

Judge rules state breached home lands trust

Posted: Nov 04, 2009 1:51 PM HST

Updated: Nov 04, 2009 7:41 PM HST

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HONOLULU (HawaiiNewsNow) - Thousands of native Hawaiians who say it took too long to get homestead leases from the state, have scored a major victory in court.

A Honolulu judge ruled this week the state failed to award homestead lots in a timely manner.

Some of the 2,700 people who sued the state and the Department of Hawaiian Home Lands met the qualifications yet had to wait decades before being awarded a homestead. Others were never awarded a homestead.

They are delighted the judge ruled in their favor.

"I'm very happy this has come to this point after waiting and waiting and waiting and being brokenhearted so many times," said Wehilani Ching, who, despite being Native Hawaiian, says she was not allowed to apply for a homestead lot.

"The court concluded people should have been placed on land quicker than they were. The court found that some class members waited 25 years or more to be awarded a homestead and that a reasonable time to get a homestead would only be several years," said Tom Grande, attorney for the plaintiffs.

The homestead controversy dates back to 1959, the year Hawaii became a state. As part of the Admission Act Hawaii promised to award homestead lots.

In her ruling circuit judge Eden Hifo concludes the state breached that obligation and the "breaches were a substantial factor or legal cause of eligible native hawaiians not being placed on the land..."

People who are awarded homestead lots get 99 year leases at just a \$1 a year.

The 2,700 people who sued and won say their lives would have been much different had they acquired the low cost leases to which they were entitled.

"I could have probably afforded to send my children to college. You know, it would have gave me wealth that they talk about now days ... that we don't have and many of our people don't have as yet," said Leona Kalima, a lead plaintiff in the case.

The lawsuit covered homestead claims made between 1959 and 1988.

Plaintiff's attorney Carl Varady said during that time the Department of Hawaiian Home Lands awarded an average of 71 homesteads a year. According to Varady, DHHL is now awarding about 480 a year.

"And I want to be very careful to acknowledge the fact that it is doing so much better," Varady said.

Monetary damages have not yet been awarded, but the judge Hifo indicates in her written decision that she wants to set up a process to calculate just how much money each plaintiff should be paid.

A DHHL spokesman told Hawaii News Now the department is reviewing the judge's decision.

Attorneys for the plaintiffs expect the state will appeal.



Wehilani Ching



Tom Grande



Leona Kalima



Carl Varady





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