

DEPT. OF HAWAIIAN  
HOME LANDS

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DEPARTMENT OF HAWAIIAN HOME LANDS

Amendments to Chapter 10-3  
Hawai'i Administrative Rules  
April 27, 2004

SUMMARY

1. §10-3-4 is amended.
2. §10-3-7 is amended.
3. A new §10-3-11 is added.

§10-3-4 Residential lot application (a) The department shall establish and maintain an island-wide residential lot waiting list for each of the islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu.

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[Eff 7/30/81; am **AUG 0 6 2004** ] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§10-3-7 Priority and preference for award of leases. (a) Except as otherwise provided in section 10-3-11 relating to Lanai awards, applicants shall be considered for award in the order in which their completed applications were received by the department; provided that awards shall first be made according to ranking in existing priority, I, II, and III waiting lists in that order until those waiting lists are exhausted. Thereafter, awards shall be based on numerical designation by date of completed application in the area waiting list, then on the island-wide waiting list, except as otherwise provided in this chapter.

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[Eff 7/30/81; am **AUG 0 6 2004** ] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§10-3-11 Lanai awards. (a) Except as hereinafter provided, in the making of Lanai homestead awards, preference shall be given to applicants then residing on the island of Lanai.

(b) In the making of the initial (hereafter Phase I) homestead award, the department will use the names of all applicants on any residential waiting list as of April 30, 2002 with a Lanai mailing address to form the first Lanai waiting list arranged as follows:

- (1) Priority I Kupuna - applicants shall be ranked by the following sub-priority preferences:
  - (A) Applicants with documented genealogy to biological or legal ancestors who resided on the island of Lanai prior to 1900, ranked by age, are Lanai Kupuna.
  - (B) Those kupuna who are children of Lanai kupuna and ranked by age; and
  - (C) Those kupuna who fail to meet the above criteria in subparagraphs (A) and (B) will be ranked by age.
- (2) Priority II are Lanai resident families, under the age of 62, as of April 30, 2002, who are descendants of Lanai ancestors ranked by earliest source documents, then by age.
- (3) Priority III are applicants who do not meet the criteria in paragraphs (1) and (2) ranked by date of application.

(c) As used in this section:

"Kupuna" means any applicant who is at least 62 years of age.

"Resident" means an eligible applicant who resides on the island and can verify his or her residency acceptable to the department.

(d) In making subsequent awards, until the initial Lanai waiting list is exhausted, applicants will be considered in the order of preference established in subsection (b), provided:

- (1) Lanai residents registered on other application lists who accept a Lanai residential lease award in Phase I are

presumed to have transferred their existing application to the Lanai Residence List. Upon lease award approval their residential application will be cancelled.

- (2) All other Lanai residents who fail to receive a lease award in Phase I and are currently registered on other established residential waiting lists must request to transfer their applications to the Lanai Island-wide Residential List in accordance with section 10-3-6 no later than sixty days after Phase I lot selection to be eligible for future Lanai lease offerings. Further, failure to submit a request to transfer their applications will result in the removal of their names from the Lanai Island-wide Residential List and the resumption of their respective residential application." [Eff **AUG 0 6 2004** ] (Auth: HHC Act §222) (Imp: HHC Act §207(b))

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Amendments to sections 10-3-4 and 10-3-7 and the addition of section 10-3-11, Hawaii Administrative Rules, on the Summary Page dated April 27, 2004 were adopted on April 27, 2004 following a public hearing held on April 8, 2004, after public notice was posted on the website of the Office of the Lieutenant Governor.

The amendments and addition shall take effect ten days after filing with the Office of the Lieutenant Governor.

*MICK*

Chairman,  
Hawaiian Homes Commission

*[Signature]*

APPROVED AS TO FORM:

Deputy Attorney General

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LIEUTENANT GOVERNOR'S  
OFFICE

*[Signature]*

LINDA LINGLE  
Governor  
State of Hawai'i

Date: JUL 26 2004

Filed