
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 enable displaced native Hawaiians to lease residential,
4 agriculture, or pastoral homestead land from the trust for one
5 dollar per year; and
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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
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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; and
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20 WHEREAS, the Department of Hawaiian Home Lands recently
21 estimated that to house all beneficiaries on the waitlist, cost
22 projections range between \$4,000,000,000 to \$12,000,000,000 for
23 infrastructure alone; and
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25 WHEREAS, eliminating the waitlist for the Department of
26 Hawaiian Home Lands has not been made a priority in past and
27 current administrations. The State's lack of effort to address
28 the waiting list for a home land lease and mismanagement of the
29 trust has caused native Hawaiian beneficiaries to languish; and
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1 WHEREAS, in 2009, the First Circuit Court held in *Kalima v.*
2 *State of Hawaii* that the State breached its trust duties to keep
3 and render accounts and failed to exercise reasonable care and
4 skill in the administration of the trust, and make its trust
5 properties productive. The First Circuit Court also found that
6 these breaches caused eligible native Hawaiians to remain on the
7 waiting list for a home land lease and suffer damages as a
8 result; and
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10 WHEREAS, in 2015, the First Circuit Court held in *Nelson v.*
11 *Hawaiian Homes Commission*, that the State "must comply with its
12 constitutional duty to make sufficient sums available to the
13 Department of Hawaiian [Home Lands] for its administrative and
14 operating budget." Additionally, the court ruled that the State
15 underfunded the Department of Hawaiian Home Lands by
16 approximately \$28,000,000 per year; and
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18 WHEREAS, on February 26, 2002, the Hawaiian Homes
19 Commission approved a general plan prepared by the Department of
20 Hawaiian Home Lands. While the general plan includes an
21 emphasis on the management of their existing land inventory, the
22 general plan does not make explicit mention of providing lot
23 development on a trajectory that will extinguish the waitlist;
24 and
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26 WHEREAS, in the general plan, the Department of Hawaiian
27 Home Lands sought to generate \$30,000,000 in land revenues
28 annually (adjusted for inflation) by 2014 and use no more than
29 one per cent of Hawaiian home lands for commercial and
30 industrial uses by 2014; however the department has not
31 accomplished either of those objectives; and
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33 WHEREAS, a May 2017 report from the U.S. Department of
34 Housing and Urban Development finds that the Department of
35 Hawaiian Home Lands' "shift to more expensive housing
36 development may have exacerbated the problem of people staying
37 on the waiting list for extended periods of time." The report
38 also found that even if beneficiaries have been offered a land
39 lease during the past twenty years, they have not accepted land
40 leases because they have been unable to secure the necessary
41 mortgage loans for the home on the property, among other
42 reasons; and



1
2 WHEREAS, the Department of Hawaiian Home Lands also failed
3 to aggressively pursue diversification of housing awards for
4 multifamily complexes, rentals, kūpuna housing, and supplemental
5 dwelling units, in addition to turnkey style housing; now,
6 therefore,

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

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15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Governor and the
17 Chairperson of the Hawaiian Homes Commission.

