



DEPARTMENT OF HAWAIIAN HOME LANDS
BENEFICIARY CONSULTATION

STATEWIDE BENEFICIARY CONSULTATION MEETINGS ON PROPOSED ADMINISTRATIVE RULE AMENDMENTS:

1. Giving Preference to Lineal Descendants and Residents of a Wahi;
and
2. Identifying Conditions for Lessee Leave of Absence

March to May, 2025

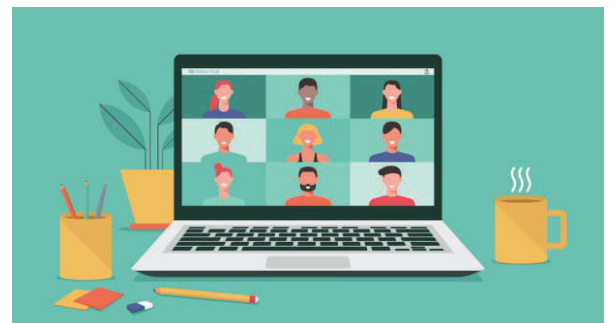
Meeting is being recorded

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Meeting Format

- 21 Beneficiary Consultation meetings across the State
 - 17 in-person meetings and 4 virtual meetings
- Pre-recorded substantive presentation
- Active participation is encouraged! *Meeting will be recorded
- DHHL staff: Planning Office & Homestead Services Division



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Meeting Kuleana

- Please let us get through the presentation
 - If you have questions, please write them down and we can answer those after the presentation
- Be respectful of the person talking, please do not interrupt
- Wait for the facilitator to call on you to ask a question
 - Alternatively, write your question on the question/comment sheet
- When addressing other participants, be respectful and show aloha
 - Treat others how you would like to be treated
- Agree to disagree
 - Accept that others may have different perspectives/opinions
- Have an open mind
 - Take home new ideas and information
- Allow others the chance to speak before speaking again



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Your Input Counts!

- Ultimately the Hawaiian Homes Commission will approve or disapprove the rule changes.
 - ❖ Commissioner decisions will rely heavily on your input.
- Beneficiary Consultation Report
- Question/Comment Half-Sheet
- Beneficiary Exit Comment Sheet
 - ❖ What do you like?
 - ❖ What changes would make it better?



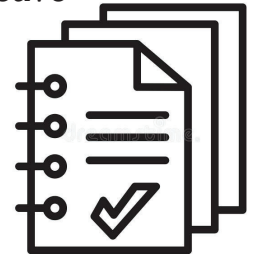
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Handouts, Other Housekeeping

When you checked in you should have received:

1. Presentation Slides
2. Proposed Language for the Proposal #1 Rule Change
3. Handout for Proposal #2 Rule Change
4. Half Sheet for Questions/Comments
5. Beneficiary Exit Comment Sheet ---PLEASE fill out before you leave



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Purpose and Agenda

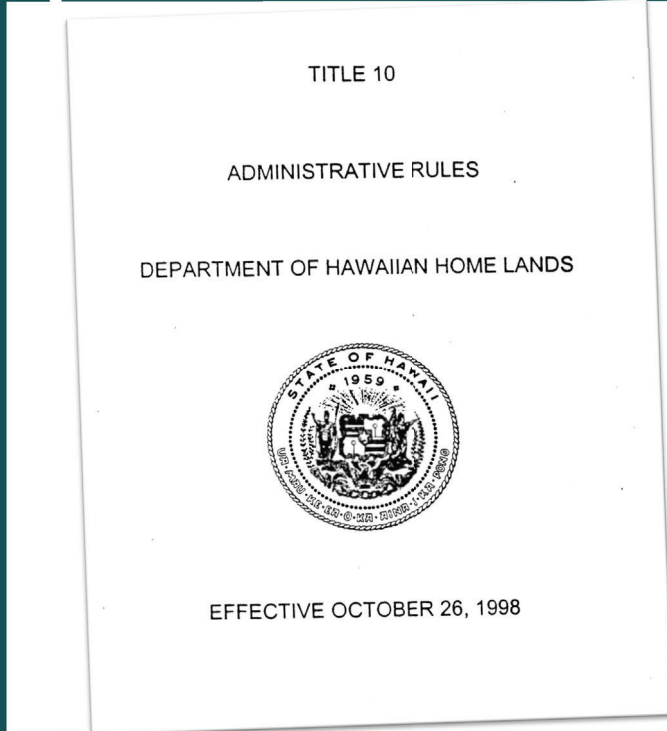
Present two (2) proposals to amend DHHL's Administrative Rules, answer questions, and get feedback from beneficiaries.

1. Introduction
2. Present 1st proposal: Pilina-Based Priority Waitlist (lineal descendants and previous/existing residents of a wahi)
 - Background
 - Explanation of the Proposed Rule Change (handout)
 - Answer Questions, Hear Comments, Facilitate Discussion
3. Present the 2nd Proposal: Homestead Lessee Leave of Absence
 - Background
 - Explanation of the Proposed Rule Change (handout)
 - Answer Questions, Hear Comments, Facilitate Discussion
4. Next Steps in the Rule Amendment Process

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What are Administrative Rules?



- The Hawaiian Homes Commission Act of 1920 (HHCA)
- Administrative Rules have the force of law and are official statements of how DHHL will implement the HHCA.
 - For example, HHCA requires homestead leases to be awarded to native Hawaiians (50% of more Hawaiian blood); the Rules identify what documents are accepted to prove your blood quantum.
- All state agencies have Administrative Rules
 - DHHL's Admin. Rules are housed under Title 10

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE



Title 10: Dept. of Hawaiian Home Lands

Chapter 1 - GENERAL PROVISIONS

Chapter 2 - ORGANIZATION AND MANAGEMENT

Chapter 3 - NATIVE HAWAIIAN REHABILITATION PROGRAM

Chapter 4 - MANAGEMENT OF HAWAIIAN HOME LANDS

Chapter 4.1 - MANAGEMENT OF WATER SYSTEMS

Chapter 5 - RULES OF PRACTICE AND PROCEDURE

Chapter 6.1 - NATIVE HAWAIIAN DEVELOPMENT

Chapter 7 - PLANNED COMMUNITIES, MULTI-FAMILY COMPLEXES, AND RENTAL HOUSING

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Title 10: Dept. of Hawaiian Home Lands

Chapter 1 - GENERAL PROVISIONS

Chapter 2 - ORGANIZATION AND MANAGEMENT

Chapter 3 - NATIVE HAWAIIAN REHABILITATION PROGRAM

Subchapter 1 - APPLICATIONS FOR HOMESTEAD LEASES (§ 10-3-1 to 10-3-12 to 10-3-20)

Subchapter 2 - LEASES TO NATIVE HAWAIIANS (§ 10-3-21 to 10-3-30)

Subchapter 3 - CONDITIONS IN LEASES (§ 10-3-31 to 10-3-40)

Subchapter 3.1 - SUPPLEMENTAL DWELLING UNITS (§ 10-3-40.01 to 10-3-40.09)

Subchapter 4 - LOANS AND FUNDS (§ 10-3-41 to 10-3-53 to 10-3-60)

Subchapter 5 - SUCCESSORS TO LESSEES (§ 10-3-61 to 10-3-68 to 10-3-70)

Subchapter 6 - COMMUNITY PASTURES, FEES, AND CHARGES (§ 10-3-71 to 10-3-76)

Chapter 4 - MANAGEMENT OF HAWAIIAN HOME LANDS

Chapter 4.1 - MANAGEMENT OF WATER SYSTEMS

Chapter 5 - RULES OF PRACTICE AND PROCEDURE

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Title 10: Dept. of Hawaiian Home Lands

Chapter 1 - GENERAL PROVISIONS

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Chapter 3 - NATIVE HAWAIIAN REHABILITATION PROGRAM

Subchapter 1 - APPLICATIONS FOR HOMESTEAD LEASES (§ 10-3-1 to 10-3-12 to 10-3-20)

§ 10-3-1 - Application forms

§ 10-3-2 - Qualifications of applicants

§ 10-3-2.1 - Documentation

§ 10-3-2.2 - Genetic tests

§ 10-3-3 - [Repealed]

§ 10-3-3.1 - Application processing

§ 10-3-4 - Residential lot application

§ 10-3-5 - Agricultural or pastoral lot application

§ 10-3-6 - Island-wide waiting lists

§ 10-3-7 - Priority and preference for award of leases (adds new material to this existing section)

§ 10-3-8 - Transfer of application rights

§ 10-3-9 - Posting lease awards

§ 10-3-10 - Requirement for current information; placement on deferred status

§ 10-3-11 - Lanai awards

§ 10-3-12 to 10-3-20 - Reserved **creates new section § 10-3-12 Awards to Applicants Who are lineal descendants and existing residents.**

Subchapter 2 - LEASES TO NATIVE HAWAIIANS (§ 10-3-21 to 10-3-30)

Subchapter 3 - CONDITIONS IN LEASES (§ 10-3-31 to 10-3-40) **amend section § 10-3-39 Occupancy and Other Requirements**

Subchapter 3.1 - SUPPLEMENTAL DWELLING UNITS (§ 10-3-40.01 to 10-3-40.09)

Subchapter 4 - LOANS AND FUNDS (§ 10-3-41 to 10-3-53 to 10-3-60)

Subchapter 5 - SUCCESSORS TO LESSEES (§ 10-3-61 to 10-3-68 to 10-3-70)

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Chapter 4 - MANAGEMENT OF HAWAIIAN HOME LANDS

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Rule Amendment Proposal #1

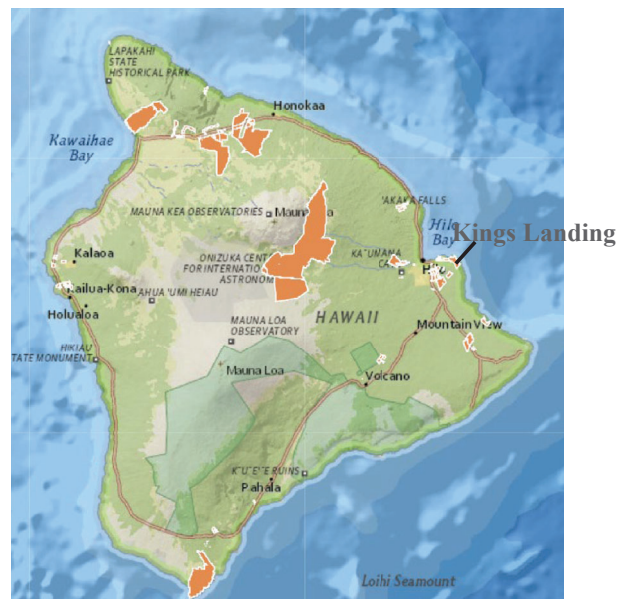
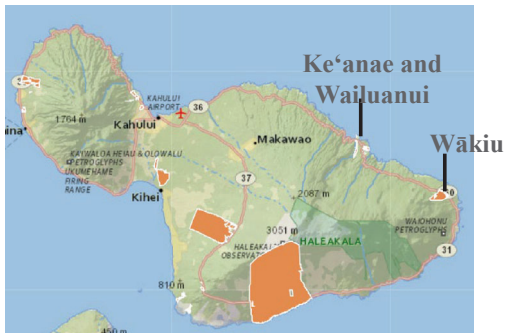
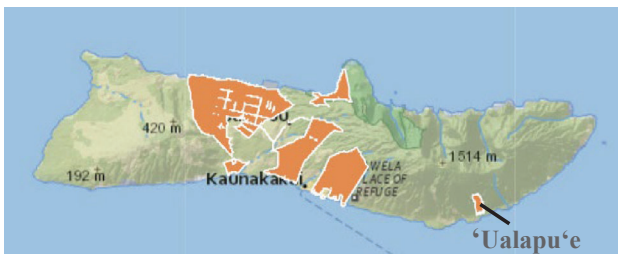
Background on the Pilina-Based Priority Waitlist

(preference for lineal descendants and previous/existing residents of a wahi)

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Working with Beneficiaries to Develop Homestead Master Plans —We Heard Common Concerns



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ORIGIN FOR PROPOSAL



Beneficiaries from these rural communities explained that when DHHL awards new homesteads in rural Hawaiian communities, that there should be a preference for awarding beneficiaries that have a connection (pilina) to the particular place because:

1. Familial connections and strong family networks are critical to success in these areas;
2. Traditional knowledge of resource management practices—specific to the place—ensures sustainability of resources;
3. Beneficiaries with familiarity and knowledge of the place will be more likely to have success as Kuleana homestead lessees; and
4. Housing existing people who already live in the area will reduce impacts on limited rural infrastructure versus bringing new homesteaders into the rural community...who will need schools, roads...

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ORIGIN FOR PROPOSAL



Common Characteristics of these areas:

1. The DHHL tract is viewed as a “cultural kipuka” that needs to be preserved;
2. The lifestyle of residents includes a substantial amount of subsistence activity;
3. The population of the surrounding area is predominantly Native Hawaiian;
4. Traditional cultural values and practices are critical to resource management strategies that maintain subsistence resources and ensure the well-being of these Hawaiian communities;
5. Multiple generations have had success in these areas because of their connection and intimate relationship with that place.

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THE EVOLUTION OF THE WAITLIST RULES



HOW THE NEW RULES AND REGULATIONS WILL AFFECT THE APPLICANT LIST?

Historical Review:

- **Pre 1963** No established consistent procedure—Some by lottery (Applications not pulled were not filed); other various procedures and criteria used.
- **1963 to 1972** Priority System was established. Areas were defined and filed; received applications. All applications on hand in the department were placed in the priority ranking by Hawaiian Blood Quantum.

Priority I Successor 100% Hawaiian	Sample Area Listing Priority II Successor 50% Hawaiian	Priority III No Qualified Successor
1. 1947, Jan. 1	1. 1947, Jan. 1	1. 1947, Jan. 1
2. 1947, Jan. 1	2. 1947, Jan. 1	2. 1947, Jan. 1
3. 1950, Jan. 1	3. 1950, Jan. 1	3. 1950, Jan. 1
4. 1960, Jan. 1	4. 1960, Jan. 1	4. 1960, Jan. 1
5. 1972, Jan. 1	5. 1972, Jan. 1	5. 1972, Jan. 1

In this system, applicants in priorities II and III never moved. As long as there was an applicant in priority I

- Waitlist was first established by rule in 1963
- Original waitlist rules ranked applicants in order by blood quantum (higher quantum ranked higher than lower quantum)
- Rule was amended in 1972 to the current DHHL protocol of ranking applicants by the date of completed application
- Need to end up where we are now (island-wide waitlist)

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EXCEPTIONS TO DATE OF APPLICATION IN THE RULE

- Section 10-3-7, Priority and preference for award of leases
- Section 10-3-11, Lāna‘i Awards
- Section 10-3-22, Award of leases with outstanding indebtedness
- Section 10-3-24, Agricultural and pastoral leases on the island of O‘ahu

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PROPOSED RULE AMENDMENT #1

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PROPOSED RULE AMENDMENT

- Establishes a Pilina-based Priority Waitlist for areas where DHHL is making Kuleana homestead awards (HAR §10-3-12(b))
- Establishes where the waitlists are applicable (HAR §10-3-12(b))
- Establishes how to prove / qualify for pilina to place (HAR §10-3-12(d))
 - Former or current residency (HAR §10-3-12(d)(1))
 - Lineal descendency (HAR §10-3-12(d)(2))
 - Applicant has a relative who is a current resident of the wahi (HAR §10-3-12(d)(3))
- Procedural process
 - DHHL provides notice for applications (HAR §10-3-12(c))
 - Order in which applications will be considered (HAR §10-3-12(c))
 - Verifying and confirming applicant's application (HAR §§10-3-12(d)(4), -(e))
 - Subsequent awards (HAR §§10-3-12(f))
 - Exhausting the Pilina-Based Priority Waitlist (HAR §§10-3-12(g))

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Rule Only Applies to Areas with Kuleana Homesteads

The Kuleana Homestead Lease Program (HAR 10-3-30)

Kuleana Homestead leases are designated for settlement on unimproved Hawaiian Home Lands. Suitable 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.

Common characteristics of areas with Kuleana Homesteads:

1. Areas that are isolated or removed from urban centers in which minimal provision of infrastructure would be provided.
2. Would require future homestead lessee to be proficient in off-grid living and have experience with subsistence lifestyle and be able to sustainably managing the resources of the area.



THE RULE WOULD NOT APPLY TO AREAS THAT DO NOT HAVE KULEANA HOMESTEADS

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AREAS WHERE THE RULE WOULD APPLY

Project Areas with Planned Future Kuleana Homestead Lots	Island	Number of Lots in Project Area
King’s Landing	Hawai‘i Island	78
Wakiu (Hana)	Maui	204*
Ke‘anae & Wailua	Maui	TBD
‘Ualapu‘e	Molokai	TBD
Anahola	Kaua‘i	115
Pu‘u ‘Opae	Kaua‘i	250
	TOTAL	677

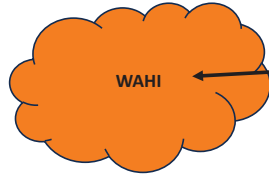
* Includes a mix of planned residential, agriculture, and pastoral lots

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HOW TO ESTABLISH TO CONNECTION TO WAHI (PLACE)



OPTION 1: CURRENT OR PREVIOUS RESIDENT OF WAHI



OPTION 2: LINEAL DESCENDANT OF WAHI



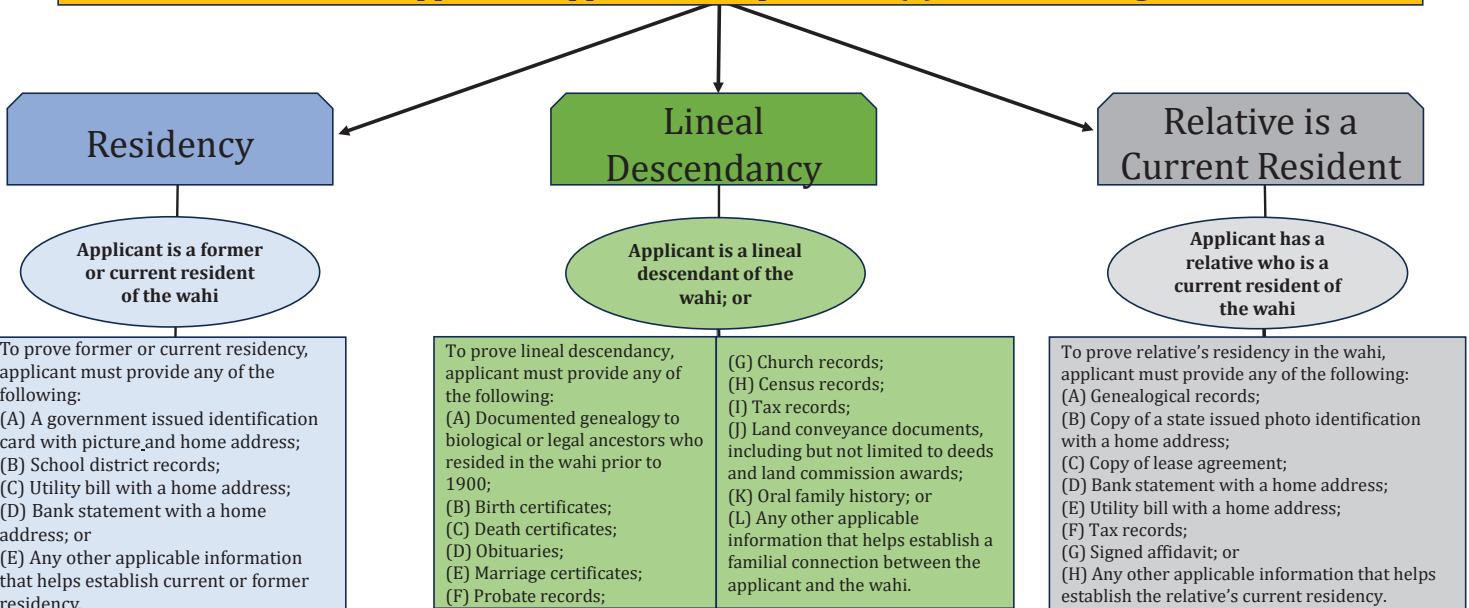
OPTION 3: FAMILIAL RELATIONSHIP THAT IS A CURRENT RESIDENT OF WAHI

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APPLICATION PROCESS

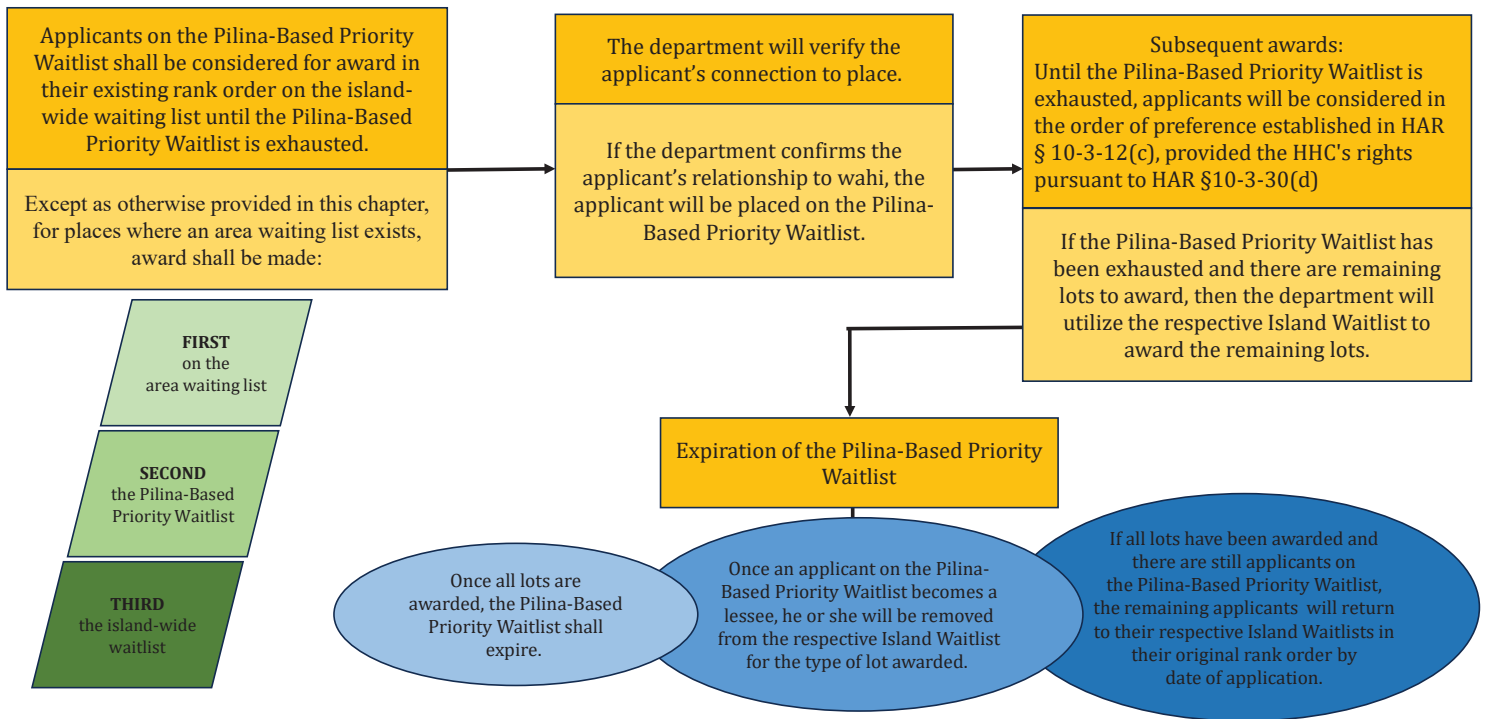
DHHL files FEA and provides notice to the appropriate Island-Wide Waitlists that DHHL is accepting applications for Pilina-Based Priority Waitlist.

To be applicable, applicant must prove one (1) of the following:



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DHHL REVIEW PROCESS



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QUESTIONS, ANSWERS, AND DISCUSSION

1. Questions?
2. Feedback? What do you think?
3. How should we define wahi or place?
4. Are there other ways to show pilina to place?

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Rule Amendment Proposal #2



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Leave of Absence and Caretaker

March 9, 2025

DEPARTMENT OF HAWAIIAN HOME LANDS – HOMESTEAD SERVICES DIVISION



Background

Definition of Leave of Absence -- an extended period of time when a lessee will be away from the homestead lot.

A "Caretaker" is the person appointed by the lessee to upkeep and maintain the homestead lot the during the leave of absence.

Under Section 10-2-16(b)(4) of the Department of Hawaiian Home Lands (DHHL) administrative rules, the Chairman of DHHL has the authority to approve leaves of absence. **However, the rules lack specific guidelines or policies governing leaves of absence.**

At its meeting on January 21, 2025, the Hawaiian Homes Commission tasked DHHL to undertake the process of amending the administrative rules to ensure clarity and enforceability on leaves of absence.

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Past Practice

Reasons that have been acceptable in the past:

1. Military deployment
2. Temporary relocation as required by an employer or religious organization
3. Medical health services necessary to diagnose or treat an illness, injury, condition, or disease
4. Pursuit of higher education at a college, university, or trade school
5. Continued occupancy of the homestead lot is a threat to the health and safety

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Past Practice

In the past, a leave of absence has not exceeded a period of 12 consecutive months. However, prior to the expiration of the initial 12-month period, a request beyond 12 months may be granted at the Chair's discretion.

The lessee has appointed a caretaker with the consent of the Chair or designee.

During the leave of absence period, the lessee has continued to comply with all the terms and conditions of the lease, Act, and Rules.

These practices have not been codified in rule.

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Proposed Rule Amendments

Forms to Identify Roles and Responsibilities

The forms will identify all kuleana of the lessee and caretaker (leave of absence agreement) and provide all contact information of the lessee and caretaker.

Consideration to Expand Leave of Absence for Qualified Relatives

Proposal to extend a leave of absence to a qualified relative as defined in § 209 of the Hawaiian Homes Commission Act. Namely, spouse, child, grandchild, brother, sister, parent, widow or widower of a child or sibling, niece, nephew.

Timeframe

A leave of absence is required when a lessee plans to be away from their homestead lot for a period of 6 or more consecutive months. The maximum term for the leave of absence is for 12-months. However, prior to the expiration of the initial 12-month period, a request beyond 12 months may be granted at the Chair's discretion.

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Proposed Rule Amendments

Qualifications to be a Caretaker

DHHL does not have a recommendation at this time and would like to hear from beneficiaries on this matter.

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Q & A AND DISCUSSION

1. What are allowable reasons for lessee to take a leave of absence?
2. Should we allow leave of absences for qualified relatives of the lessee needing to relocate (for instance: spouse or child of lessee needs medical services on mainland etc.)
3. When does a lessee submit a request for a leave of absence? What should be the minimum and maximum amount of time? e.g. 3 months, 6 months, 1 year, etc.
4. Who can be appointed as a caretaker?
5. What are the responsibilities of the lessee and the caretaker?



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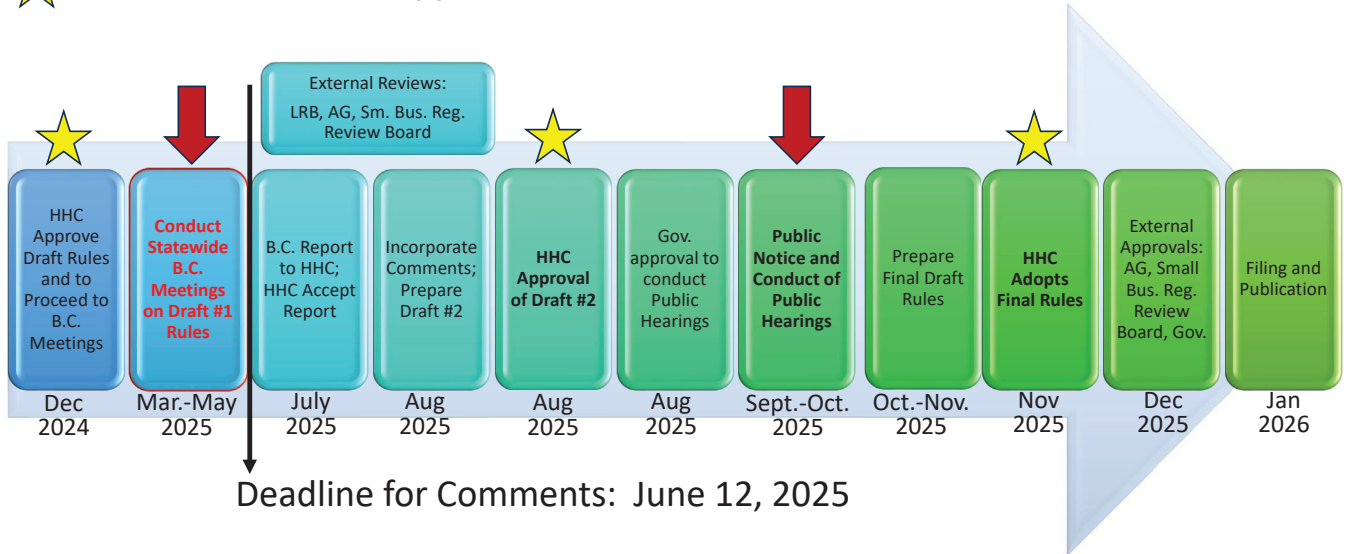


RULE AMENDMENT NEXT-STEPS

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RULE AMENDMENT PROCESS AND TIMEFRAME

 = Opportunities for Beneficiary Review and Comment
 = HHC Review and Approval



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Mahalo



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If you have questions or want to submit written comments:

Email to: dhhl.planning@hawaii.gov

If you want to attend other meetings to provide feedback,
see schedule at: dhhl.hawaii.gov/meetings/

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