Act 27 (HB 2192 April 14, 1984)

Amends section 207(a) of the HHCA by deleting the proviso permitting the department to designate the location of the homesite on residence lots less than 10,000 square feet (added by Act 23, SLH 1976) and added two new sentences authorizing the department to develop and construct multi-family units for housing native Hawaiians and authorizing the department to develop rules prescribing the method of disposition as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such multi-family units.
recreational boating activities which are also the principal habitation of the owner shall occupy no more than fifteen per cent of the respective total moorage space available as of July 1, 1976 at the Ala Wai and Keehi boat harbors. Notwithstanding the primary purpose of small boat harbors, moorage for commercial vessels is permitted in a state small boat harbor, except that on Oahu moorage for commercial vessels is permitted in a state small boat harbor only where there is no commercial harbor within a distance of three statute miles[.]; provided that commercial catamarans, for which valid permits or registration certificates have been issued by the department of transportation which allow the catamarans to operate upon Waikiki shore waters for hire, may be permitted to moor in Ala Wai boat harbor at facilities leased for commercial purposes. The department may adopt rules pursuant to chapter 91 to further implement this section."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 14, 1984.)

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:

SECTION 1. Section 207, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (a) to read:

"(a) The department is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agriculture lands or lands used for aquaculture purposes; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred [and] fifty nor more than one thousand acres of second-class pastoral lands; or (4) not less than forty nor more than one hundred acres of irrigated pastoral lands; or (5) not more than one acre of any class of land to be used as a residence lot; provided that in the case of any existing lease of a farm lot in the Kaliakauaole Settlement or Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the department; provided further that a lease granted to any lessee may include two detached farm lots or aquaculture lots, as the case may be, located on the same island and within a reasonable
distance of each other, one of which, to be designated by the department, shall be occupied by the lessee as his home. The gross acreage of both lots not to exceed the maximum acreage of an agricultural, pastoral, or aquaculture lot, as the case may be, as provided in this section; provided further that the department may designate the location of the homesite on residence lots less than 10,000 square feet. The department is authorized to develop and construct multi-family units for housing native Hawaiians. The method of disposition, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such multi-family units shall be prescribed by rules adopted by the department pursuant to chapter 91."

SECTION 2. The amendments made by this Act are declared to be severable, and if any of them, or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the consent of the United States to take effect, then, that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of these legislative amendments or the application thereof shall not be affected.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 14, 1984.)

ACT 28


Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 294-36. Hawaii Revised Statutes, is amended to read as follows:

"§294-36 Statute of limitations. (a) No suit shall be brought on any contract providing no-fault benefits or any contract providing optional additional coverage more than:

(1) Two years from the date of the motor vehicle accident upon which the claim is based; or
(2) Two years after the last payment of no-fault or optional additional benefits; or
(3) Two years after the entry of a final order in arbitration [whichever is the last to occur]."
April 11, 1984

REPORT TO THE GOVERNOR ON BILL PASSED BY THE LEGISLATURE:

H.B. NO. 2192-84 RELATING TO THE HAWAIIAN HOMES COMMISSION
ACT, 1920, AS AMENDED.

GOVERNOR'S DUE DATE: April 19, 1984

PURPOSE: The purpose of H.B. No. 2192-84 is to allow the Department of Hawaiian Home Lands to develop multi-family dwelling units on its lands.

COMMENTS: Present statutory provisions restrict grants of residential homestead leases by the Department in the form of subdivided lots only. The Department needs greater flexibility to explore alternative development models in order to hasten the process of grants of these homestead awards, particularly in view of the expanding waiting list of beneficiaries for residential awards. The potential of the Department to diversify the types of residential units to be made available, accelerate the rate of the grant awards, and reduce the cost of land development and home ownership would be enhanced by this amendment.

Section 4 of the Admission Act (Act of March 18, 1959, Pub. L. 86-3, 73 Stat. 4) and Section 3, Article XII of the State Constitution generally provides that amendments to the Hawaiian Homes Commission Act, 1920, as amended, can be amended only with the consent of the United States, with exceptions as noted therein.

While we believe this measure falls within one of the permitted exceptions, an argument could be made that this legislation requires Congressional approval. This measure provides for such eventuality in SECTION 3.
This bill originated as an Administration measure.

OPINION AS TO LEGALITY: Except as noted above, there appears to be no constitutional or other legal objection to the bill.

Respectfully submitted,

GEORGE K. K. KAEO, JR.
Deputy Attorney General

APPROVED:

TANY S. HONG
Attorney General
For the Governor of Hawaii:

by Nancy Okazaki

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

*Due Date for Departmental Report:* April 13, 1984

*Due Date for Governor's Action:* April 19, 1984

<table>
<thead>
<tr>
<th>Referred to</th>
<th>Admin. Code (Dept. Use)</th>
<th>Departmental Recommendations (For Governor's Office Use Only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lt. Governor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney General</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget &amp; Finance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HHL</td>
<td>1-1(84)</td>
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<tr>
<td>DSSH</td>
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<td>Health</td>
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</table>

For info only to: Legis. Ref. Bureau

**Action Taken:**

**Date:**
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:

SECTION 1. Section 207, Hawaiian Homes Commission Act, 1920, as amended, is amended by amending subsection (a) to read:

"(a) The department is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agriculture lands or lands used for aquaculture purposes; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred [and] fifty nor more than one thousand acres of second-class pastoral lands; or (4) not less than forty nor more than one hundred acres of irrigated pastoral lands; or (5) not more than one acre of any class of land to be used as a residence lot; provided that in the case of any existing lease of a farm lot in the
Kalanianaole Settlement on Molokai, a residence lot may
exceed one acre but shall not exceed four acres in area, the
location of such area to be selected by the department;
provided further that a lease granted to any lessee may
include two detached farm lots or aquaculture lots, as the
case may be, located on the same island and within a
reasonable distance of each other, one of which, to be
designated by the department, shall be occupied by the
lessee as his home, the gross acreage of both lots not to
exceed the maximum acreage of an agricultural, pastoral, or
aquaculture lot, as the case may be, as provided in this
section[; provided further that the department may designate
the location of the homesite on residence lots less than
10,000 square feet]. The department is authorized to
develop and construct multi-family units for housing native
Hawaiians. The method of disposition, as well as the terms,
conditions, covenants, and restrictions as to the use and
occupancy of such multi-family units shall be prescribed by
rules adopted by the department pursuant to chapter 91."

SECTION 2. The amendments made by this Act are
declared to be severable, and if any of them, or the
application thereof to any person or circumstances is held
ineffective because there is a requirement of having the
consent of the United States to take effect, then, that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of these legislative amendments or the application thereof shall not be affected.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.
THE HOUSE OF REPRESENTATIVES OF THE
STATE OF HAWAI'I

Date: March 12, 1984
Honolulu, Hawaii

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984.

Henry H. Peters
Speaker, House of Representatives

George M. Takane
Clerk, House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: April 2, 1984
Honolulu, Hawaii

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984.

Richard S. H. Wong
President of the Senate

T. David Woo, Jr.
Clerk of the Senate
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:

SECTION 1. Section 207, Hawaiian Homes Commission Act, 1920, is amended by amending subsection (a) to read:

"(a) The department is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agriculture lands or lands used for aquaculture purposes; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not less than forty nor more than one hundred acres of irrigated pastoral lands; (5) not more than one acre of any class of land to be used as a residence lot; provided that in the case of any existing lease of a farm lot in the Kalanianaole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the department; provided further
that a lease granted to any lessee may include two detached
farm lots or aquaculture lots, as the case may be, located
on the same island and within a reasonable distance of each
other, one of which, to be designated by the department,
shall be occupied by the lessee as his home, the gross
acreage of both lots not to exceed the maximum acreage of an
agricultural, pastoral, or aquaculture lot, as the case may
be, as provided in this section[; provided further that the
department may designate the location of the homesite on
residence lots less than 10,000 square feet.] The
department is authorized to develop and construct
multi-family units for housing of native Hawaiians. The
method of disposition, as well as the terms, conditions,
covenants and restrictions as to the use and occupancy of
such multi-family units, shall be prescribed by rules
promulgated by the department."

SECTION 2. The amendments made by this Act are
declared to be severable, and if any of them, or the
application thereof to any person or circumstances is held
ineffective because there is a requirement of having the
consent of the United States to take effect, then, that
portion only shall take effect upon the granting of consent
by the United States and the effectiveness of the remainder
of these legislative amendments or the application thereof
shall not be affected.
SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: J. J. R.
FEB 10 1984
By Request
JUSTIFICATION SHEET

REVISED: December 22, 1983

DEPARTMENT: Hawaiian Home Lands (DDHL)

TITLE: Relating to the Hawaiian Homes Commission Act, 1920, as Amended.

PURPOSE: Allow the Department of Hawaiian Home Lands to develop multi-family dwelling units on its residential lands. Delete unnecessary or conflicting provisions related to designation of homesites.


JUSTIFICATION: It costs the Department approximately $75,000 to place a native Hawaiian on a residential homestead today. Site improvements, such as roads, sewers, water, utilities, and grading average $35,000 per lot. This cost is absorbed by the State and not passed on to the homesteader. House construction costs another $40,000 with the State again bearing the cost of financing low interest direct or indirect loans.

If past practices and patterns continue, it will require an additional $525,000,000 and 35 more years to deliver homesteads to the remaining 7,000 eligibles currently on residential waiting lists.

The Department needs the flexibility to explore alternative development models to accelerate the granting of homestead awards to satisfy its obligations as trustees and the changing needs of beneficiaries.

Multi-family units hold promise as a satisfactory development alternative because:

1. The site improvement cost per unit would be less, allowing more awards to the same amount of funding.

2. As has occurred in the general population, there is a growing need among elderly native Hawaiians and young working couples for homes that are affordable and more easily maintained.
3. The concept of higher densities will allow the development of more housing on a given amount of land, in preferred locations.

The Department strongly favors this measure because, besides adding to the types of units that will be available, it will also mean more homes for more people, and at prices that they can better afford.

Chances for home ownership at a younger age will improve and elderly lessees will have a choice relative to homestead location, affordability, and upkeep. The potential benefits apply especially to the elderly, many of whom suffer from both physical and monetary limitations that come with age.

Top priority is assigned to this proposal because it can contribute greatly to the Department's goal of accelerating homestead awards, and also to priority housing objectives of the Hawaii State Plan as expressed in Section 226-19, HRS.

GENERAL FUND: None
OTHER FUNDS: None
PPBS PROGRAM DESIGNATION: HHL 602
OTHER AGENCIES AFFECTED: Department of the Attorney General
Department of Social Services and Housing
Department of Health
Honolulu, Hawaii  
February 29, 1984

RE: H.B. No. 2192-84

The Honorable Henry Haalilio Peters  
Speaker, House of Representatives  
Twelfth State Legislature  
Regular Session of 1984  
State of Hawaii

Sir:

Your Committee on Water, Land Use, Development and Hawaiian Affairs, to which was referred H.B. No. 2192-84 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", begs leave to report as follows:

The purpose of this bill is to allow the Department of Hawaiian Home Lands to develop multi-family dwelling units on its residential lands.

Current statutes restrict grants of residential homestead leases by the Department of Hawaiian Home Lands only in the form of subdivided lots. According to testimony, the Department needs greater flexibility to explore alternative development models in order to hasten the process of grants of these homestead awards. The bill would diversify the types of residential units to be made available to potential lessees, accelerate the rate of the grant awards, and reduce the cost of land development and home ownership.

Your Committee on Water, Land Use, Development and Hawaiian Affairs is in accord with the intent and purpose of H.B. No. 2192-84 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted,

CALVIN K.Y. SAY, Chairman

RICHARD M. MATSUURA, Vice-Chairman

WLH 635-436
Honorable Henry Haalilio Peters  
Speaker, House of Representatives  
Twelfth State Legislature  
Regular Session of 1984  
State of Hawaii  

Sir:

Your Committee on Finance, to which was referred  
H.B. No. 2192-84 entitled: "A BILL FOR AN ACT RELATING TO THE  
HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", begs leave to  
report as follows:

The purpose of this bill is to allow the department of  
Hawaiian home lands to develop multi-family dwelling units on its  
residential lands.

Current statutes restrict grants of residential homestead  
leases by the department of Hawaiian home lands only in the form  
of subdivided lots. According to testimony, the department needs  
greater flexibility to explore alternative development models in  
order to hasten the process of grants of these homestead awards.  
The bill would diversify the types of residential units to be  
made available to potential lessees, accelerate the rate of the  
grant awards, and reduce the cost of land development and home  
ownership.

Your Committee has made several nonsubstantive technical and  
stylistic amendments to this bill.

Your Committee on Finance is in accord with the intent and  
purpose of H.B. No. 2192-84, as amended herein, and recommends  
that it pass Third Reading in the form attached hereto as  
H.B. No. 2192-84, H.D. 1.
Respectfully submitted,

KEN KIYABU, Chairman

RICHARD A. KAWAKAMI, Vice Chairman

CONNIE C. CHUN, Member

REYNALDO GRAUTY, Member

ARNOLD MORGADO, Member

JOSEPH M. SOUKI, Member

NORMA WONG

WHITNEY T. ANDERSON, Member
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS
AMENDED.

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

SECTION 1. Section 207, Hawaiian Homes Commission Act,
1920, as amended, is amended by amending subsection (a) to
read:

"(a) The department is authorized to lease to native
Hawaiians the right to the use and occupancy of a tract or
tracts of Hawaiian home lands within the following acreage
limits per each lessee: (1) not less than one nor more than
forty acres of agriculture lands or lands used for
aquaculture purposes; or (2) not less than one hundred nor
more than five hundred acres of first-class pastoral lands;
or (3) not less than two hundred [and] fifty nor more than
one thousand acres of second-class pastoral lands; or (4)
not less than forty nor more than one hundred acres of
irrigated pastoral lands; or (5) not more than one acre of
any class of land to be used as a residence lot; provided
that in the case of any existing lease of a farm lot in the
Kalanianaole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the department; provided further that a lease granted to any lessee may include two detached farm lots or aquaculture lots, as the case may be, located on the same island and within a reasonable distance of each other, one of which, to be designated by the department, shall be occupied by the lessee as his home, the gross acreage of both lots not to exceed the maximum acreage of an agricultural, pastoral, or aquaculture lot, as the case may be, as provided in this section; provided further that the department may designate the location of the homesite on residence lots less than 10,000 square feet. The department is authorized to develop and construct multi-family units for housing native Hawaiians. The method of disposition, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such multi-family units shall be prescribed by rules adopted by the department pursuant to chapter 91."

SECTION 2. The amendments made by this Act are declared to be severable, and if any of them, or the application thereof to any person or circumstances is held ineffective because there is a requirement of having the
consent of the United States to take effect, then, that portion only shall take effect upon the granting of consent by the United States and the effectiveness of the remainder of these legislative amendments or the application thereof shall not be affected.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.
Honorable Richard S. H. Wong  
President of the Senate  
Twelfth State Legislature  
Regular Session of 1984  
State of Hawaii

Sir:

RE: H.B. No. 2192-84, H.D. 1

Your Committee on Housing and Urban Development, to which was referred H.B. No. 2192-84, H.D. 1, entitled:  
"A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED",  
begs leave to report as follows:  

The purpose of this bill is to allow the Department of Hawaiian Home Lands to develop, construct, and dispose of multi-family dwelling units on Hawaiian Home lands.  

Presently, the Department of Hawaiian Home Lands (DHHL) grants residential homestead leases for subdivided lots. According to testimony, the DHHL needs greater flexibility to explore alternative development models in order to accelerate the granting of homestead awards. This bill would diversify the types of residential units available to potential lessees and reduce the cost of land development and home ownership.  

Your Committee finds that this proposal will contribute greatly to the DHHL's goal of accelerating homestead awards and also to the priority housing objectives of the Hawaii State Plan as expressed in Section 226-19, Hawaii Revised Statutes.  

Your Committee on Housing and Urban Development is in accord with the intent and purpose of H.B. No. 2192-84, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.
Respectfully submitted,

PATSY K. YOUNG, Chairman

MILTON HOLT, Vice-Chairman

STEVE COBB, Member

DUKE T. KAWASAKI, Member

MAMORU YAMASAKI, Member

RALPH K. AJIPU, Member

ANN KOBAYASHI, Member