



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

**C-2**

**Kuhio Award Concept: Addressing the Wait List and  
Successorship**

March 15-16 2021



# Roadmap

- HHCA
  - Lease conditions
  - Successorship
- HAR
  - Waiting list
  - Successorship
- Undivided Interest Awards
- Kuhio Award Concept



# Lease Conditions

- HHCA 208
  - Original lessee must be native Hawaiian, as defined, and 18 years old
  - Lessee may transfer, with DHHL approval, to another native Hawaiian(s)
  - Lessee may also transfer, with DHHL approval, to one-quarter Hawaiian relatives:
    - Spouse, child, grandchild

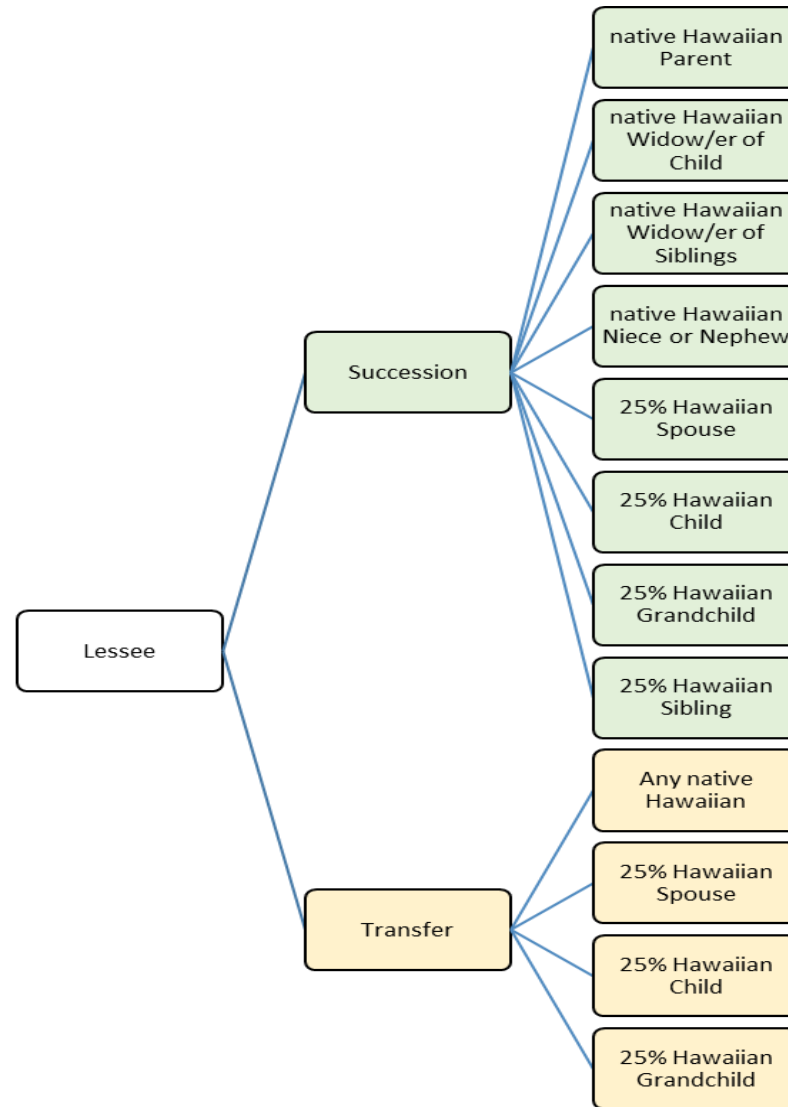


# Successors to Leases

- HHCA 209
  - Designated successor can be:
    - One-quarter Hawaiian relatives of the lessee: spouse, children, grandchildren, sibling, or
    - native Hawaiian parent, widow/er of the children, widow/er of the sibling, or nieces or nephews
  - If no designated successor, the DHHL may select from qualified relatives:
    - Spouse
    - If none, then children
    - If none, then grandchildren
    - If none, then siblings
    - If none, then native Hawaiian father, mother, widow/er of the children, widow/er of the siblings, or nieces or nephews



# Lessee Transfer & Succession





# Waiting Lists

- HAR 10-3-6
  - The department shall maintain waiting lists until the lists are exhausted.



# Transfer of Application Rights

- HAR 10-3-8
  - An applicant may designate an individual relative who is at least 18 years old and a native Hawaiian:
    - Spouse
    - Child
    - Grandchild
    - Widow/er of a child
    - Sibling
    - Widow/er or a sibling or
    - Niece or nephew



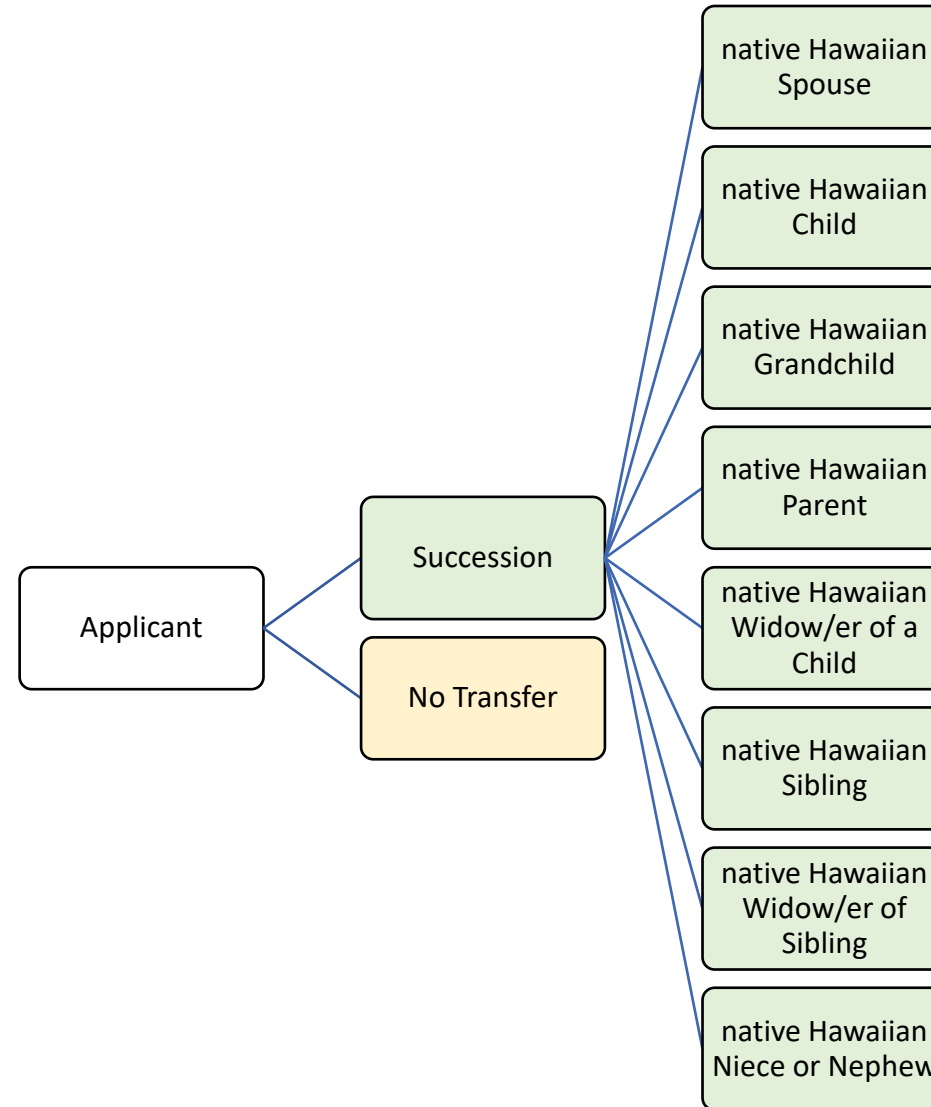
# Transfer of Application Rights

- HAR 10-3-8
  - If no designated successor, the commission may designate a successor applicant who is at least 18 years old, a native Hawaiian, and has requested to succeed to the application:
    - Spouse
    - If none, then children
    - If none, then grandchildren
    - If none, then siblings
    - If none, then native Hawaiian father, mother, widow/er of the children, widow/er of the siblings, or nieces or nephews

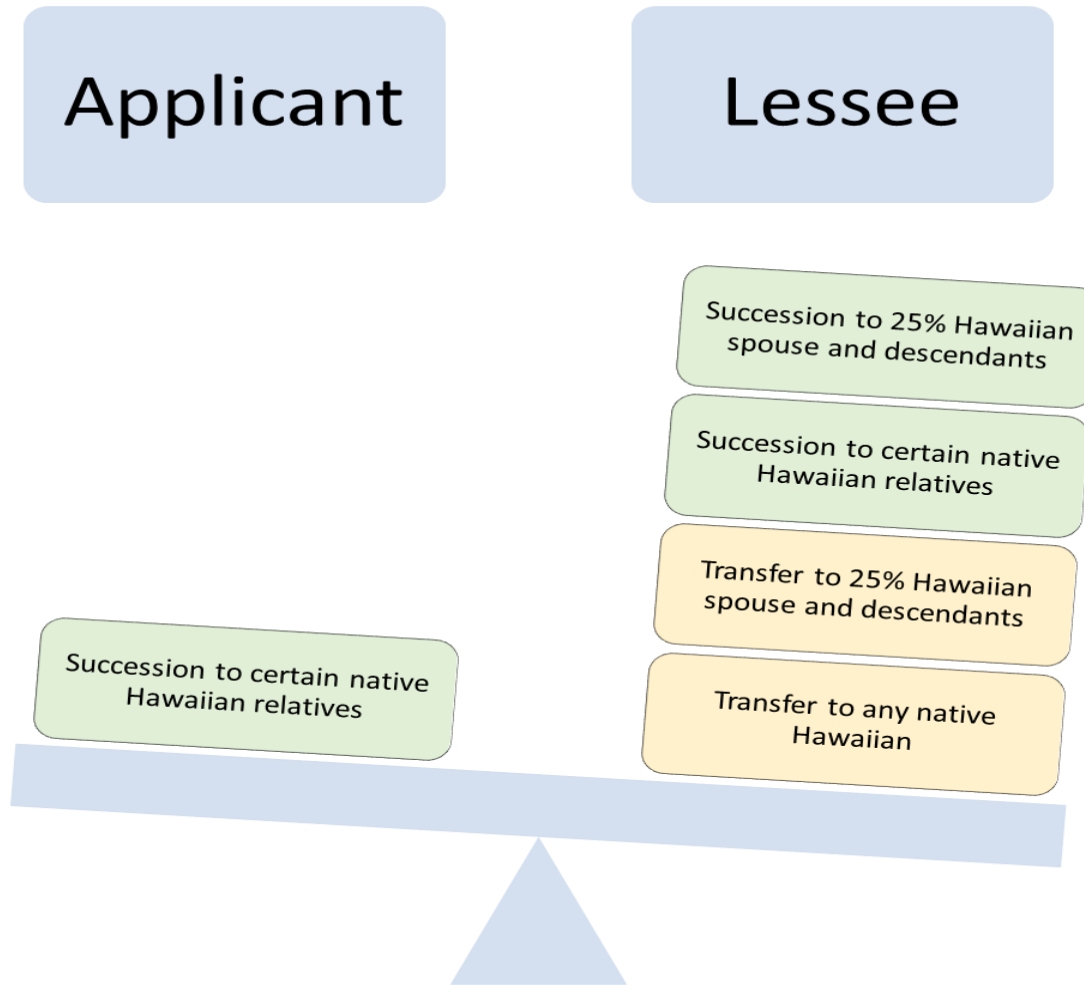




# Applicant Transfer and Succession



# Transfer and Succession Comparison





# Undivided Interest Awards

- Awarded leases to unimproved parcels without specifying the interest of each lessee by percentage or description
- Intended to provide time to prepare for a residential award: finances and credit, relocation
- Allowed for the transfer of the lease
  
- Awarded from 2005 to 2008



# Kuhio Award Concept

- Award a “paper” lease to waitlist applicants, which would allow them to plan for their family through transfer and succession rights equal to those of a lessee.
- Policy questions:
  - Is this really a waiting list by a different name?
  - Does this prioritize 25% over 50%?
- Implementation issues:
  - Conversion: opt-in/opt-out process, department capacity and staff time
  - Transfer and successorship
- Legal issues



# Mahalo



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