused native Hawaiian beneficiaries to languish; and

28  
29           WHEREAS, in 2009, the First Circuit Court found in *Kalima*  
30 *v. State of Hawaii* that the State breached its trust duties to  
31 keep and render accounts, exercise reasonable care and skill,  
32 administer the trust, and make the trust property productive.



1 The court also found that these breaches caused eligible native  
2 Hawaiians to remain on the waiting list for a home land lease  
3 and suffer damages as a result; and  
4

5 WHEREAS, in 2015, the First Circuit Court held in *Nelson v.*  
6 *Hawaiian Homes Commission*, that the State "must comply with its  
7 constitutional duty to make sufficient sums available to the  
8 Department of Hawaiian [Home Lands] for its administrative and  
9 operating budget." Additionally, the court ruled that the State  
10 underfunded the Department of Hawaiian Home Lands by  
11 approximately \$28,000,000 per year; and  
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13 WHEREAS, on February 26, 2002, the Hawaiian Homes  
14 Commission approved the general plan prepared by the Department  
15 of Hawaiian Home Lands, and while the general plan includes an  
16 emphasis on the management of their existing land inventory, the  
17 general plan does not make explicit mention of providing lot  
18 development on a trajectory that will extinguish the waitlist;  
19 and  
20

21 WHEREAS, the Department of Hawaiian Home Lands sought to  
22 generate \$30,000,000 in land revenues annually (adjusted for  
23 inflation) by 2014 and use no more than one per cent of Hawaiian  
24 home lands for commercial and industrial uses by 2014; however  
25 the department has not accomplished either of those objectives;  
26 and  
27

28 WHEREAS, a May 2017 report from the U.S. Department of  
29 Housing and Urban Development finds that the Department of  
30 Hawaiian Home Lands' "shift to more expensive housing  
31 development may have exacerbated the problem of people staying  
32 on the waiting list for extended periods of time", and the  
33 report also found that even if beneficiaries are offered a land  
34 lease during the past twenty years, beneficiaries have not  
35 accepted land leases because they have been unable to secure the  
36 necessary mortgage loan for the home on the property, among  
37 other reasons; and  
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39 WHEREAS, the Department of Hawaiian Home Lands has also  
40 failed to aggressively pursue diversification of housing awards  
41 for multifamily complexes, rentals, kupuna housing, and



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1 supplemental dwelling units, in addition to turnkey style  
2 housing; now, therefore,

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4 BE IT RESOLVED by the Senate of the Thirty-first  
5 Legislature of the State of Hawaii, Regular Session of 2021, the  
6 House of Representatives concurring, that the Department of  
7 Hawaiian Home Lands is respectfully urged to appropriate one  
8 hundred percent of lease revenue from commercial property uses  
9 to homeland lot development; and

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11 BE IT FURTHER RESOLVED that certified copies of this  
12 Concurrent Resolution be transmitted to the Governor and the  
13 chairperson of the Hawaiian Homes Commission.

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OFFERED BY: 

