



**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879  
HONOLULU, HAWAII 96805

## **Hawaiian Home Lands Agricultural Subdivisions**

Homestead farmers and ranchers may subdivide and transfer a portion of their agricultural or pastoral lots pursuant to Hawaii Administrative Rule, Chapter 10, Section 10-3-26 (f).

Agricultural and Pastoral Homesteaders who meet the Department's criteria for subdividing their lot, as approved by the Hawaiian Home Commission on May 20, 2013, may submit a request.

A homesteader may initiate a request to subdivide their homestead by submitting the following:

- (1) Homestead Lease Transfer Request HHL Form 0052;
- (2) Agricultural and Pastoral Subdivision Application Form HHL Form 0052a 2013;
- (3) Farm or Ranch plan;
- (4) Any other supporting documents to describe the proposed subdivision; and
- (5) Kumu 'ohana documents to verify the transferee's blood quantum.

Applications may be submitted on January 31 or June 30 of each calendar year

The Department shall place an Agricultural and Pastoral Subdivision table showing homestead areas that are capable of supporting new subdivisions at each of the district offices to provide advance notice of areas that are eligible for subdivision.

You can submit a completed application package to any DHHL office, please make sure to keep a copy of your application. The application package must include a signed HHL Form 0052, an Agricultural and Pastoral Subdivision Application Form, a current farm or ranch plan and any other supporting documents to describe the proposed subdivision. You and the person you will transfer the portion of the lease to may visit any DHHL office for additional assistance.

## Glossary of Terms associated with Subdivisions

- 1) **Amenity** - Attractive feature of a property that makes the property more pleasant to live in. In easement law, a restraint on the property owner keeping him/her from doing some thing that he/she could do but for the grant or covenant.
- 2) **Compliance** - Conformity in fulfilling official requirements, a homesteader is in harmony or agreement with the rules and laws governing Hawaiian Home Lands (Lease, Act, HAR, County, State and Federal Law)
- 3) **Criteria** - A standard of judging an established rule, by which facts, principles opinions, and conduct are tried in forming a correct judgment respecting them. The Department's standard for approving subdivision requests are based on facts developed from first hand inspection of the homestead, a determination of good standing and review of lessee's compliance with their lease and plans.
- 4) **Cultivation** - encouraging the growth of crops or livestock.
- 5) **Good Standing** - A Homesteader is in good standing if they are in compliance with all of their explicit obligations as set forth in their lease, required by the Hawaiian Homes Commission Act, or required by Hawaii Administrative Rules Chapter 10.\*
- 6) **Obligation** - Law or duty binding the parties to perform their agreement, homesteaders as lessees are bound under their respective leases to engage in agricultural or pastoral activities. DHHL as lessor retains the right to approve any other agreements relating in any way to the use of agricultural and pastoral lots.
- 7) **Planned Unit Development** - conditional permitted uses provided in zoning ordinances.
- 8) **Resubdivision** - The act of taking an existing subdivision and dividing it even further, for the purposes of County subdivision approval it is the same as a new subdivision.
- 9) **Standard** - General recognition and conformity to an established practice, DHHL rules require that lessees of an Agriculture or Pasture Homestead lease actively cultivate or develop at least two thirds of their homestead at all times.
- 10) **Subdivision** - Division of a homestead lot into two lots to allow the transfer of a portion of the lot to another individual who qualifies under the Act, subject to commission approval for the remaining term of the original lease.

*\*In the event that the subdivision will bring the homesteader into "Good Standing," the subdivision application may be considered by the Department. Should the Department recommend pre-approval to the Commission of such an application, the Department shall inform the Commission as part of the pre-approval recommendation that "Good Standing" is achieved upon completion of the subdivision process.*

## Subdivision Application Review Check list

### **I. After receipt of application conduct due diligence review based on HHC criteria**

- (1) \_\_\_ Area has available water resources, Homesteader will pay for water credits and other development cost pursuant to HAR 10-3-26(f)4&5. (Action 24)
- (2) \_\_\_ Subdivision meets DHHL Land Use requirements. (Action 25)
- (3) \_\_\_ Homesteader is actively cultivating or has developed at least two-thirds use of the agricultural or pastoral tract at all times pursuant to HAR 10-3-39. (Action 14)
- (4) \_\_\_ Homesteader must be in good standing and in compliance with the terms and conditions of their Homestead lease. (Action 13)
- (5) \_\_\_ Homesteader acknowledges they have financial capacity to complete subdivision. (Action 15)
- (6) \_\_\_ Homesteader acknowledges addendum to the new lease will be required to insure that future lessees understand that the homestead is located in an agricultural area and agricultural activities have priority - avoidance of nuisance. (Action 16)
- (7) \_\_\_ Identification of family member, pursuant to HHCA Section 209. (Action 17)
- (8) \_\_\_ Homesteader acknowledges that new lessee must submit a farm or ranch plan - HAR Sections 10-3-26(f)6 and 10-3-24(c). (Action 18)
- (9) \_\_\_ Homesteader acknowledges environmental assessment may be required. (Action 19)

### **II. Suggested Farm/Ranch Plan review/verification:**

- (1) \_\_\_ Name of person farming or ranching, experience and part or full time;
- (2) \_\_\_ Purpose - Subsistence, Supplemental or Commercial;
- (3) \_\_\_ Identify crops or livestock to be grown or raised;
- (4) \_\_\_ Plot plan of homestead to identify farming/ranching areas;
- (5) \_\_\_ Estimated expenses and gross income projected over three years;
- (6) \_\_\_ Method of financing; current loan status
- (7) \_\_\_ Market plan what will be done with the agriculture products produced;
- (8) \_\_\_ Timetable for operations, projected labor and technical assistance.

### **III. Map**

- \_\_\_ Drawing of farm or ranch showing what the homesteader plans to do conceptually.

## **SUBDIVISION APPLICATION WORKFLOW**

### **Homesteader Submits Application to DHHL on January 31 or June 30**

Actions 1 - 4

Homesteader has reviewed costs, obligations and responsibilities of subdividing lot  
Fills out and submits HHL form 0052, 0052a, Farm/Ranch Plan, Additional Documents



### **DHHL Review**

Actions 5 - 30

Application circulates for internal DHHL division/office review and comments. Meets criteria adopted by HHC - Good Standing, Farm/Ranch Plan, 2/3 use, On-Site Visit, Environmental Compliance



### **Hawaiian Homes Commission Pre Approval**

Actions 31 - 35

Homesteader is approved to submit formal subdivision application to the respective County



### **Homesteader Submits Application to County for Subdivision Process**

Actions 36-41

Homesteader works with respective County for subdivision approval.



### **County Issues Final Subdivision Approval Letter**

Action 42

Homesteader subdivision approved by County



### **Homesteader Submits Final Subdivision Approval Letter to DHHL for HHC Approval**

Actions 43 - 44

Homesteader subdivision approved by County and HHC



### **DHHL Prepares Lease Documents**

Actions 45-48

Amendment to original lease to transfer portion of lease, new lease prepared with same terms and conditions as original lease



### **Subdivision Complete**

End of process, homesteader has successfully subdivided and transferred a portion of their homestead agricultural / pastoral lot