

**Department of Hawaiian Home Lands**  
**NON-PROFIT ORGANIZATION APPLICATION FOR LONG-TERM USE OF DHHL LANDS**  
**Application**  
**INSTRUCTIONS**

### **PURPOSE OF APPLICATION**

The Hawaiian Homes Commission Act (HHCA) Section 204(2) and 207(c) authorizes DHHL to dispose of lands for non-homesteading purposes on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands as provided in Hawaii Revised Statutes (HRS) Chapter 171. HRS 171-43.1 authorizes DHHL to dispose of lands to eleemosynary organizations by direct negotiation without requiring a competitive solicitation process.

Per HRS 171-43.1, eleemosynary organizations must be certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they were certified by the Internal Revenue Service.

**This application is meant for IRS 501(c)(1) or IRS(501)(c)(3) non-profit organizations that are interested in long-term utilization of DHHL land for the purposes of providing programs and services to DHHL beneficiaries to further their rehabilitation and well-being.**

This application is NOT meant for:

- For-profit entities and for-profit purposes. For-profit proposals must go through a different process that requires a competitive solicitation process as outlined in HRS Chapter 171.
- Individual use of Hawaiian Home Lands
- Organizations and individuals that are interested in use or access of Hawaiian Home Lands for less than 30-days (short-term use). Interested organizations or individuals interested in short-term use of Hawaiian Home Lands should contact the DHHL Land Management Division for a Limited Right-of-Entry Permit application.

### **APPLICATION PROCESS**

There are two main parts to this application process: (1) Completion of Pre-Application Form and (2) Application.

#### **Part I -- Pre-Application Form**

Pre-application intended to minimize risk of investing significant time and resources for the applicant and give DHHL a better idea about proposal and applicant potential capacity to implement.

The Pre-Application Project Proposal Form also ensures that the proposed area of use is consistent with DHHL Island Plan Land Use Designations. DHHL Island Plans can be found at: <http://dhhl.hawaii.gov/po/island-plans/> DHHL will **only** be accepting proposals for its lands that

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are designated for (1) Community Use, (2) General Agriculture, (3) Conservation, or (4) Special District.

The Pre-Application Project Proposal Form will also help DHHL determine whether the proposed project requires a DHHL beneficiary consultation meeting. Project proposals that are identified as priority projects in DHHL Regional Plans do **not** require additional DHHL beneficiary consultation.

**NOTE TO POTENTIAL APPLICANTS: DHHL funding and staff technical assistance is NOT guaranteed. DHHL might consider providing funding assistance to projects that can attract other sources of funding. Projects that rely primarily on DHHL resources (other than land) for implementation will not be considered.**

**Submitting the Pre-Application Packet**

There are questions on the Pre-Application Form that can be filled out on the form. However, the majority of the questions on the form will require typed written responses on a separate page. When answering questions on a separate page, please indicate the question number and question you are responding to prior to your written response.

**Overview of the Pre-Application Form**

There are four sections to the Pre-Application Form:

1. **Applicant Information** – This section helps DHHL identify **who** the applicant organization is and the applicant organization's history and experience with providing programs and services to DHHL beneficiaries.
2. **Project Information** – This section helps DHHL identify **what** the project is, **why** the project is needed, and **how** it will benefit DHHL and its beneficiaries. The section also asks whether the proposed project is a DHHL Regional Plan Priority Project to determine beneficiary support for the project. If it is not a DHHL Regional Plan Priority Project, additional beneficiary consultation is needed to determine beneficiary support for the project.
3. **Project Location** – This section helps DHHL identify **where** the project is located. DHHL will make determinations whether the proposed project is consistent with its Island Plan Land Use Designation and whether the proposed project is a compatible use with the surrounding area.
4. **Timeframe** – This section helps DHHL identify **when** and **how long** the applicant's proposed project will take to implement. More importantly, it helps DHHL and the applicant to identify major benchmarks and phases in the proposed project.

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A completed Pre-Application Packet must include:

- Signed Application Instructions Form (See the bottom of this form)
- Filled-out and signed Pre-Application Form
- Enclosed with the filled-out and signed Pre-Application Form, on separate pages, applicant responses to the information requested on the Pre-Application Form.

Please submit your pre-application packet either via mail to:

**DHHL Land Management Division  
91-5420 Kapolei Parkway  
Kapolei, HI 96707**

**Part II --APPLICATION**

After DHHL review of a completed Pre-Application Project Proposal and positive recommendation by staff is made, and if comments from beneficiary consultation meetings are positive, staff will make a recommendation to the Hawaiian Homes Commission to approve a Right-of-Entry Permit for the applicant to access DHHL land to conduct further due diligence work. Terms and conditions of the ROE permit will also be negotiated with the applicant at this time. The due diligence work is project dependent but typically consists of:

- Master Plan
- Business Plan
- HRS Chapter 343 Environmental Assessment or Environmental Impact Statement

**NOTE TO POTENTIAL APPLICANTS: DHHL funding and staff technical assistance is NOT guaranteed to complete any of the above due diligence work. DHHL might consider providing funding assistance to projects that can attract other sources of funding. Projects that rely primarily on DHHL resources (other than land) for implementation will not be considered.**

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**ISSUANCE OF A LONG-TERM DISPOSITION (License or General Lease)**

After successful completion of the due diligence studies, DHHL will negotiate terms and conditions of a long-term disposition with the applicant and make a recommendation to the HHC for approval of a long-term disposition. Please note, each disposition will most likely include a set of special conditions that must be fulfilled by the applicant. Special conditions will be unique for each project and will be negotiated between DHHL and the applicant.

In addition to special conditions, **standard conditions** that will be included in every disposition instrument include:

- Requiring the licensee or lessee to possess a valid limited liability insurance policy that can cover up to \$1 million in damages to DHHL property or persons that are accidentally injured on DHHL land;
- Requiring the licensee or lessee to comply with all applicable federal, state, and county laws;
- Realistic project milestones that demonstrate the growing capacity of the licensee or lessee; this may include limiting the size of the area that was originally requested by the applicant in the pre-application form to a smaller more manageable size in the first several years of the license or lease and gradually increasing the size of the area in the license or lease over time as project milestones are reached.
- Requiring the licensee or lessee to demonstrate that it is proactively making its best effort to recruit more DHHL beneficiaries to participate in the programs and services being provided on the DHHL property for which it has a license or lease to.

**DHHL has a fiduciary responsibility to ensure that the applicant's use of DHHL property does not harm DHHL's ability to help other current and future beneficiaries. Please note that the special conditions and standard conditions that are included in dispositions are meant to mitigate harm to the DHHL Trust from unforeseen and/or unfortunate incidences that may occur on the licensed or leased property and ensure that all interested DHHL beneficiaries may participate in programs or services being offered through the use of DHHL property by the applicant.**

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**APPLICATION PROCESS ESTIMATED TIMEFRAME**

<b>Application Step</b>	<b>Timeframe</b>	<b>Responsible Entity</b>
1. DHHL receives pre-application packet and notifies applicant if pre-application packet is complete	Up to 30 days	LMD
2. DHHL reviews completed project proposal and schedules review meeting with applicant to review questions, concerns, staff may have	Up to 90 days	PO & LMD
3. DHHL schedules beneficiary consultation meeting if project is <u>not</u> a regional plan priority project.  The applicant's pre-application will be placed on the DHHL Land Management Division webpage for public review.	Meeting scheduled 3 months before on island HHC meeting. For example, if you are applying for DHHL land on Kauai, the beneficiary consultation meeting would be scheduled 3 months before the HHC meeting on Kauai.  HHC meeting calendar go to:  <a href="http://dhhl.hawaii.gov/hhc/">http://dhhl.hawaii.gov/hhc/</a>	PO & Applicant
4. HHC ROE approval for due diligence	3 months after beneficiary consultation meeting	LMD & HHC
5. Conduct due diligence studies*	12-24 months	Applicant*
6. HHC approves FONSI	TBD	PO & HHC
7. HHC approves long-term disposition	TBD	LMD & HHC
8. Monitoring and reporting	TBD	Applicant & PO & LMD

**[To be signed by person identified in Pre-Application Form Question #1]** I hereby acknowledge that I have read and understand the above application instructions. I understand that this form is being submitted electronically and my typed name on the signature line will qualify as my signature for purposes of the above certification.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Organization: \_\_\_\_\_



STATE OF HAWAII  
 DEPARTMENT OF HAWAIIAN HOME LANDS  
 P. O. BOX 1879  
 HONOLULU, HAWAII 96809

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**PRE-APPLICATION FORM**

*This form should be used by non-profit organizations who are interested in securing a long-term license agreement for the use of DHHL lands to better serve native Hawaiian beneficiaries, their families, and the homestead community. Please review the Pre-Application Guidelines and Instructions document before you fill out this form because it provides detailed instructions and it explains all the steps involved in securing a long-term license agreement.*

**APPLICANT INFORMATION**

**Name of Organization:** \_\_\_\_\_

Date of Incorporation: \_\_\_\_\_ IRS Tax-Exempt #: \_\_\_\_\_

1. Please identify one individual who will be the point of contact for this application:  
 Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_
2. What is the mission/vision of your organization?  
*[Please provide your typed responses on a separate page]*
3. Please describe the history of your organization.  
*[Please provide your typed responses on a separate page]*
4. How has your organization previously served beneficiaries of the Hawaiian Homes Commission Act?  
*[Please provide your typed responses on a separate page]*
5. Describe past experiences, projects, or programs in the last five years that illustrate consistency with your organization's mission/vision statement.  
*[Please provide your typed responses on a separate page]*
6. Please provide references (name and contact information) and/or Letters of Support for this application for non-homestead use of Hawaiian Home Lands.  
*[Please provide your typed responses on a separate page]*
7. If you are developing your project in partnership with another organization(s), please describe the roles and responsibilities of each organization during project development, implementation, and long-term management.  
*[Please provide your typed responses on a separate page]*

**PROJECT INFORMATION**

- 8. Describe the project. What are your project goals and objectives? What kinds of activities, programs, and/or services will you provide? Describe the need for your project and how it will benefit the DHHL trust, homestead lessees, and/or waitlist applicants.  
*[Please provide your typed responses on a separate page]*
- 9. Please share your current thinking about the following project elements:
  - a. The planning process and your efforts to include beneficiaries.
  - b. Beneficiary involvement throughout the duration of the project.
  - c. Design and construction costs for major improvements (if any).
  - d. Long-term management and operation of project facilities and the requested land area.
  - e. Long-term maintenance and repairs.*[Please provide your typed responses on a separate page]*
- 10. Is the proposed project a Regional Plan Priority Project? YES  NO
- 11. How do you intend to secure funding and other needed resources for the project?  
*[Please provide your typed responses on a separate page]*

**PROJECT LOCATION**

- 12. Identify the parcel(s) of land your organization is requesting.  
Tax Map Key Number(s): \_\_\_\_\_ Acres: \_\_\_\_\_  
Homestead Area: \_\_\_\_\_ Regional Plan Area: \_\_\_\_\_  
Island Plan Land Use Designation: *check all that apply below*  
Community Use  General Agriculture  Conservation  Special District  Other
- 13. Please attach a map that marks the boundaries of the area of land you are requesting. Please also identify on a separate map the conceptual layout and siting of proposed uses.
- 14. What are the existing uses in the surrounding area? Please describe how your proposed use is consistent with the existing surrounding uses.  
*[Please provide your typed responses on a separate page]*
- 15. Why do you want to implement your project at this site? Describe the characteristics of the site and surrounding area that make it an ideal location for your project.  
*[Please provide your typed responses on a separate page]*

**TIMEFRAME**

- 16. What is the general timeframe for implementing the project (estimated years)? Please identify major benchmarks and phases.  
*[Please provide your typed responses on a separate page]*

I hereby acknowledge that I have read this application and certify that the information provided in our responses are correct. I understand that this form is being submitted electronically and my typed name on the signature line will qualify as my signature for purposes of the above certification.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Organization: \_\_\_\_\_