

Disclaimer: Pursuant to Title 10 Administrative Rule §10-3-23: Awards to Previous Lessees: If you are a previous lessee and this information is discovered after the offering is mailed, you will be ineligible to receive the offering and award of a lease to this lot. See Administrative Rule below.

§10-3-23 Awards to previous lessees, when.

No award of a residence lot lease shall be made to an applicant who at the time of application has previously been a lessee of a Hawaiian home lands residence lot; or who at the time of consideration for award had become a lessee of a Hawaiian home lands residence lot through transfer or successorship; provided, that exceptions to this limitation may be made in the following conditions: (1) Award of a residence lot lease to an applicant who had been a lessee may be made if the department determines that the transfer or surrender of the previous lease was made under compelling circumstances and that denial of award of another residence lot lease would be unreasonably unfair to the applicant. (2) Transfer of a residence lot lease through successorship may be made to an otherwise qualified designated successor who had been a lessee if at the time of the designation the former lessee had already transferred or 3-12 §10-3-23 surrendered the lease and if the designation was filed with and approved by the department. (3) Award of a residence lot lease may be made to a present lessee of a residence lot if the department determines an emergency situation as follows: (A) Due to circumstances beyond the control of and not caused by the lessee, the lessee's health, safety, and welfare are endangered by continued occupancy of the premises, or the further rehabilitation of the lessee is highly improbable without relocation to another residence lot; (B) The lessee has agreed to surrender the present lease and has waived all rights to the appraisal value of all improvements on the presently leased residence lot; (C) The lessee has agreed and is financially able to pay all expenses for the move to the residence lot to be leased; (D) The lessee is financially able to assume: (i) The indebtedness outstanding against the residence lot to be leased; or (ii) The indebtedness that must be incurred to enable the lessee to occupy the residence lot within one year after the lease is awarded; or (E) The circumstances of the present lessee indicate sufficient need for relocation to justify the department's withholding of the residence lot to be leased from availability to qualified applicants, if any, for leases in that area and the department's awarding of a lease of that residence lot to the relocating lessee. (4) Exceptions to this limitation shall be made only after notice of the department's 3-13 §10-3-24 consideration of such action has been given through the posting of the agenda and after full disclosure of the material facts has been made in a public meeting. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act §222) (Imp: HHC Act §207)