



# FACT SHEET

DEPARTMENT OF HAWAIIAN HOME LANDS

## Frequently Asked Questions: Legislation Reducing Blood Quantum for Successors

### 1. Who will be affected by the legislation that reduces blood quantum for SUCCESSORS?

This new legislation, House Bill 451 (HB451, CD1) only affects LESSEE beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended (HHCA). Today, there are nearly 10,000 LESSEES living in Homestead communities across the State. The requested change in HB451 would allow these LESSEES to designate a spouse, child, grandchild, brother or sister who is at least 3.125% Hawaiian to SUCCEED to the lease. In other words, it would reduce the current required blood quantum from 25% to 3.125%

### 2. What is this new legislation that reduces blood quantum for successors?

Currently, Section 209 of the HHCA provides that a spouse, child, grandchild, brother or sister of the LESSEE who is at least 25% Hawaiian can SUCCEED to the lease. If the US Congress approves this new legislation (HB451, CD1), the LESSEE could pass their lease to a spouse, child, grandchild, brother or sister with a blood quantum of 3.125%.

### 3. When will this new legislation (HB451, CD1) take effect?

The process to enact a bill requires many steps and is not guaranteed. Although, the Hawaii State Legislature just passed this bill, the Governor must sign the bill by July 11, 2017. It is expected that the Governor will sign HB451. Thereafter, HB451 will be submitted to the Department of Interior (DOI) for review. In addition, HB451 requires the consent of the United States Congress.

The probable length of time for the consent of the United States Congress is undetermined. To be clear, however, until the legislation receives Congressional consent, Section 209 of the HHCA still requires that a spouse, child, grandchild, or sibling of a LESSEE be of no less than 25% Hawaiian ancestry to succeed to the lease in question.

## THIS BILL HAS NOT TAKEN EFFECT YET AND THERE IS NO GUARANTEE IT WILL.

### 4. Why was this legislation proposed?

The Department of Hawaiian Home Lands (DHHL) receives many requests from LESSEES in older homestead communities to reduce the blood quantum requirement for SUCCESSORS or individuals who can SUCCEED to a homestead lease upon the death of a LESSEE. The reason LESSEES have been asking for this reduction in the blood quantum for SUCCESSORS is the simple fact that their descendants are lacking the required 25% blood quantum.

As these communities experience a dilution of the blood quantum due to inter-racial marriage, aging, etc. they risk losing the homestead lease that has been within the family for several generations. This legislative amendment will provide DHHL LESSEES with greater flexibility and the opportunity to retain homestead leases within their families.

### 5. Does this new legislation apply to applicants?

No, it does not. HB451 only applies to LESSEES. This legislation DOES NOT change the present requirements for those wishing to apply for DHHL leases. An APPLICANT must be:

- 1) At least 18 years of age; **AND**
- 2) A native Hawaiian (*i.e.*, of no less than 50 percent Hawaiian ancestry).

In contrast to the option of lease successorship for certain family members at only 25% Hawaiian ancestry, all SUCCESSORS to lease applications must be of no less than 50% Hawaiian ancestry (*i.e.*, requirements mirror those of the application process).