

**RULE AMENDMENTS RELATING TO PILINA-BASED PRIORITY WAITLIST LIST**

**§10-3-7 Priority and preference for award of leases.** (a) Except as otherwise provided in HAR §§10-3-11, -12, 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 on the area waiting list, then on the island-wide waiting list, except as otherwise provided in this chapter.

(b) In making awards, the department shall give preference to an applicant who is not a lessee, or whose spouse is not a lessee.

(c) An applicant who is a lessee, or whose spouse is a lessee, shall be placed on a deferred status until each applicant given preference as provided by subsection (b) has been offered a lot; provided that an applicant who is a lessee, or whose spouse is a lessee, shall not be placed on a deferred status and may be offered a lot if the applicant or the applicant's spouse states in writing that the applicant or the applicant's spouse, as the case may be, will transfer an existing lease or surrender an existing lease to the department before, and as a condition for, the award of a new lease.

(d) An exception to subsection (c) may be made if the lessee of a residential lot or the spouse of a lessee of a residential lot is awarded a new agricultural or pastoral lot which is unimproved and on which a residence cannot be constructed. In this case, the transfer or surrender of the residential lease may be postponed until such time as the new agricultural or pastoral lot is improved and a residence can be

constructed on the new lot. [Eff 7/30/81; am 1/20/86; am and comp 10/26/98; am 8/6/04; comp DEC 23 2021 ] (Auth: HHC Act §222) (Imp: HHC Act §207)

**§10-3-12 Awards to Applicants Who are lineal descendants and existing residents.** (a) As used in this section: "Familial connection" means an established relationship between the applicant and the wahi that is proven by the applicant's documented genealogy to biological or legal ancestors who resided in the wahi prior to 1900, or the applicant having a family member that is a current resident of the wahi where the award is being made. "Relative" means any of the following individuals: husband, wife, child, grandchild, brother, sister, father, mother, widows or widowers of children, widows or widowers of brothers or sisters, nieces, and nephews. Individuals that are related to the applicant through the traditional practice of hānai will also be considered a relative. "Resident" means an eligible applicant who resides in the wahi in which the award is being made and can verify his or her residency acceptable to the department. "Wahi" means a place or location in which a new DHHL kuleana homestead development is being made or in close proximity to where the award is being made.

(b) **The Pilina-Based Priority Waitlist shall be applicable only in wahi where the department is planning kuleana homestead lease awards. Applicants may apply for the Pilina-Based Priority Waitlist for any lease awards in a wahi where the department is also offering kuleana homestead leases.** In the making of the ~~Pilina-Based Priority Waitlist for Kuleana Homestead Awards, for wahi where the department has chosen to make~~ kuleana homestead lease awards, preference shall be given to applicants on the respective Island-wide Wait List ~~then residing~~ **who:**

- (1) formerly resided or currently reside in the wahi
- (2) can establish a lineal descendancy to the wahi; or
- (3) can establish a familial connection to the wahi.

(c) The department will provide notice to applicants on the respective island-wide waitlists that the department is accepting applications for the Pilina-Based Priority Waitlist. Applicants on the Pilina-Based Priority Waitlist shall be considered for award in their existing rank order on the island-wide waiting list until the Pilina-Based Priority Waitlist is exhausted. For places where an area waiting list exists, awards shall be made first on the area waiting list, then the Pilina-Based Priority Waitlist, then the island-wide waiting list, except as otherwise provided in this chapter.

(d) Applicants interested in being on the Pilina-Based Priority Waitlist shall complete an application form wherein the applicant must establish residency in the wahi or establish a familial connection to the wahi to the satisfaction of the department.

(1) To prove former or current residency in the wahi in which the kuleana lease award is being made, the applicant shall submit with their application any of the following information:

- (A) A government issued identification card with picture and home address;
- (B) School district records;
- (C) Utility bill with a home address;
- (D) Bank statement with a home address; or
- (E) Any other applicable information that helps

establish current or former residency.

(2) To prove an applicant's familial connection to the wahi in which the kuleana lease award is being made, the applicant shall submit documentation establishing his or her connection to the wahi either through the applicant's lineal descendancy or

establishing that a relative of the applicant is a current resident of the wahi. To prove lineal descendancy, the applicant shall provide with their application any of the following information:

- (A) Documented genealogy to biological or legal ancestors who resided in the wahi prior to 1900;
- (B) Birth certificates;
- (C) Death certificates;
- (D) Obituaries;
- (E) Marriage certificates;
- (F) Probate records;
- (G) Church records;
- (H) Census records;
- (I) Tax records;
- (J) Land conveyance documents, including but not limited to deeds and land commission awards;
- (K) Oral family history; or
- (L) Any other applicable information that helps establish a familial connection between the applicant and the wahi.

(3) If the applicant cannot prove lineal descendancy to the wahi or is not a current or former resident of the wahi, or both, the applicant may be considered eligible for the Pilina-Based Priority Waitlist if the applicant has a relative that is a current resident of the wahi. The applicant must provide in his or her application information establishing the relative's residency and what the applicant's relationship is to the resident and provide information demonstrating his or her relative's residency in the wahi by submitting any of the following:

- (A) Genealogical records;

- (B) Copy of a state issued photo identification with a home address;
- (C) Copy of lease agreement;
- (D) Bank statement with a home address;
- (E) Utility bill with a home address;
- (F) Tax records;
- (G) Signed affidavit; or
- (H) Any other applicable information that helps establish the relative's current residency.

(4) The department will verify the applicant's connection to place by utilizing existing resources, records, and information already collected by the department to the extent feasible.

(e) If the department confirms the applicant's relationship to wahi, the applicant will be placed on the Pilina-Based Priority Waitlist.

(f) In making subsequent awards, until the Pilina-Based Priority Waitlist is exhausted, applicants will be considered in the order of preference established in HAR § 10-3-12(c), provided:

- (1) The commission reserves the right to 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 pursuant to HAR §10-3-30(d). ~~Applicants registered on other application lists who accept a kuleana lease award are presumed to have transferred their existing application to the respective island-wide kuleana lease list. Upon lease award approval, their kuleana application will be cancelled.~~

(g) If the Pilina-Based Priority Waitlist has been exhausted and there are remaining lots to award, then the department will utilize the respective Island Waitlist to award the remaining lots.

(1) **Once all lots are awarded, the** Pilina-Based Priority Waitlist **shall expire.** If all lots have been awarded and there are still applicants on the Pilina-Based Priority Waitlist, the remaining applicants who did not receive an award will return to their respective Island Waitlists in their original rank order by date of application.

(2) Once an applicant on the Pilina-Based Priority Waitlist **becomes a lessee,** he or she will be removed from the respective Island Waitlist for the type of lot awarded.