An asterisk (*) within an endnote denotes the first textual change made by an amendment, and subsequent textual changes made by the same amendment are cross-referenced throughout the document.

Small capitals styling of “Title” and “Section” references, as well as the text of titles and captions, is the applied style of this document. Although small capitals were used by Congress in the original HHCA and in Congressional amendments through at least 1935, Congress used regular styling and capitalization in its amendments of 1941, including in its insertion of a section caption for section 202.

2 Act 349, 1990, Haw. Sess. Laws. Adding the following text within [ ]: TITLE 1A: PURPOSE. SEC. 101. (a) The Congress of the United States and the State of Hawaii declare that the policy of this Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians. (b) The principal purposes of this Act include but are not limited to: (1) Establishing a permanent land base for the benefit and use of native Hawaiians, upon which they may live, farm, ranch, and otherwise engage in commercial or industrial or any other activities as authorized in this Act. (2) Placing native Hawaiians on the lands set aside under this Act in a prompt and efficient manner and assuring long-term tenancy to beneficiaries of this Act and their successors; (3) Preventing alienation of the fee title to the lands set aside under this Act so that these lands will always be held in trust for continued use by native Hawaiians in perpetuity; (4) Providing adequate amounts of water and supporting infrastructure, so that homestead lands will always be usable and accessible; and (5) Providing financial support and technical assistance to native Hawaiian beneficiaries of this Act so that by pursuing strategies to enhance economic self-sufficiency and promote community-based development, the traditions, culture and quality of life of native Hawaiians shall be forever self-sustaining. (c) In recognition of the solemn trust created by this Act, and the historical government to government relationship between the United States and the Kingdom of Hawaii, the United States and the State of Hawaii hereby acknowledge the trust established under this Act and affirm their fiduciary duty to faithfully administer the provisions of this Act on behalf of the native Hawaiian beneficiaries of the Act. (d) Nothing in this Act shall be construed to: (1) Affect the rights of the descendants of the indigenous citizens of the Kingdom of Hawaii to seek redress of any wrongful activities associated with the overthrow of the Kingdom of Hawaii; or (2) Alter the obligations of the United States and the State of Hawaii to carry out their public trust responsibilities under section 5 of the Admission Act to native Hawaiians and other descendants of the indigenous citizens of the Kingdom of Hawaii. Note: The Department interprets Act 349’s requirement of the consent of the United States Congress to be the consent of the United States.

3 *Act 197, 1997, Haw. Sess. Laws (also removing brackets surrounding section titles for sections 201, 205, 206, 210, 211, 217, and 227).


14 *Act 302, 2001, Haw. Sess. Laws. Adding the following text which requires Congressional approval within [ ]: SEC. 201.5. FEDERAL REAFFIRMATION. The United States and State of Hawaii hereby reaffirm and recognize that: (1) The native Hawaiian people are a distinct native, indigenous people who have maintained their own language, culture, and traditions, and have established Hawaiian home lands areas protected under federal and
state law; (2) The United States has a unique trust responsibility to promote the welfare of the aboriginal, indigenous people of the State, and the federal government has delegated broad authority to the State to act for their betterment; and (3) The aboriginal, indigenous people of the State retain their inherent sovereign authority and their right to organize for their common welfare. Note: The Department interprets Act 302’s requirement of the consent of Congress to be the approval of Congress.

15 Act 302, 2001, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []: SEC. 201.6. COMMUNITY BASED GOVERNANCE ON HAWAIIAN HOME LANDS. It is the policy of the State to support participation in governance by promoting the empowerment of democratically-elected Hawaiian homestead community self-governance organizations. In furtherance of this policy, and with the consent of the Congress of the United States, the State may delegate to a democratically-elected organization representing a Hawaiian homestead community or communities the authorities delegated to the State by the United States, relating to the administration of the Hawaiian Home Commission Act, 1920, as amended. The commission may establish a working relationship with a democratically-elected Hawaiian homestead community self-governance organization to promote community welfare. The selection of authorities to be delegated shall be left to the Hawaiian homes commission’s discretion. The commission may establish criteria to determine the boundaries and location of a Hawaiian homestead community and whether a Hawaiian homestead community organization is eligible for delegation. Criteria for eligibility shall include but not be limited to the following: (1) The organization and its leadership is a bona fide representative body of native Hawaiian residents, homestead lessees, qualified successors residing within the homestead community, and native Hawaiians who have designated that homestead community as their primary choice of residence with the department of Hawaiian home lands and who are awaiting an award of a lease under this Act; (2) The organization is governed by free and fair elections; and (3) The organization demonstrates sufficient capacity to implement the authorities that are delegated. The commission may contract with and delegate authority to a Hawaiian homestead community self-governance organization to perform governmental services for the homestead community represented by that homestead organization. Any such contract shall include a requirement that the government service shall be performed at a level and quality comparable to the services that would otherwise be provided by the department of Hawaiian home lands. The department of Hawaiian home lands may adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to implement this section. Note: The Department interprets Act 302’s requirement of the consent of Congress to be the approval of Congress.


(a) There is hereby established a commission to be known as the ‘Hawaiian Homes Commission’ [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] to be composed of seven members, four of whom, including the chairman, shall be residents of the city and county of Honolulu; of the remaining members, one shall be a resident of the county of Hawaii, one a resident of the county of Maui, and one a resident of the county of Kauai [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}]. The members shall be appointed by the Governor and may be removed in the manner provided by section 80 of the [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] Hawaiian Organic Act, as amended. All of the members shall have been residents of the Territory of Hawaii at least three years prior to their appointment and at least three [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] four [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands prior [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] to 1778. [{Pub. L. No. 74-223, 49 Stat. 504 (1935)}]. [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] Prior to July 23, 1937, the Governor had the power to fill vacancies in the commission in the manner provided by law. [{Pub. L. No. 82-485, 66 Stat. 515 (1952)}] (b) Any vacancy in the office of a commissioned member shall be filled in the same manner and under the [{Pub. L. No. 74-223, 49 Stat. 504 (1935)}]. [{Pub. L. No. 74-223, 49 Stat. 504 (1935)}] limitations of this Act. [{Pub. L. No. 74-223, 49 Stat. 504 (1935)}] (c) [{Pub. L. No. 74-223, 49 Stat. 504 (1935)}] One of the members shall be designated by the Governor as chairman. An executive officer and such clerical assistants as may be necessary shall be appointed by the Commission to serve at its pleasure. The executive officer shall [{Pub. L. No. 78-320, 58 Stat. 260 (1944)}] reside habitually at the major Hawaiian Homes Settlement. He shall receive an annual salary in such amount as shall be set by the Commission, from time to time, not to exceed $6,000: Provided, That if the compensation for like positions in the Territorial service is fixed by classification thereof, pursuant to any schedule established by legislative or executive authority, such compensation may equal but shall not exceed the amount certified for the position by the Board, Commission, officer, or other agency determining such classifications for the Territorial procedure. [{Pub. L. No. 78-320, 58 Stat. 260 (1944)}] Clerical assistants shall be paid in accordance with Territorial practice for such services. The members of the Commission shall serve without pay, but shall receive actual expenses incurred by
them in the discharge of their duties as such members. [(Pub. L. No. 82-485, 66 Stat. 515 (1952))] The members of the Commission shall hold office for terms of five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. [(Pub. L. No. 82-485, 66 Stat. 515 (1952))]

17 Act 174, 1977, Haw. Sess. Laws is the earliest amendment on file incorporating this section title as currently reflected by the HHCA.


20 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within [\textit{seven members, four of whom shall be residences of the city and county of Honolulu; of the remaining members one shall be a resident of the county of Hawaii, one a resident of the county Maui, and one a resident of the county Kauai.}]


22 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 265, 1989, Haw. Sess. Laws. Deleting the following text within [\textit{of whom one shall be a resident of the Third Senatorial District, a second shall be a resident of the Fourth Senatorial District, and a third shall be a resident of either the Fifth, Sixth, or Seventh Senatorial District}]


24 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within [\textit{, and shall be compensated therefor in the sum of $18,500 per annum.}]


26 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within [\textit{All other positions in the department shall be subject to the provisions of chapters 3 and 4, Revised Laws of Hawaii 1955, as amended, and employees having tenure, according to the employment practices of the department, immediately prior to the passage of this Act and occupying positions in accordance with the State's position classifications and compensation plans shall be given permanent appointment status under chapter 3 without a reduction in pay or the loss of seniority, prior service credit, vacation or sick leave earned heretofore. An employee with tenure who does not occupy a position under chapters 3 and 4}]


28 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 295, 1985, Haw. Sess. Laws. Deleting the following text within [\textit{consisting of qualified aides in finance and funding, planning and development, legal matters, agriculture and ranching, and other individuals}]

29 Act 148, 2002, Haw. Sess. Laws. Deleting the following text within [\textit{: 77}]


34 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 199, 1984, Haw. Sess. Laws. Deleting the following text within [\textit{the provisions of chapters 76 and 77}]

35 *Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within [\textit{: chapter}]

36 Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within [\textit{: and 77}]


38 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 295, 1985, Haw. Sess. Laws. Deleting the following text within [\textit{, and employees having tenure, according to the employment practices of the department, immediately prior to June 20, 1963 and occupying positions in accordance with the state's position classifications and compensation plans shall be given permanent appointment status under chapter 76 without a reduction in pay or the loss of seniority, prior service credit, vacation or sick leave earned heretofore. An employee with tenure occupy a position under chapters 76 and 77}]

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Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within [ ]: vacancies vacant

Act 148, 2002, Haw. Sess. Laws. Adding the following text within [ ]: civil service

Act 148, 2002, Haw. Sess. Laws. Deleting the following text within [ ]: which are

Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 199, 1984, Haw. Sess. Laws. Deleting the following text within [ ]: the provisions of

Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within [ ]: chapters chapter


Act 148, 2002, Haw. Sess. Laws. Deleting the following text within [ ]: and 77


Act 148, 2002, Haw. Sess. Laws. Making the following changes to the text within [ ]: ;


Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within [ ]:


Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within [ ]: Fifty-seven


Portion of the land of Kalawahine situate mauka or northeast of Roosevelt High School, Honolulu, Oahu. (Pub. L. No. 75-200, 50 Stat. 497 (1937)) Being portion of L.C. award 11215, Apana 2, to Keliiiahonui conveyed by W.M. Giffard to the Territory of Hawaii by deed dated February 1, 1907, and recorded in Liber 291, page 1. (Being portion of the lands set aside for the Hawaiian Homes Commission by the Seventy-third Congress by Act Numbered 227, approved May 16, 1934.) Beginning at the south corner of this parcel of land and near the east corner of Roosevelt High School lot, the coordinates of said point of beginning referred to Government survey triangulation station "Punchbowl", being twenty-five and two one-hundreds feet south and four thousand one hundred and seventeen and thirty-nine one-hundredths feet east as shown on Government survey registered map numbered 2985 and running by azimuths measured clockwise from true south: 1. One hundred and twenty-eight degrees fifty-four minutes seven hundred and six one-hundredths feet along Roosevelt High School lot, and passing over a pipe at six hundred eighty-four and thirteen one-hundredths feet; 2. Thence along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south corner of Hawaiian Home Land (Presidential Executive Order Numbered 5561), the direct azimuth and distance being two hundred and twenty-eight degrees twenty-nine minutes ten seconds one thousand three hundred and ninety-one feet; 3. Thence continuing along the middle of stream in all its turns and windings along the land of Kewalo-uka to the south side of Tantalus Drive realinement, the direct azimuth and distance being two hundred and twenty-eight degrees twenty-nine minutes ten seconds one thousand three hundred and ninety-one feet; 4. Thence on a curve to the right with a radius of one hundred twenty and seventy-one one-hundreds feet along the southerly side of Tantalus Drive realinement (sixty feet wide), the direct azimuth and distance being three hundred and fifty-eight degrees twenty-one minutes one hundred ninety-three and eighty-five one-hundredths feet; 5. Fifty-one degrees forty-two minutes one hundred ninety-three and thirty-five one-hundredths feet along the southerly side of Tantalus Drive realinement; 6. Thence on a curve to the left with a radius of three hundred and thirty feet, along same, the direct azimuth and distance being twenty-five degrees twenty-three minutes ten seconds two hundred ninety-two and fifty-eight one-hundredths feet; 7. Twenty-two degrees fifty-three minutes two hundred ninety-one and ninety-three one-hundredths feet along the west side of Kalawahine Slope lots; 8. Thence on a curve to the left with a radius of three hundred, five and sixty-one one-hundredths feet along the west side of the Kalawahine Slope lots, the direct azimuth and distance being six degrees twenty-one minutes thirty seconds one hundred seventy-three and eighty-five one-hundredths feet; 9. 

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Three hundred and forty-nine degrees fifty minutes forty-seven feet along the west side of the Kalawahine Slope lots; 10. Thence on a curve to the right with a radius of five hundred and twenty feet along same and along Territorial land, the direct azimuth and distance being seventeen degrees thirty-one minutes four hundred eighty-three and eighteen one hundredths feet; 11. Three hundred and fifteen degrees twelve minutes seventy-five feet along Territorial land; 12. Forty-five degrees twelve minutes six hundred eleven and two one-hundredths feet along the northwest side of a twenty-foot road reserve; 13. Thirty-four degrees four minutes thirty seconds three hundred thirty-six and ninety-six one-hundredths feet along same to the point of beginning and containing an area of thirty-one and sixty one-hundredths acres {Pub. L. No. 75-200, 50 Stat. 497 (1937)}

65 Pub. L. No. 82-481, 66 Stat. 511 (1952). Deleting the following text within []: are on the date of the enactment of this Act residing on the lands of Auwaiolimu, Kewalo, and Kalawahine on the island of Oahu placed under the control of the Hawaiian Homes Commission by this Act, shall be given first opportunity to lease such lands on which they reside. {Pub. L. No. 73-227, 48 Stat. 777 (1934)}
69 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 3, 1978. Deleting the following text within [], with the approval of the Secretary of the Interior,
lease whenever the commission with the approval of the Secretary of the Interior gives notice to him that the
commission is of the opinion that the lands are required by it for leasing as authorized by the provisions of
section 207, or for a community pasture as provided in section 211 of this title. Such withdrawal shall be held to
be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian
Organic Act.

the following text within []:as may not be immediately needed for the purposes of this Act,

[]:the provisions of

the following text within []: and may be leased by him{ Act 271, H.B. 557 (1965}) it{ Act 271, H.B. 557 (1965})
Statutes, {Act 24, 1976, Haw. Sess. Laws}

[]:Commissioner of Public Lands

the following text within []:by lease or license to the general public,


76 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 24, 1976, Haw. Sess. Laws. Deleting the following text within []:public lands in chapter 103A

77 Act 119, 2000, Haw. Sess. Laws. Deleting the following text within []:of a lease


79 Act 119, 2000, Haw. Sess. Laws. Deleting the following text within []:section 171-59, Hawaii Revised Statutes,
subject to the notice requirement of section 171-16(c), Hawaii Revised Statutes, and the lease rental limitations
imposed by section 171-17(b)

80 Act 173, 2014. Haw. Sess. Laws. Adding the following text which requires Congressional approval within
[]: provided further that in addition to dispositions made pursuant to chapter 171, Hawaii Revised Statutes,
the department may lease by direct negotiation and at fair market rents, and for a term not to exceed five
years, any improvements on Hawaiian home lands, or portions thereof, that are owned or controlled by the
department.

the following text within []:2(3) }{(Pub. L. No. 70-105, 45 Stat. 246 (1928)). The commission}{Act 207, 1963,
Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} shall not lease, use, nor dispose of more than
twenty thousand (20,000) acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any
calendar five-year period.{Pub. L. No. 70-105, 45 Stat. 246 (1928)}

the following text within []:the same


85 Pub. L. No. 207, 1963, Haw. Sess. Laws. Deleting the following text within []:hereof,
With the approval of the governor, undertake and carry out the development of any Hawaiian home lands available for lease under and pursuant to section 207 of this Act by assembling these lands in residential developments and providing for the construction, reconstruction, improvement, alteration or repair of public facilities therein, including, without limitation, streets, storm drainage systems, pedestrian ways, water facilities and systems, sidewalks, street lighting, sanitary sewerage facilities and systems, utility and service corridors, and utility lines, where applicable sufficient to adequately service developable improvements therein, sites for schools, parks, off-street parking facilities, and other community facilities;

With the approval of the governor, undertake and carry out the development of available lands for homestead, commercial, and multipurpose projects as provided in section 220.5 of this Act, as a developer under this section or in association with a developer agreement entered into pursuant to this section by providing for the construction, reconstruction, improvement, alteration, or repair of public facilities for development, including, without limitation, streets, storm drainage systems, pedestrian ways, water facilities and systems, sidewalks, street lighting, sanitary sewerage facilities and systems, utility, and service corridors, and utility lines, where applicable, sufficient to adequately service developable improvements therein, sites for schools, parks, off-street parking facilities, and other community facilities;

With the approval of the governor, designate by resolution of the commission all or any portion of a development or multiple developments undertaken pursuant to this section an “undertaking” under part III of chapter 39, Hawaii Revised Statutes; and

Exercise the powers granted under section 39-53, Hawaii Revised Statutes, including the power to issue revenue bonds from time to time as authorized by the legislature.

All provisions of part III of chapter 39, Hawaii Revised Statutes, shall apply to the department and all revenue bonds issued by the department shall be issued pursuant to the provisions of that part, except these revenue bonds shall be issued in the name of the department, and not in the name of the State.

As applied to the department, the term “undertaking” as used in part III of chapter 39 shall include a residential development or a development of homestead, commercial, or multipurpose projects under this Act. The term “revenue” as used in part III of chapter 39, shall include all or any portion of the rentals derived from the leasing of Hawaiian home lands or available lands, whether or not the property is a part of the development being financed.
first-class pastoral lands [(Pub. L. No. 78-320, 58 Stat. 260 (1944)); or (4) not less than forty nor more than one

[]:, however;

[]: said lessee concerned:

114 Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: both a residence and an
agricultural or pastoral lot, the gross acreage of both lots not to exceed the maximum acreage of either the
agricultural or pastoral lot, as the case may be, and as provided for in this section: And provided further, That
any such detached residence lot shall be located on the same island as the agricultural or pastoral lot concerned,
and within a reasonable distance thereof. The Commission is also authorized to grant licenses for terms of not to
exceed twenty-one years in each case, to public-utility companies or corporations as easements for railroads,
telephone lines, electric power, and light lines, gas mains and the like. {Pub. L. No. 78-320, 58 Stat. 260 (1944)}


[]: provided further, that the department may designate the location of the homesite on residence lots less than
10,000 square feet.{Act 23, 1976, Haw. Sess. Laws}

117 Act 196, 1997, Haw. Sess. Laws. Deleting the following text within []: 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.{Act 27, 1984, Haw. Sess. Laws}

118 Act 196, 1997, Haw. Sess. Laws. Deleting the following text within []: United States

119 Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: to churches, hospitals, public
schools, and stores (the latter to be owned by lessees or by organizations formed and controlled by said lessees)
for lots within the district in which agricultural lands are leased under the provisions of this section.{Pub. L. No.
78-320, 58 Stat. 260 (1944)}

[]: for terms of not to exceed twenty-one years in each case, to public utility companies or corporations


within []: -


[]: said lessees

[]: with the approval of the governor,

[]: for terms not to exceed five years,

[]: provided, that any such license may be extended from time to time by the commission {Act 207, 1963, Haw.
Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws}, with the approval of the Governor, for
additional terms of three years: Provided further, That any such license shall not restrict the areas required by
its duties, nor interfere in any way with the commission's department's operation or maintenance activities.


136 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within [:] the provisions of


142 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within [:] The lessee of agricultural lands shall plant and maintain not less than five, ten, fifteen and twenty trees per acre of land leased, and the lessee of pastoral lands shall plant and maintain not less than two, three, four and five trees per acre of land leased during the first, second, third and fourth years, respectively, after the date of lease. Such trees shall be of types approved by the commission department (Act 207, 1963, Haw. Sess. Laws) and at locations specified by the commission department agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the commission department (Act 207, 1963, Haw. Sess. Laws) free of charge (Pub. L. No. 77-325, 55 Stat. 782 (1941)).


146 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 146, 1967, Haw. Sess. Laws. Deleting the following text within [:] The lessee shall not in any manner transfer to, or mortgage, pledge, or otherwise hold for the benefit of any other person or group of persons or organizations of any kind (Pub. L. No. 75-200, 50 Stat. 497 (1937)), except a native Hawaiian or Hawaiians (Pub. L. No. 75-200, 50 Stat. 497 (1937)), and then only upon the approval of the commission department (Act 207, 1963, Haw. Sess. Laws) or other wise hold, his interest in the tract.

147 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 284, 1985, Haw. Sess. Laws. Deleting the following text within [:] mortgage, pledge,


150 Act 12, 2002, Haw. Sess. Laws. Adding the following text which requires Congressional approval within [:]: A lessee who is at least one-quarter Hawaiian who has received an interest in the tract through succession or transfer may, with the approval of the department, transfer the lessee’s leasehold interest to a brother or sister who is at least one-quarter Hawaiian.

151 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 284, 1985, Haw. Sess. Laws. Deleting the following text within [:] mortgage, or pledge


Upon the death of the lessee his interest in the tract and improvements thereon shall vest under the limitations provided for homesteads in section 403 of the Revised Laws of Hawaii of 1915;  


*Act 17, 1999, Haw. Sess. Laws.* Deleting the following text within []: **the** person's ([Act 60, 1985, Haw. Sess. Laws]

*Act 196, 1997, Haw. Sess. Laws.* Deleting the following text within []: Veterans Administration

*Act 196, 1997, Haw. Sess. Laws.* Deleting the following text within []: Veterans Administration

*Act 53, 2005, Haw. Sess. Laws.* Adding the following text within []: or any acceptable private mortgage insurance,

*Act 17, 1999, Haw. Sess. Laws.* Deleting the following text within []: within sixty days after they became delinquent. If the lessee fails to pay, the commission shall thereupon pay the taxes and have a lien therefor as provided in section 216 of this title;

*Act 60, 1985, Haw. Sess. Laws.* Adding the following text within []: in its discretion

*Act 284, 1985, Haw. Sess. Laws.* Deleting the following text within []: from date of lease


*Act 175, 1974, Haw. Sess. Laws* governmental agencies or by private lending institutions, defined as banks, building or savings and loan associations, trustees, guardians, trust companies, insurance companies, fiduciaries, and all other persons or organizations having moneys to invest, to lessees when ([Act 175, 1974, Haw. Sess. Laws]

where ([Act 175, 1974, Haw. Sess. Laws] such loans have been approved by the department, up to the limits prescribed in section 215; provided that the lessee has no indebtedness due the department and the department shall not make any loans to the lessees while such assured ([Act 175, 1974, Haw. Sess. Laws] loans ([Act 175, 1974, Haw. Sess. Laws] are outstanding; provided further that upon receipt of notice of default in the payment of such assured ([Act 175, 1974, Haw. Sess. Laws] loans, the department may, upon failure of the lessee to cure the default within 60 days, cancel the lease and thereupon use its best efforts to redispose of the tract to a qualified and responsible native Hawaiian or Hawaiians as a new lessee who will assume the obligation of the outstanding debt, thereby assured, and make payments to the governmental agency or the private lending institution ([Act 175, 1974, Haw. Sess. Laws] from available funds either for the monthly payments as they become due and payable or for the amount of debt. In no event shall the aggregate amount ([Act 66, 1972, Haw. Sess. Laws] assured by the department exceed ([Act 175, 1974, Haw. Sess. Laws] $8,000,000. ([Act 175, 1974, Haw. Sess. Laws]


*Act 175, 1974, Haw. Sess. Laws* All successors, whether by agreement or process of law, to the interest of the lessee in any tract, shall be deemed to receive such interest subject to the conditions which would rest upon the lessee, if he then were the party holding the interest in the tract: Provided, That a successor receiving such interest by inheritance shall not, during the two years next following his inheritance, be deemed to have violated any of the conditions enumerated in section 208 of this title, even though he is not a native Hawaiian and does not on his own behalf occupy and use or cultivate the tract as a home or farm for such part of the year as the commission requires in accordance with the regulations prescribed by it under paragraph (4) of section 208 of this title.


*Act 72, 1982, Haw. Sess. Laws* awarded by (55 Stat. 782 (1941). Deleting the following text within []: and be determined in the following manner. A lessee shall furnish the Commission, in writing, the name or names of such person or persons being a qualified native Hawaiian or Hawaiians, within the limits prescribed in the following sequence of succession, to whom he wishes his interest in the lease to be transferred after his death, this designation to be subject to the approval of the Commission: (1) In the widow or widower; (2) if there is no widow or widower,
then in the children; (3) if there are no children, then in the widows or widowers of the children; (4) if there are no such widows or widowers, then in the grandchildren; (5) if there are no grandchildren, then in the brothers and sisters; (6) if there are no brothers or sisters, then in the widows or widowers of the brothers and sisters; (7) if there are no such widows or widowers of the brothers or sisters, then in the nephews and nieces. {Pub. L. No. 75-200, 50 Stat. 497 (1937)}.
Sec. 210.5. VALUE AND PURCHASE OF IMPROVEMENTS AT SURRENDER OR CANCELLATION. (a) For a period of ten years after the effective date of an award, transfer, succession, home replacement, or substantial improvement, as the case may be, if the lessee surrenders or the lessor cancels the lease, the department shall purchase the improvements on the lot at a price which shall not exceed the sum of: (1) The original cost of improvements to the lessee (2) The original cost of improvement added by the lessee, except when the department determines, in accordance with adopted rules, that such improvements are luxurious in nature, and (3) Simple interest on the lessee’s equity in the improvements at the rate of seven per cent a year. “Equity”, as used in this paragraph, means the differences between the sum of the original cost of the improvements to the lessee and improvements added by the lessee, and the principal amount on any mortgage, lien, or note outstanding. (b) After the end of the tenth year from the effective date of an award, transfer, succession, home replacement, or substantial improvement, as the case may be, the department shall purchase the improvements on the lot at a price not to exceed the appraised value of the improvements, except when the department determines, in accordance with adopted rules, that such improvements are luxurious in nature. (c) For a surrender or cancellation involving a commercial farm, in addition to purchasing the improvements, the department shall also purchase the mature crops and tree crops. The purchase price shall not exceed the value of the mature crops and the residual value of the tree crops, and shall be established by appraisal, whether or not surrender or cancellation occurs during the ten-year restriction period. (d) In a surrender or cancellation occurring during the ten-year restriction period. The department’s purchase price of the improvements shall be the lesser of the price calculated in subsection (a) and the value appraised in subsection (b). (e) In a surrender or cancellation, the department’s payment to the lessee shall be the difference of the amount calculated in subsection (a) or appraised in subsection (b) and (c), as the case may be, and any indebtedness to the department, any indebtedness for taxes, or any indebtedness the payment of which has been assured by the department at the time of surrender or cancellation of the residential lot lease. (f) Notwithstanding any other
law to the contrary, if upon surrender or cancellation, the department determines that the cost to remedy, renovate, or to restore the premises to a safe and reasonably comfortable condition is unwarranted due to the age, condition, or the estimated remaining economic life of the improvements, the department shall assign no value of the improvements. The lessee or the lessee’s legal representative may be authorized by the department to dispose of the improvements under terms and conditions prescribed by the department. (g) For the purposes of this section, the appraisal of improvements or crops to be purchased by the department shall be performed by either of the following methods: (1) By one appraiser mutually agreeable to both the department and the lessee. The cost of the appraisal shall be borne equally by the department and the lessee; or (2) By not more than three disinterested appraisers of which the first shall be contracted for by the department; provided that should the lessee fail to agree upon the value, the lessee may appoint the lessee’s own appraiser. If the appraisal values are different and a settlement between the department and the lessee is not possible, a third appraisal shall be performed by a disinterested appraiser appointed by the department’s appraiser and the lessee’s appraiser; provided that the third appraiser shall act as an arbitrator and determine the final value which shall be between the values of the first and second appraisals. The department shall pay for its own appraiser, the lessee or lessee’s legal representative shall pay for its own appraiser, the lessee or lessee’s legal representative shall pay for the lessee’s own appraiser, and the cost of the third appraiser shall be borne equally by the lessee and the department. (h) Nothing contained in this section shall be construed in a manner as to infringe upon or prejudice in any way rights or interests which shall have vested prior to the effective date hereof.

206 Constitutional Convention Hawaii 1978 (removing brackets around section title).


209 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: with the approval of the Secretary of the Interior,

210 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Constitutional Convention Hawaii 1978, at p. 4, 1978. Deleting the following text within []: by it for leasing as authorized by the provisions of section 207 of this title or for a community pasture.


pursuant to section 209(1), but not including interest on such loans or advances. The moneys in said
paragraph 2 of section 215, or as payments representing reimbursements on account of advances
made into the loan fund the installments of principal paid by lessees upon loans made to them as provided in
paragraph 2 of section 215, or as payments representing reimbursements on account of advances made
pursuant to section 209(1), but not including interest on such loans or advances. The moneys in said
Act 175, 1974, Haw. Sess. Laws} Thirty per cent of the state receipts derived from the leasing of
cultivated sugar-cane lands under any other provisions of law or from the water licenses, over and above
the present ceiling in the Hawaiian home-loan fund of $5 million, which additional amount is herein after called
“Additional Receipts”, shall be deposited into a special revolving account within the Hawaiian home-loan fund
until the aggregate amount of the Additional Receipts so deposited (including the principal and [Act 76, 1972,
moneys borrowed under (6) herein below, and all transfers which have been made from the Additional Receipts
to other funds for which this fund has not been or need not be reimbursed) shall equal $5,000,000 [Act 76, 1972,
Haw. Sess. Laws] $5,000,000 [Act 76, 1972, Haw. Sess. Laws]. In addition to these moneys there shall be covered into
the special revolving account of the loan fund, moneys borrowed under (6) hereinafter, installments of principal
and interest paid by the borrowers upon loans from the special revolving account, whether from the Additional
Receipts or such borrowed moneys. To the extent as stated hereinafter, the Additional Receipts shall be repaid to
the general fund of the state upon proper action by the legislature directing repayment [Act 4, 1965, Haw. Sess.
Laws] Eighty-five per cent of the annual Additional Receipts, hereinafter called the “Additional Receipts—
Development Fund Portion,” is to be transferred to the Hawaiian home-development fund [Act 76, 1972, Haw.
Sess. Laws], to be used in accordance with the amended provisions of subsection (c) of this section. [Act 76, 1972,
Haw. Sess. Laws] Fifteen per cent of the annual Additional Receipts, hereinafter called the “Additional
Receipts—Loan Fund Portion,” shall be retained in the special revolving fund and be used for and in connection
with the repair or maintenance or [Act 259, 1969, Haw. Sess. Laws] purchase or erection or improvement of
dwelling on either Hawaiian home lands or non-Hawaiian home lands, whether owned or leased [Act 175,
1974, Haw. Sess. Law], with loans by the department or by financial institutions, governmental or private. [Act
176, 1974, Haw. Sess. Laws] In furtherance of the purposes herein, the department may do any one or more of
the following, with moneys from the Additional Receipts—Loan Fund Portion and any borrowed moneys under
(6) herein below: [Act 4, 1965, Haw. Sess. Laws] (1) The department may extend the benefits of the special
revolving account only to native Hawaiians as defined in the Act; [Act 4, 1965, Haw. Sess. Laws] (2) The
department may loan, or guarantee the repayment of, or otherwise underwrite any authorizes loan, up to the
amount of all money from the Additional Receipts—Loan Fund Portion, up to the
death of a lessee living on Hawaiian home lands who leaves no relatives qualified to be a lessee on Hawaiian home
lands, or the cancellation of a lease by the department, or the surrender of a lease by the lessee, the
department shall be authorized to make payment and to permit assumption of loan in excess of [Act 76, 1972,
Sess. Laws] under and in accordance with the provisos of section 215(1), subject, as stated to the provisions of
Hawaiian home lands, anything in the Act to the contrary notwithstanding, either the department or
other Act 175, 1974, Haw. Sess. Laws] governamental agencies, or private lending
or maintenance or [Act 175, 1974, Haw. Sess. Laws] purchase or erection or improvement of dwellings shall be
Laws] including but not limited to the provisions of sections 207, 208, 209, 210, 215, 216, and 217, and to such
legislative amendments of the Act herein or hereafter enacted, provided such amendments do not change the
qualifications of lessees or constitute a reduction or impairment of the Hawaiian home-loan fund, Hawaiian
home-operating fund or Hawaiian home development fund or otherwise require the consent of the United States
[Act 259, 1969, Haw. Sess. Laws]. Loans made to lessees by governamental agencies or private lending
additions and repairs to all assets as structures and buildings owned by the department excluding, however, such funds from the original $5,000,000, unless such exercise is authorized by the Act), or in all loans [Act 175, 1974, Haw. Sess. Laws] other governmental agencies, or private lending institutions may make loans, and in connection with such loans, the department shall be governed by, and the loans made in connection with the repair or maintenance of institutions to native Hawaiians is higher, the department may [Act 175, 1974, Haw. Sess. Laws] pay from the special revolving fund from either the Additional Receipts—Loan Fund Portion or the moneys borrowed, the difference in interest rates; [Act 4, 1965, Haw. Sess. Laws] (6) The department may borrow and deposit into the special revolving account for the purposes of repairing or maintaining or [Act 259, 1969, Haw. Sess. Laws] purchasing or erecting or improving dwellings on Hawaiian home lands and non-Hawaiian home lands and related purposes as provided for in second paragraph of (8) hereinafter, from [Act 175, 1974, Haw. Sess. Laws] governmental agencies or private lending institutions [Act 175, 1974, Haw. Sess. Laws] and if necessary in connection therewith, to pledge, secure or otherwise guarantee the repayment of moneys borrowed with all or a portion of the estimated sums of Additional Receipts for the next ensuing ten years from the date of borrowing, less any portion thereof previously encumbered for similar purposes; [Act 4, 1965, Haw. Sess. Laws] (7) The department may purchase or otherwise acquire, or otherwise [Act 130, 1973, Haw. Sess. Laws] agree so to do, before or after default, any notes and mortgages or other securities covering loans [Act 175, 1974, Haw. Sess. Laws] made by other governmental agencies or by private lending institutions to native Hawaiians [Act 175, 1974, Haw. Sess. Laws] and [Act 175, 1974, Haw. Sess. Laws] or [Act 175, 1974, Haw. Sess. Laws] guarantee the repayment of otherwise underwrite the loans and [Act 76, 1972, Haw. Sess. Laws] accept the assignment of any notes and mortgages or other securities in connection therewith; [Act 4, 1965, Haw. Sess. Laws] (8) The department may exercise the functions and reserved rights of a lender of money or mortgagee of residential property in all direct loans made by the department with funds from the Additional Receipts—Loan Fund Portion or with funds borrowed under (6) hereinafter (but not with funds from the original $5,000,000, unless such exercise is authorized by the Act), or in all loans [Act 175, 1974, Haw. Sess. Laws] made by other governmental agencies or by private lending institutions to native Hawaiians [Act 175, 1974, Haw. Sess. Laws]. The functions and reserved rights shall include but not be limited to, the purchasing, repurchasing, servicing, selling, foreclosing, buying upon foreclosure, guaranteeing the repayment or otherwise [Act 76, 1972, Haw. Sess. Laws] underwriting, of any loan, protecting of security interest, and after foreclosure, the repairing, renovating or modernization and sale of the property covered by the loan and mortgage, to achieve the purposes of this program while protecting the monetary and other interests of the department. [Act 76, H.B. 819 (1972, Haw. Sess. Laws) The Additional Receipts—Loan Fund Portion, less any amounts thereof utilized to pay the difference in interest rates, discounts, premiums, necessary loan processing expenses, and other expenses authorized in this legislative amendment, are subject to repayment to the general fund upon appropriate legislative action or actions directing whole or partial repayment [Act 4, 1965, Haw. Sess. Laws] (c) HAWAIIAN HOME-DEVELOPMENT FUND.—Twenty-five per centum [Act 76, 1972, Haw. Sess. Laws] of the amount of moneys covered into the Hawaiian home-loan fund annually shall be transferred into the Hawaiian home-development fund [Act 183, 1961, Haw. Sess. Laws]. The moneys in said development fund shall be available, with the prior written approval of the governor, [Act 71, 1976, Haw. Sess. Laws] for off-site improvements and development; for improvements, additions and repairs to all assets as structures and buildings owned by the department excluding, however, such
structures or improvements that the department shall be required to acquire under section 209 of this Act; for engineering and architectural planning to maintain and develop properties; for purchase of equipment of every kind and nature as the department shall deem necessary or proper for its use; for nonrevenue producing improvements to fulfill the intent of the Act not permitted in the various loan funds, the administration account or the operating fund. [Act 71, 1976, Haw. Sess. Laws] With respect to the Additional Receipts—Development Fund Portion, fifteen per cent thereof shall be used, with prior written approval of the governor, [Act 71, 1976, Haw. Sess. Laws] for off-site improvements and development; for improvements, additions and repairs to all assets as structures and buildings owned by the department excluding, however, such structures or improvements that the department shall be required to acquire under section 209 of this Act; for engineering and architectural planning to maintain and develop properties; for purchase of equipment of every kind and nature as the department shall deem necessary or proper for its use; for nonrevenue producing improvements to fulfill the intent of the Act not permitted in the various loan funds, the administration account or the operating fund. [Act 71, 1976, Haw. Sess. Laws] and the remaining eighty-five per cent shall be segregated into a special account which may be drawn upon from time to time by the department of education, with prior written approval of the governor, for such educational projects as shall be developed and directed by the department of education after consultation with the University of Hawaii and the department of Hawaiian home lands; provided that such projects shall be directed primarily to the educational improvement of the children of the [Act 76, 1972, Haw. Sess. Laws] lessees, the funds to be used primarily at the preschool and elementary grade levels.[Act 4, 1965, Haw. Sess. Laws]. Only so much of the Additional Receipts—Development Fund Portion not encumbered at the time of appropriate legislative action directing repayment, shall be repaid to the general fund of the State.[Act 4, 1965, Haw. Sess. Laws] (d) HAWAIIAN HOME-OPERATING FUND.—All moneys received by the commission[Act 207, 1963, Haw. Sess. Laws] department [Act 207, 1963, Haw. Sess. Laws] from any other source, except moneys received for the Hawaiian home-administration account, shall be deposited in a revolving fund to be known as the Hawaiian home-operating fund. The moneys in said fund shall be available (1) for construction and reconstruction of revenue-producing improvements, including acquisition therefor of real property and interests therein, such as water rights or other interests, (2) for payment into the treasury of the Territory[Act 207, 1963, Haw. Sess. Laws] State [Act 207, 1963, Haw. Sess. Laws] of such amounts as are necessary to meet the following charges for Territorial[Act 207, 1963, Haw. Sess. Laws] state [Act 207, 1963, Haw. Sess. Laws] bonds issued for such revenue-producing improvements, to wit, the interest on such bonds, and the principal of such serial bonds maturing the following year; (3) for operation and maintenance of such improvements, heretofore or hereafter constructed from said[Act 176, 1974, Haw. Sess. Laws] such [Act 176, 1974, Haw. Sess. Laws] funds or other funds; and (4) for the purchase of water or other utilities, goods, commodities, supplies, or equipment and for services, to be resold, rented, or furnished on a charge basis to occupants of Hawaiian home lands. The moneys in said[Act 176, 1974, Haw. Sess. Laws] the[Act 176, 1974, Haw. Sess. Laws] fund may be supplemented by other funds available for, or appropriated by the legislature for, the same purposes. In addition to such moneys, said[Act 176, 1974, Haw. Sess. Laws] the[Act 176, 1974, Haw. Sess. Laws] fund, with the approval of the governor, may be supplemented by transfers made on a loan basis from the home-loan fund. The amounts of all such transfers shall be repaid into the home-loan fund in not exceeding ten annual installments, and the aggregate amount of such transfers outstanding at any one time shall not exceed $500,000. No projects or activities shall be undertaken hereunder except as authorized by sections 220 and 221 or the other provisions of this Act.[Pub. L., No. 80-638, 62 Stat. 390 (1948) (e) MATCH MONEYS.—The commission[Act 207, 1963, Haw. Sess. Laws] department [Act 207, H.B. 1352 (1963)] is authorized and empowered to use moneys in the development and operating funds, with the prior written approval of the governor, to match federal, Territorial[Act 207, 1963, Haw. Sess. Laws] state [Act 207, 1963, Haw. Sess. Laws] or county funds available for the same purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds therein available for such expenditure, and do and perform such other acts and things, as may be necessary or required, as a condition to securing match funds for such projects or works.[Pub. L., No. 80-638, 62 Stat. 390 (1948)] (f) HAWAIIAN HOME-ADMINISTRATION ACCOUNT.—The entire receipts derived from any leasing of the available lands defined in section 204 shall be deposited into the Hawaiian home-administration account. The moneys in such[Act 176, 1974, Haw. Sess. Laws] said[Act 176, 1974, Haw. Sess. Laws] account shall be expended by the commission[Act 207, 1963, Haw. Sess. Laws] department [Act 207, H.B. 1352 (1963)] for salaries and all other administrative expenses of the department;[Act 76, 1972, Haw. Sess. Laws] not including structures and other permanent improvements, subject, however, to the following conditions and
to it by the legislature to be known as the Hawaiian home-repair loan fund. The moneys in this fund shall be used to make loans in amounts not in excess of $10,000 to lessees for repairs to their existing homes and for necessary additions thereto. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act.

The department is authorized to create a fund out of which loans may be made to lessees of agricultural tracts leased under the provisions of section 207 of this Act. Such loans shall be subject to the restrictions imposed by the commission.

The department shall create a fund of $500,000 out of the moneys heretofore appropriated to it by the legislature to be known as the "farm loan fund." The moneys in this fund shall be used to make loans to lessees of agricultural tracts leased under the provisions of section 207 of this Act. The loans shall be subject to the requirements: {Pub. L., No. 80-638, 62 Stat. 390 (1948)} {Pub. L., No. 72, 1976, Haw. Sess. Laws} (k) THE HAWAIIAN HOME LOAN GUARANTEE FUND.—The department is authorized to create a fund

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The department's guarantee of repayment shall be adequate security for a loan under any State law prescribing the nature, amount, or form of security or requiring security upon which loans may be made [Act 175, 1974, Haw. Sess. Laws]. (i) PAPAKOLEA HOME-REPLACEMENT LOAN FUND.—The department shall create a fund of $200,000 out of moneys heretofore appropriated to it by the legislature to be known as the Papakolea home-replacement loan fund. The moneys in this fund shall be used to make loans to lessees who are residents of Papakolea on the island of Oahu to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. [Act 176, 1974, Haw. Sess. Laws]

The department is authorized to create a fund to be known as the “Keaukaha-Waiakea home-replacement loan fund.” The moneys in this fund shall be used to make loans to lessees who are residents of Keaukaha-Waiakea on the island of Hawaii to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. [Act 176, 1974, Haw. Sess. Laws]


(n) HAWAIIAN HOME GENERAL HOME LOAN FUND.—The department shall create a fund of $5,250,000 out of moneys heretofore appropriated to it by the legislature to be known as the Statewide replacement loan fund. The moneys in this fund shall be used to make loans to lessees to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. [Act 176, 1974, Haw. Sess. Laws]

(o) STATEWIDE REPLACEMENT LOAN FUND.—The department shall create a fund of $5,250,000 out of moneys heretofore appropriated to it by the legislature to be known as the Statewide replacement loan fund. The moneys in this fund shall be used to make loans to lessees to construct replacement homes upon their residence lots. Such loans shall be subject to the restrictions imposed by sections 214 and 215 of this Act. [Act 176, 1974, Haw. Sess. Laws]

(1) Thirty per cent of the state receipts derived from the leasing of cultivated sugarcane lands under any other provision of law or from water licenses shall be deposited into this fund. The aggregate amount of this fund subject to the restrictions imposed by sections 214 and 215 of this Act. [Act 176, 1974, Haw. Sess. Laws]

(2) The loan guarantees shall be subject to the restrictions imposed by sections 208, 214, and 215 of this Act. [Act 130, 1973, Haw. Sess. Laws]

That portion of the thirty per cent of the state receipts derived from the leasing of cultivated sugarcane lands...
under any other provision of law or from water licenses, in excess of the present ceiling in the Hawaiian home
loan fund of $5,000,000, which amount is called “additional receipts,” shall be transferred to the Hawaiian home
development fund, to the additional receipts loan fund, and the Hawaiian home education fund as follows: fifteen
per cent to the additional receipts loan fund; thirteen per cent to the Hawaiian home development fund; and
seventy-two per cent to the Hawaiian home education fund; provided that [[Act 260, 1984, Haw. Sess. Laws]
the aggregate amount so transferred shall not exceed the maximum amount of $5,000,000 [[Act 260, 1984,


[]: (2) Additional receipts loan fund. Moneys transferred to this fund, installments of principal paid by the lessees
upon loans made to them from this fund, or as payments representing reimbursement on account of advances,
but not including interest on such loans or advances, shall be used for the purposes enumerated in section 214 of

223 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (2)

[]: excluding moneys appropriated


227 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: of this Act

228 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: provided that loans to lessees for
repairs to their existing homes and for additions to such homes shall not be in excess of $15,000;

229 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (A)

230 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: of this Act

231 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: of this Act

232 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: (B)

233 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: of this Act

[]: excluding moneys appropriated

[]: (4) Hawaiian home replacement loan fund. The moneys in this fund shall be used to make loans to lessees
for repairs to their existing homes and for additions to such homes.

principal paid by the lessees upon loans made to them from this fund; and moneys transferred from other funds or
accounts by legislative authorization shall be deposited into this fund.

Haw. Sess. Laws] interest fund; and installments of principal paid by the lessees upon loans made to them from
this fund; and moneys transferred from other funds or accounts by legislative authorization shall be deposited into
this fund.


245 Act 203, 1981, Haw. Sess. Laws] this fund. The moneys in this fund shall be used to make loans in
amounts not in excess of $15,000[Act 203, 1981, Haw. Sess. Laws] to lessees for repairs to their existing homes
and for additions to such homes.

Haw. Sess. Laws] interest fund; and installments of principal paid by the lessees upon loans made to them from
this fund shall be deposited into

247 Act 260, 1984, Haw. Sess. Laws] this fund. The moneys in this fund shall be used to make loans in
excess of $35,000 to lessees of agricultural tracts and tracts used for aquaculture. (Act 90, 1981, Haw. Sess. Laws]

248 Act 229, 1978, Haw. Sess. Laws] In addition to the purposes enumerated in section 214(1) such loans may be
made for the following purposes: (Act 143, 1983, Haw. Sess. Laws] (A) The initial and on-going devlement,
improvement, operation, and expansion of homestead farms, ranches, and aquaculture enterprises; (Act 143,
1983, Haw. Sess. Laws] (B) The liquidation of indebtedness incurred for any of the foregoing purposes relating to
farm loans aged less than five years; (Act 143, 1983, Haw. Sess. Laws] (C) The payment of normal and reasonable
living expense of a full-time farmer; (Act 143, 1983, Haw. Sess. Laws] (D) The planning, layout, and installation of
soil and water conservation practices; (Act 143, 1983, Haw. Sess. Laws] (E) For emergency purposes to provide
relief and rehabilitation to homestead farmers and ranchers due to damage by rain and wind storms, droughts,
tidal wave, earthquake, volcanic eruption, and other natural
catastrophes, and for livestock disease, epidemics, crop blights and serious effects of prolonged shipping and
dock strikes.\[Act 143, 1983, Haw. Sess. Laws\] In addition to the conditions enumerated in section 215 farm
loans shall be subject to the following conditions: to be eligible for a farm loan the applicant shall derive, or
present an acceptable plan to derive a major portion of his income from farming; farm loans made for the
purpose of soil and water conservation shall not exceed $20,000 and shall be for a term not to exceed ten years.
Subsidies and grants or cost sharing funds entitled and received by the lessee for soil and water conservation
purposes shall be assigned to the department for the repayment of the outstanding farm indebtedness; and the
lessee is required to carry out recommended farm management practices approved by a qualified agricultural
agency.\[Act 143, 1983, Haw. Sess. Laws\] (7) Hawaiian home operating fund. The interest transferred from the
Hawaiian home loan fund, all fees received by the department from any other source, and moneys transferred
except moneys received by the Hawaiian home administration account shall be directly deposited into the
Hawaiian home operating fund. The moneys in this fund shall be available: \[Act 229, 1978, Haw. Sess. Laws\] (A)
For construction and reconstruction of revenue-producing improvements intended to principally serve occupants
of Hawaiian home lands, including acquisition or lease therefor of real property and interests therein, such as
water rights or other interests;\[Act 229, 1978, Haw. Sess. Laws\] (B) For payment into the treasury of the State
of such amounts as are necessary to meet the interest and principal charges for state bonds issued for such
revenue-producing improvements; \[Act 229, 1978, Haw. Sess. Laws\] (C) For operation and maintenance of such
improvements constructed from such funds or other funds; \[Act 229, 1978, Haw. Sess. Laws\] (D) For the
purchase of water or other utilities, goods, commodities, supplies, or equipment needed for services, or to be
resold, rented, or furnished on a charge basis to occupants of Hawaiian home lands; and\[Act 229, 1978, Haw.
Sess. Laws\] For appraisals, studies, consultants (architects, engineers), or any other staff services including those
in section 202(b) required to implement, develop, and operate these projects. The moneys in this fund may be
supplemented by other funds available for, or appropriated by the legislature for, the same purposes. In addition
to such moneys, this fund, with the approval of the governor, maybe supplemented by transfers, made on a loan
basis from the Hawaiian home loan fund for a period not exceeding ten years; provided that the \{aggregated\} \[Act
at any one time shall not exceed $500,000.\[Act 229, 1978, Haw. Sess. Laws\]

Haw. Sess. Laws\} special

237 Act 27, 1998, Haw. Sess. Laws. Deleting the following text within []:the Hawaiian home administration
account,

[]: the Hawaiian loan guarantee fund,

[]: the borrowed money fund,

[]: and \{Constitutional Convention Hawaii 1978, at p. 2, 1978\} the Hawaiian home education fund\[Act 229,
1978, Haw. Sess. Laws\],


[]:Moneys transferred to

243 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []:of this Act

[]: or the operating fund \[Act 229, 1978, Haw. Sess. Laws\]

245 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []:defined in section 204 of this Act


[]: (3) The Hawaiian loan guarantee fund. There may be created a fund to support the guarantee of repayment
of loans made by government agencies or private lending institutions to those holding leases or licenses issued
under section 207 of this Act. The department’s guarantee of repayment shall be adequate security for a loan
under any state law prescribing the nature, amount, or form of security or requiring security upon which loans may be made. [Act 229, 1978, Haw. Sess. Laws] (4)


250 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: 5 Moneys transferred to the Hawaiian home administration account shall be used to fund salaries and other administrative expenses related to loan services and delinquent collection activities. [Act 260, 1984, Haw. Sess. Laws] (6) Borrowed money fund. The department may borrow from government agencies or private lending institutions and deposit borrowed moneys into this fund to be used for the purpose enumerated in section 214 of this Act. Installments of principal and that part of the interest equal to the interest charged to the department by the lender paid by the lessees upon loans made to them from this fund shall be deposited into this fund [Act 229, 1978, Haw. Sess. Laws]; any additional interest or other earnings arising out of investments from this fund shall be credited to and deposited into the Hawaiian home interest fund [Act 143, 1983, Haw. Sess. Laws]

251 Act 145, 1993, Haw. Sess. Laws. Deleting the following text within []: Administration

252 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: 7 Hawaiian home education fund. Moneys transferred to this fund may be drawn upon from time to time by the department of education, with prior written approval of the governor, for such educational projects as shall be developed and directed by the department of education and department of Hawaiian home lands; provided that such projects shall be directed primarily to the educational improvement of the children of lessees, the funds to be used primarily at the preschool and elementary grade levels. [Act 229, 1978, Haw. Sess. Laws]


254 Act 187, 2010, Haw. Sess. Laws. Adding the following text within []: and fifteen per cent of all revenues from lease agreements granted lease extensions pursuant to section ___.


256 * Act 117, 2002, Haw. Sess. Laws. Deleting the following text within []: but not be limited to


258 Act 187, 2010, Haw. Sess. Laws. Adding the following text within []: The department shall submit an annual report to the legislature and the United States Department of the Interior, no later than twenty days prior to the convening of each regular session of the legislature, beginning with the regular session of 2011, on expenditures from this fund that are derived from the amounts deposited from commercial and multipurpose project lease extensions pursuant to section (e), including the amount expended, the recipients of the moneys expended, and the purpose of the expenditure."

259 Act 283, 1989, Haw. Sess. Laws. Creating section 213.5 with the following text: A separate special fund of the department shall be established for each undertaking or part thereof financed from the proceeds of revenue bonds equally secured. Each fund shall be designated “department of Hawaiian home lands revenue bond special fund” and bear any additional designation the department deems appropriate to properly identify the fund. Any law to the contrary notwithstanding, including any provision of this Act, from and after the issuance of revenue bonds under the pursuant to the provisions of this Act and part III of chapter 39, Hawaii Revised Statutes, to finance an undertaking, all rentals, income, receipts, and other revenues derived by the department from the particular undertaking for which financing is undertaken shall be paid into the special fund established pursuant to this Act and applied in the manner and for the purposes set forth in part III of chapter 39, Hawaii Revised Statutes, and the proceedings authorizing the issuance of revenue bonds. (including section title as currently reflected).


261 Act 177, 2006, Haw. Sess. Laws. Deleting the following text within []: in the treasury of the State


265 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: is hereby authorized to

274 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within [[: $100,000,000
275 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within [[: $100,000,000
276 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within [[: such guarantee
277 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: $18,000,000
278 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: $18,000,000
279 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
280 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
281 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
282 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
283 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
284 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
285 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
286 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: any
289 Act 232, 1996, Haw. Sess. Laws. Deleting the following text within [[: $21,000,000
290 Act 114, 2011, Haw. Sess. Laws. Deleting the following text within [[: $50,000,000
292 Act 114, 2011, Haw. Sess. Laws. Adding the following text within [[: $100,000,000
293 Act 114, 2011, Haw. Sess. Laws. Deleting and adding the following text within [[: such guarantee
298 Act 197, 1997, Haw. Sess. Laws. Deleting the following text within [[:213(a)(2)]
299 Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within [[: to any one borrower outstanding at any one time
300 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within [[: The amount of loans
respect to the provisions of subsections (1), (2), and (3) of section 214, {Act 14, 1962, Haw. Sess. Laws} exceed \[
\]
and {Act 29, 1968, Haw. Sess. Laws}, but with respect to the provisions of subsection (4) of section 214 shall be without limit, and to any agricultural cooperative association shall be determined by the commission {Act 207, 1963, Haw. Sess. Laws} department {Act 207, 1963, Haw. Sess. Laws} on basis of the proposed operations of the association and the security available {Act 14, 1962, Haw. Sess. Laws} And with respect to subsection (5) of section 214 shall be determined by the department on the basis of the proposed operations of the lessee(s) or the association or the security available {Act 76, 1972, Haw. Sess. Laws}.

\text{$25,000 (Act 29, 1968, Haw. Sess. Laws)}
\]
\text{$35,000 (Act 72, 1976, Haw. Sess. Laws)}
\]
\text{$50,000 (Act 203, 1981, Haw. Sess. Laws)}
\]

\text{$25,000 (Act 207, 1963, Haw. Sess. Laws)}
\]
\text{$35,000 (Act 72, 1976, Haw. Sess. Laws)}
\]
309 Act 85, 2006, Haw. Sess. Laws. Deleting and adding the following text within \[
\text{$50,000$-$200,000 (Act 29, 1968, Haw. Sess. Laws)}
\]
\text{paragraph (4) of section 214}
\]
\]

\text{where,}
\]
314 Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within \[
\text{appraisal and}
\]
\text{209 (1)}
\]
\text{made to the legal representative of the deceased lessee, or to the previous lessee, as the case may be,}
\]
317 Pub. L. No. 77-325, 55 Stat. 782 (1941). Deleting the following text within \[
\text{shall be considered as part or all, as the case may be, of any such loan without limitation as to the maximum amounts herein specified in this section. (Pub. L. No. 75-200, 50 Stat. 497 (1937))}
\]
\]
\text{the (Act 76, 1972, Haw. Sess. Laws) provisions of paragraph (3) of this section.}
\]
\text{Provided, That payments in}
\]
321 Pub. L. No. 82-482, 66 Stat. 514 (1952). Deleting the following text within \[
\text{3 per centum}
\]
\text{2½ per centum (Pub. L. No. 82-482, 66 Stat. 514 (1952))}
\]
\text{per annum}
\]
\text{the State has}
\]
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325 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 72, 1976, Haw. Sess. Laws. Deleting the following text within []: for other loans
327 Act 107, 2000, Haw. Sess. Laws. Deleting the following text within []: rule adopted by the department
328 *Act 107, 2000, Haw. Sess. Laws. Adding the following text which requires Congressional approval within []:
329 Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: upon an amortization plan by means of a fixed number of annual installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the Commission in each case, pub. L. No. 77-325, 55 Stat. 782 (1941).
331 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: the provisions of
332 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 207, 1963, Haw. Sess. Laws. Deleting the following text within []: the provisions of
333 Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: interest in his tract or his successor’s interest therein is transferred to or mortgaged, pledged, or otherwise held for the benefit of any native Hawaiian, or agreed so to be transferred, mortgaged, pledged, or otherwise held, as permitted by paragraph (5) of section 208 of this title, the commission may at its option declare all annual installments upon the loan immediately due and payable or permit the successor to the borrower’s interest in the tract to assume the contract of loan. In case of the borrower’s death, the commission shall permit the successor to the borrower’s interest in the tract to assume the contract of loan.
342 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 173, 1974, Haw. Sess. Laws. Deleting the following text within []: the provisions of
349 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund
350 Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: the annual installments payable under the amortization plan.
352 Pub. L. No. 80-638, 62 Stat. 390 (1948). Deleting the following text within []: annual installments
354 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: dwellings, or other permanent improvements thereon, and his livestock, to the amount of all [(Pub. L. No. 80-638, 62 Stat. 390 (1948)) principal and interest (Pub. L., No. 80-638, 62 Stat. 390 (1948)) due and unpaid and of all taxes upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. (Pub. L., No. 80-638, 62 Stat. 390 (1948))
356 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: including loans from governmental agencies where such loans have been approved by the department. (Act 146, H.B. 138 (1967))
357 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: the tract, said growing crops; (Pub. L. No. 75-200, 50 Stat. 497 (1937)) dwellings, other improvements, or livestock
358 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: at such times as it seems advisable,
359 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 14, 1962, Haw. Sess. Laws. Deleting the following text within []: his tract, or his successor’s interest therein, as the case may be, together with the said growing crops,51 dwellings and other permanent improvements thereon, and the livestock, to be forfeited, and the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time.
360 Pub. L. No. 75-200, 50 Stat. 497 (1937). Deleting the following text within []: in his favor between (1) the fair value of the live stock and any improvements in respect to the tract made by the borrower or any predecessor to his interest in the tract, and (2) the amount of the lien.
361 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 229, 1978, Haw. Sess. Laws. Deleting the following text within []: paragraph (1) of
363 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 146, 1967, Haw. Sess. Laws. Repealing the following text within []: SEC. 218. No lessee of any tract or any successor to his interest therein shall be eligible to receive in respect to such tract any loan made under the provisions of the act of the legislature of the Territory entitled “the Farm Loan Act of Hawaii, approved April 30, 1919.
SEC. 220.5. DEVELOPMENT BY CONTRACT; DEVELOPMENT BY PROJECT DEVELOPER AGREEMENT. (a) Notwithstanding any law to the contrary, the department is authorized to enter into and carry out contracts to develop available lands for homestead, commercial, and multi-purpose projects; provided that the department shall not be subject to the requirements of competitive bidding if no state funds are to be used in the development of the project.

(b) Notwithstanding any law to the contrary, the department is authorized to enter into project developer agreements with qualified developers for, or in connection with, any homestead, commercial, or multi-purpose project, or portion of any project; provided that prior to entering into a project developer agreement with a developer, the department shall:

1. Set by appraisal the minimum rental of the lands to be disposed of on the basis of the fair market value of the lands;
2. Give notice of the proposed disposition in accordance with applicable procedures and requirements of section 171-60(a)(3), Hawaii Revised States;
3. Establish reasonable criteria for the selection of the private developer; and
4. Determine within forty-five days of the last day for filing applications the applicant or applicants who meet the criteria for selection, and notify all applicants of its determination within seven days of such determination. If only one applicant meets the criteria for selection as the developer, the department then may negotiate the details of the project developer agreement with the developer; provided that the terms of the project developer agreement shall not be less than those proposed by the developer in the application. If two or more applicants meet the criteria for selection, the department shall consider all of the relevant facts of the disposition or contract, the proposal submitted by each applicant, and the experience and financial capability of each applicant and, within forty-five days from the date of selection of the applicants that met the criteria, shall select the applicant who submitted the best proposal. The department then may negotiate the details of the disposition with the developer, including providing benefits to promote native Hawaiian socio-economic...
advancement; provided that the terms of the project developer agreement shall not be less than those proposed by the developer in the application.

(c) Any project developer agreement entered into pursuant to this section shall include the following terms and conditions, wherever appropriate.

(1) A requirement that the developer file with the department a good and sufficient bond conditioned upon the full and faithful performance of all the terms, covenants, and conditions of the project developer agreement;

(2) The use or uses to which the land will be put;

(3) The dates on which the developer must submit to the department for approval preliminary plans and final plans and specifications for the total development. No construction shall commence until the department has approved the final plans and specifications; provided that construction on an incremental basis may be permitted by the department;

(4) The date of completion of the total development, including the date of completion of any permitted incremental development;

(5) The minimum requirements for off-site and on-site improvements that the developer must install, construct, and complete by the date of completion of the total development. The department may permit incremental development and establish the minimum requirements for off-site and on-site improvements that must be installed, constructed, and completed prior to the date of completion of the total development; and

(6) Any other terms and conditions deemed necessary by the department to protect the interest of the State and the department

(d) Any project developer agreement entered into pursuant to this section may provide for options for renewal of the term of the project developer agreement; provided that []: deleting the following text from within []: the {Act 146, 1993, Haw. Sess. Laws}:

(1) The {Act 146, 1993, Haw. Sess. Laws} term of any one project developer agreement shall not exceed sixty-five years; []; deleting the following text from within []: and provided further that any {Act 146, 1993, Haw. Sess. Laws}

(2) Any {Act 146, 1993, Haw. Sess. Laws} lands disposed of under a project developer agreement shall be subject to withdrawal at any time during the term of the agreement, with reasonable notice; and []: deleting the following text from within []: and provided that the {Act 146, 1993, Haw. Sess. Laws}

(3) The {Act 146, 1993, Haw. Sess. Laws} rental shall be reduced in proportion to the value of the portion withdrawn and the developer shall be entitled to receive from the department the proportionate value of the developer’s permanent improvements so taken in the proportion that they bear to the unexpired term of the agreement, with the value of the permanent improvements determined on the basis of fair market value or depreciated value, whichever is less; {Act 146, 1993, Haw. Sess. Laws} or the developer, in the alternative, may remove and relocate thedeveloper’s improvements to the remainder of the lands occupied by the developer.

(e) The project developer agreement may permit the developer, after the developer has completed construction of any required off-site improvement, to assign or sublease with the department’s approval portions of the leased lands in which the construction of any required off-site improvement has been completed to a purchaser or sublessee who shall assume the obligations of the developer relative to the parcel being assigned or subleased, including the construction of any on-site improvement. The department may permit a developer to share in the lease rent from the assigned lease for a fixed period in order to recover costs and profit.

(f) Whenever the department enters into a project developer agreement to develop a homestead project, the department shall provide for the purchase of the completed project or that portion of a completed project developed for disposition to native Hawaiians, and shall dispose of the lands in accordance with this Act; provided that the project developer agreement shall not encumber any existing homestead lease in the project area.

(g) As used in this section, the following words and terms shall have the following meanings unless the context indicates another or different meaning or intent

“Commercial project” means a project or that portion of a multi-purpose project, including single-family or multiple-family residential, agricultural, pastoral aquacultural, industrial, business, hotel and resort, or other commercial uses designed and intended to generate revenues as authorized by this Act;
“Developer” means any person, partnership, cooperative, firm, nonprofit or for-profit corporation, or public agency possessing the competence, expertise, experience, and resources, including financial, personal, and tangible resources, required to carry out a project;

“Homestead project” means a project or that portion of a multi-purpose project, including residential, agricultural, pastoral, or aquacultural uses designed and intended for disposition to native Hawaiians under this Act; provided that this term shall also include community facilities for homestead areas.

“Multi-purpose project” means a combination of a commercial project and a homestead project;

“Project” means a specific undertaking to develop, construct, reconstruct, rehabilitate, renovate, or to otherwise improve or enhance land or real property

“Project developer agreement” means any lease, sublease, conditional leasing agreement, disposition agreement, financing agreement, or other agreement or combination of agreement, entered into under this section by the department, for the purpose of developing one or more projects.

“Project developer agreement” means any lease, sublease, conditional leasing agreement, disposition agreement, financing agreement, or other agreement or combination of agreement, entered into under this section by the department, for the purpose of developing one or more projects.

(h) The department is authorized to adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to implement and carry out the purposes of this section.

378 Pub. L. No. 84-899, 70 Stat. 915 (1956). Deleting the following text within []: Government-owned water upon the island of Molokai, and
380 Pub. L. No. 84-899, 70 Stat. 915 (1956). Deleting the following text within []: any of the water upon the island of Molokai, and
385 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 36, 1984, Haw. Sess. Laws. Deleting the following text within []: the provision


390 Pub. L. No. 102-398, 73 Stat. 4 (1992); Act 249, 1986, Haw. Sess. Laws. Deleting the following text within []: as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, or the Hawaiian home-operating fund

391 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []: and all monies necessary for loans made by the department,

392 Pub. L. No. 99-557, 100 Stat. 3143 (1986); Act 174, 1977, Haw. Sess. Laws. Deleting the following text within []: from the Hawaiian home-loan fund,


394 Act 110, 2001, Haw. Sess. Laws. Deleting the following text within []: within ten days


404 Act 187, 2010, Haw. Sess. Laws. Adding the following text within []: SEC. 228. COMMERCIAL AND MULTIPURPOSE PROJECT LEASES; EXTENSION OF TERM. (a) Notwithstanding any law to the contrary, the procedures under this section shall apply to commercial and multipurpose projects under section 204 or 220.5, and shall be in addition to any other procedures required by law. (b) Prior to the disposition of available land through a request for proposals for an initial lease for a commercial or multipurpose project, the department shall consult with the beneficiaries of the trust in the master planning of the available lands. The process of beneficiary consultation shall be as established by the department and shall: (1) Engage beneficiaries and beneficiary-serving organizations; (2) Provide for the timely dissemination of information about the proposed project and gathering of input; and (3) Allow for a reasonable time and reasonable access to relevant information for evaluation and consideration (c) Notwithstanding section 220.5(d)(1), the department may extend the term of a lease of Hawaiian home lands for commercial or multipurpose projects and with the approval by the department of a written agreement proposed by the lessee, or the lessee and developer, to: (1)
Make improvements to the leased property; or (2) Obtain financing for the improvement of the leased lands. The extension of the lease pursuant to this section shall be based upon the improvements made or to be made, shall be no longer than twenty years, and shall be granted only once. (d) Before the written agreement is approved, the lessee, or the lessee and developer, shall submit to the department the plans and specification for the proposed development. The department shall review the plans, specifications, and the written agreement and determine: (1) Whether the development is of sufficient value and meets the priorities of the commission to justify an extension of the lease; (2) The estimated time needed to complete the improvements and expected date of completion of the improvements; and (3) The minimum revised annual rent based on the fair market value of the lands to be developed, as determined by an appraiser for the department, and percentage rent where gross receipts exceed a specified amount. The commission shall adopt and publish a policy pursuant to chapter 91, Hawaii Revised Statutes, which shall be used to evaluate any request for a lease extension, including the terms of the lease, prospective payments, and renegotiation, and shall be used by the commission for any final determination on a lease extension request. (e) Upon the extension of a lease term pursuant to subsection (c), the department shall deposit fifteen percent of all revenues generated from the lease from the time the lease extension is granted, into the native Hawaiian rehabilitation fund under section 213(i). (f) The department shall submit an annual report to the legislature and the United States Department of the Interior, no later than twenty days prior to the convening of each regular session, beginning with the regular session of 2011, of all leases of available lands for commercial and multipurpose projects, including the following: (1) The total number of leases; (2) Acreage of each lease; (3) Terms of each lease; (4) Whether the lessee is a beneficiary or beneficiary controlled organization; and (5) Whether the lease was for retained available lands not required for leasing under section 207(a), and was negotiated with a native Hawaiian, or organization or association owned or controlled by native Hawaiians, under section 204(a)(2). (g) As used in this section, “improvements” means any renovation, rehabilitation, reconstruction, or construction of the property, including minimum requirements for off-site and on-site improvements.”

406 Act 75, 1986, Haw. Sess. Laws. Repealed by its own sunset terms the following text within by [1]: TITLE 5.—HOMESTEAD GENERAL LEASING PROGRAM. SEC. 501. DEFINITIONS. As used in this title if not inconsistent with the context: “Homestead general lease” means a lease for residential, agricultural, pastoral, or aquacultural purposes issued under this title; “Homestead general lessee” means the lessee under a homestead general lease and the successors in interest of the lessee. 406 SEC. 502. SUBDIVISION, IMPROVEMENT, AND LEASE OF HAWAIIAN HOME LANDS. (a) The department is authorized to subdivide and improve any Hawaiian home lands suitable for residential use including single-family, multiple-family, apartment, cluster, and row housing, or for agricultural, pastoral, or aquacultural uses, or a combination of uses. (b) The department is authorized to enter into agreements, including leases, subleases, conditional leasing agreements, or other agreements or auction for the construction of off-site and on-site infrastructure improvements and for the development of tracts or residential units on Hawaiian home lands; provided that the developers’ lease and security interest therein will be retired on a pro rata basis by the issuance of either homestead leases or homestead general leases to native Hawaiians purchasing the subdivided lot and the improvements related thereto; provided further that no state funds shall be utilized. (c) The qualification requirements to be met by developers and the minimum standards for improvements to be built shall be as provided by rules adopted by the department. SEC. 503. TERM, RENT, AND OTHER CONDITIONS OF THE HOMESTEAD GENERAL LEASE. (a) Leases under this title may be for an initial term of not more than fifty-five years with the privilege of extension when such extension is a condition for participation in any government or private mortgage lending, guarantee, or insurance program; provided that the initial term and extensions shall not exceed seventy-five years. (b) Annual lease rent shall be an amount equal to the fair market rent of the premises at the inception of the homestead general lease, as determined by appraisal. The homestead general lease may include rent escalation and renegotiation clauses for specific periods during the term of the homestead general lease as determined by the department; provided that the department is authorized to subsidize lease rents for native Hawaiian homestead general lessees. (c) The homestead general lessee shall pay all real property taxes, assessments for the homestead general lessee’s pro rata share of the costs of improvements of the tract in which the land is located, and such other charges made against or levied upon the premises. (d) When constructing any improvements on the premises, the homestead general lessee shall comply with building standards and requirements established by the department. (e) The premises shall be used for the purpose prescribed in the original homestead general lease and shall not be used for any other purpose without the prior written consent of the department. (f) Leases under this title shall contain conditions permitting the homestead general lessee to sublet or part with the possession of the whole or
any part of the premise and to sell, assign, transfer, or otherwise dispose of; or encumber by way of a mortgage or otherwise, any interest in the homestead general lease or any improvements erected on the premises with the prior written consent of the department. (g) The department is authorized from time to time upon the issuance of a homestead general lease, to modify any provision contained in this section and section 512 of this title to the extent necessary to qualify the homestead general lease for any government or private mortgage lending, guarantee, or insurance program. (h) The department is authorized to include any other conditions in homestead general leases that it deems advisable to effectuate the purposes of this title. SEC. 504.

QUALIFICATIONS OF ORIGINAL LESSEE. The original lessee of a homestead general lease shall be a native Hawaiian or native Hawaiians not less than eighteen years of age. SEC. 505. The following shall not be eligible to receive a homestead general lease: (1) Any individual, or the spouse of any individual who holds a homestead lease under section 207(a) of this Act; provided that such an individual shall be eligible if the homestead lease is transferred or surrendered to the department prior to assuming the homestead general lease, or if the homestead lease is converted to a homestead general lease as provided in section 507. (2) Any individual, or the spouse of any individual who currently holds a homestead general lease. SEC. 506. AWARD OF HOMESTEAD GENERAL LEASES; NOTIFICATION OF APPLICANTS ON HOMESTEAD WAITING LISTS; DISPOSITION BY RENT. (a) Homestead general leases in a new subdivision created under this title shall be offered and awarded in the following priority order: (1) First, to applicants on the appropriate waiting list (residential, agricultural, pastoral, or aquacultural) of the island on which the lots are located, in rank order based on rules of the department; (2) Second, to applicants on all other homestead waiting lists of the island on which the lots are located, consolidated in rank order based on date of application; (3) Third, to all other applicants on homestead waiting lists, consolidated in rank order based on date of application; and (4) Finally, to any native Hawaiian who is at least eighteen years of age, based on the date that written applications are received; provided that department shall not be required to maintain the applications received as a waiting list for other subdivisions subsequently created. (b) The department shall notify applicants on homestead waiting lists of the availability of homestead general leases by publishing a public notice in a newspaper of general circulation and in a newspaper published in each county; provided that the department shall also notify active applicants on the appropriate waiting list on the island on which the lots are located by certified mail. (c) If lots or units are available after all interested and qualified native Hawaiians have been awarded lots or units, the department may temporarily dispose of the remaining lots or units at fair market rental to the general public with preference to native Hawaiians. The department may develop rental units on the remaining lots and rent them at fair market rental to the general public, with preference given to native Hawaiians. SEC. 507. CONVERSION OF HOMESTEAD LEASE TO HOMESTEAD GENERAL LEASE. The department is authorized to permit a lessee to convert any homestead lease to a homestead general lease. The procedures and conditions for such conversion shall be as provided by rules adopted by the department. SEC. 508. TRANSFER OF TITLE BY BEQUEST, DEVISE, INTESTATE SUCCESSION, OR OPERATION OF LAW, AND UPON FORECLOSURE. Title to a homestead general lease and to the improvement upon the premises, may be transferred by assignment, operation of law. Individuals, partnerships, corporations, or agencies of government, disqualified under the Act to take a lease for homestead purposes, may succeed and take title to a homestead general lease and the improvements on the premises by transfer or by purchasing at or after a sale upon a foreclosure of a mortgage permitted under this title. SEC. 509. NOTICE OF BREACH OR DEFAULT. In the event of a breach or default of any term, covenant, restriction, or condition of any homestead general lease or other instrument issued under this title, the department shall deliver a written notice of the breach or default by personal service or by registered or certified mail to the party in default and to each holder of record having any security interest in the land covered by or subject to the lease or other instrument, making demand upon the party to cure or remedy the breach or default within sixty calendar days from the date or receipt of the notice; provided that where the breach involves a failure to make timely rental payments pursuant to the homestead general lease or other instrument issued under this title, the written notice shall include a demand upon the party to cure the breach within not less than five or more than thirty calendar days after receipt of the notice. Upon failure of the party to cure or remedy the breach or default within the time period provided in this section or within such additional period as the department may allow for good cause, subject to section 510, the department may exercise such rights as it may have at law or as set forth in the homestead general lease or other instrument. SEC. 510. RIGHT OF HOLDER OF SECURITY INTEREST. Whenever any notice of breach or default is given to any party under section 509, or under the terms of any homestead general lease or other instrument issued under this title, a copy of the notice shall be delivered by the department to all holders of record of any security interest covered
by the homestead general lease or other instrument whose security interest has been duly recorded with the
bureau of conveyances. If the department chooses to forfeit the privilege, interest, or estate created by the
homestead general lease or other instrument, each holder, at its option, may cure or remedy the breach or
default, if the same can be cured or remedied by the payment of money or, if such is not the case, by performing
or pledging in writing to perform all the terms, covenants, restrictions, or conditions of any homestead general
lease or other instrument capable of performance by the holder as determined by the department within the
time period provided in section 509 or within such additional period as the department may allow for good
cause and add the cost thereof to the mortgage debt and the lien of the mortgage. SEC. 511. CANCELLATION OF
HOMESTEAD GENERAL LEASE. After giving notice of breach or default as provided in section 509, and subject to
the rights of each holder of record having a security interest as provided in section 510, the department may
terminate the homestead general lease or tenancy and take possession of the leased land together with all
improvements placed thereon, without demand or previous entry and without legal process, and shall retain all
rent paid in advance as damages for the breach or default. SEC. 512. RESTRICTIONS ON TRANSFERS;
APPRAISALS; WAIVER WHEN. (a) The following restrictions shall apply to any transfers, assignments of lease, or
agreements of sale: (!)For a period of ten years after the date of the original lease, the department shall be given
the first option to purchase the unit, property, or lease at a price which shall not exceed the sum of: (A) The
original cost to the homestead general lessee; (B) The cost of any improvements added by the homestead general
lessee; and (C) Simple interest on the homestead general lessee’s equity in the property at the rate of seven per
cent a year. The department may purchase the unit, property, or lease either outright, free and clear of all liens
and encumbrances, or by transfer subject to an existing mortgage. If by outright purchase, the department shall
insure that all existing mortgages, liens, and encumbrances are satisfactorily paid by the homestead general
lessee. In any purchase by transfer subject to an existing mortgage, the department shall agree to assume and to
pay the balance on any general lessee to obtain funds for the purchase of the unit, property, or lease and any other
mortgages which were created with the approval and consent of the department. In such cases, the amount to be
paid to the homestead general lessee by the department shall be the difference between the above-mentioned
price and the principal balance of all mortgages outstanding and assumed at the time of transfer of title to the
department. (1) After the end of the tenth year from the date of the original homestead general lease, the
department shall have the first option to purchase the improvements on the lot at a price not to exceed the
appraised value of the improvements. (2) For a transfer, assignment of lease, or agreement of sale involving a
commercial farm, in addition to purchasing the improvements, the department may also purchase the mature
crops and tree crops. The purchase price shall not exceed the value of the mature crops and the residual value of
the tree crops, and shall be established by appraisal, whether or not the transfer, assignment of lease or
agreement of sale occurs during the ten-year restriction period. (3) In a transfer, assignment of lease, or
agreement of sale occurring during the ten-year restriction period, the department’s purchase price of the
improvements shall be the lesser of the price calculated in paragraph (1) and the value appraised in paragraph
(2). (4) In a transfer, assignment of lease, or agreement of sale, the department’s payment to the homestead
general lessee shall be the difference of the amount calculated in paragraph (1) or appraised in paragraphs (2)
and (3), as the case may be, and any indebtedness to the department. (5) Notwithstanding any other law to the
contrary, if upon transfer, assignment of lease, or agreement of sale, the department determines that the cost to
remedy, renovate, or to restore the premises to a safe and reasonably comfortable condition is unwarranted due
to the age, condition, or the estimated remaining economic life of the improvements, the department shall assign
no value to the improvements. The homestead general lessee or legal representative may be authorized by the
department to dispose of improvements under terms and conditions prescribed by the department. (b) For the
purposes of this section, the appraisal of improvements or crops to be purchased by the department shall be
performed by either of the following methods: (1) By one appraiser mutually agreeable to both the department
and the homestead general lessee and the cost of the appraisal shall be borne equally; or (2) By not more than
three disinterested appraisers of which the first shall be contracted for by the department; provided that should
the homestead general lessee fail to agree upon the values, the homestead general lessee may appoint the
homestead general lessee’s own appraiser. If the appraisal values are different and a settlement between the
department and homestead general lessee is not possible, a third appraisal shall be performed by a disinterested
appraiser appointed by the department’s appraiser and the homestead general lessee’s appraiser; provided that
the third appraiser shall act as an arbitrator and determine the final value which shall be between the values of
the first and second appraisals. The department shall pay for its own appraiser, the homestead general lessee or
legal representative shall pay for the homestead general lessee’s own appraiser, and the cost of the third

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appraiser shall be borne equally. (c) The restrictions in subsection (a) may be waived by the department if the homestead general lessee wishes to transfer title to the homestead general lease by devise of through the laws of descent. SEC. 513. APPROVAL BY DEPARTMENT REQUIRED. Any subdivision of land covered by a homestead general lease and any purchase or sale of improvements erected or installed on lots covered by a homestead general lease shall be subject to the approval of the department. SEC. 514. RECEIPTS FROM HOMESTEAD GENERAL LEASING AND OTHER SOURCES. All receipts from homestead general leasing, from fees and charges, from the sale of improvements authorized by this title, rental of units, and any appropriation made for homestead general leasing purposes shall be deposited into the Hawaiian home receipts fund and shall be available for purposes authorized by this title. SEC. 515 ADMINISTRATION. The department shall adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to carry out the purposes of this title. SEC. 516. REPEAL DATE. This title is repealed five years after consent to this Act by the United States or December 31, 1995, whichever shall first occur {Act 75, 1986, Haw. Sess. Laws}