

DHHL—HAWAII ADMINISTRATIVE RULES

§10-3-30 Kuleana homestead leases.

- (a) The commission may establish a homestead program for settlement on unimproved available Hawaiian home lands to be known as the kuleana homestead program.
- (b) The commission may set aside a tract or tracts of unimproved “available lands” as defined in section 203 of the Act, for award under the kuleana homestead program. All lots awarded under this program shall be known as kuleana homestead lots.
- (c) In determining whether a tract should be set aside for award as kuleana homestead lots, the commission shall consider the following:
- (1) Physical and environmental characteristics of the land;
 - (2) Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the land from existing electrical, water, waste water disposal, communications, and other utility systems;
 - (3) Department land management plans and programs;
 - (4) Applicant interest or proposals identifying tracts of land; and
 - (5) Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.
- (d) The commission shall determine which homestead waiting list, or combinations thereof, may be used to make the awards and what list, or combinations thereof, may be used if the original list used to make the awards is exhausted.
- (e) The department, together with interested applicants, shall develop a plan for settlement and development of the designated tract. All settlement plans shall be subject to approval by the commission. The plan shall include, but not be limited to the following:
- (1) Location and description of the tract of land;
 - (2) Approximate size and number of lots to be awarded;
 - (3) Approximate location of community center and common areas;
 - (4) Preliminary conceptual proposals for community management and economic development of adjacent department lands, if applicable;
 - (5) Plan for the identification, protection and preservation of all significant historical, archaeological, and biological sites; and
 - (6) Settlement timetable to commence after the award of the lots.

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(f) The department shall provide the following for the kuleana homestead lots:

- (1) Metes and bounds descriptions of lots; and
- (2) An unpaved right-of-way to the awarded lots.

(g) A lessee of a kuleana homestead lot shall be subject to all applicable state codes, county ordinances, and departmental rules and policies governing land use, building, health, and safety unless and until the kuleana homestead association's building, health, and safety codes and permitting process become effective for that particular tract. The kuleana homestead association for that particular tract, in consultation with a licensed architect, registered in the State, may develop, adopt, and enforce its own zoning, building, and permitting process on the condition that standards contained in state health codes and health and safety sections and provisions contained in the Uniform Building Code are met and that a licensed architect, registered in the State, is willing to certify all building plans as part of the community developed permitting process. No kuleana homestead association developed zoning, building, health and safety codes and permitting processes shall be effective unless and until they are approved by the commission.

(h) All leases awarded by the department pursuant to the kuleana homestead program shall comply with this subchapter and subchapter 3 unless otherwise superseded by the settlement plan approved by the commission for a particular tract. In addition, all lessees shall comply with the following conditions:

- (1) Lessee agrees to participate as an active member in the kuleana homestead association for that particular tract and to comply with rules developed and agreements entered into by the kuleana homestead association;
- (2) Lessee agrees to accept the lot in its "as is" condition with no expectation of additional improvements beyond those specified in subsection (f); and
- (3) Lessee agrees to participate in the maintenance of the right-of-way to the kuleana homestead tract and lots. [Eff and comp 10/26/98] (Auth: HHC Act §§ 207, 219.1, 222) (Imp: HHC Act §§ 207, 219.7)