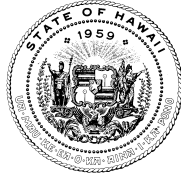


**JOSH GREEN, M.D.**  
GOVERNOR  
STATE OF HAWAII  
*Ke Kia 'āina o ka Moku 'āina 'o  
Hawai'i*

**SYLVIA J. LUKE**  
LT. GOVERNOR  
STATE OF HAWAII  
*Ka Hope Kia 'āina o ka Moku 'āina  
'o Hawai'i*



**IKAIKA ANDERSON**  
CHAIRMAN DESIGNATE, HHC  
*Ka Luna Ho'okele*

**KATIE L. DUCATT**  
DEPUTY DESIGNATE TO THE  
CHAIRMAN  
*Ka Hope Luna Ho'okele*

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

*Ka 'Oihana 'Āina Ho'opulapula Hawai'i*

P. O. BOX 1879  
HONOLULU, HAWAII 96805

**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND  
THE SENATE COMMITTEE ON WAYS AND MEANS  
HEARING ON MARCH 3, 2023 AT 10:00AM IN CR 211**

**SB 738, SD 1, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS**

March 3, 2023

Aloha Chair Rhoads, Chair Dela Cruz, and members of the Committees:

The Department of Hawaiian Home Land (DHHL) submits comments on this measure that 1) authorizes beneficiaries on the Department of Hawaiian Home Lands waiting list, who are sixty years or older or terminally ill, to receive a lease award and to designate a qualified successor, 2) authorizes qualified successors of beneficiaries on the waiting list who died before receiving a lease to file a claim for a lease award within four years of the effective date and 3) requires the Department of Hawaiian Home Lands to adopt rules within one year of the effective date of the Act.

While DHHL appreciates the intent of this bill, there are several concerns. DHHL has concerns that an applicant's age or medical diagnosis could advance an applicant on the waiting list ahead of other applicants on the waiting list. Section 10-3-7 of the Hawaii Administrative Rules relating to priority and preference for the award of leases notes that "applicants shall be considered for award in the order in which their completed applications were received by the department." In other words, waiting list priority is given according to the oldest application date, not according to the age of the applicant. In addition, terminally ill is not defined in the bill.

Furthermore, authorizing those who may be less than 50% native Hawaiian but, are qualified successors of beneficiaries on the waiting list who died before receiving a lease, to file a claim for a lease award within four years of the effective date, would be in violation of the Hawaiian Homes Commission Act, 1920, as amended (HHCA). The HHCA authorizes lease awards to native Hawaiians defined as any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands

previous to 1778 the right to the use and occupancy of a tract or tracts of Hawaiian home lands.

Lastly, the one-year mandate to promulgate rules pursuant to chapter 91, Hawaii Revised Statutes, would be impractical for DHHL to complete. Before it conducts any chapter 91 rule-making, DHHL engages in beneficiary consultation. It can take DHHL up to two years to fully complete the rule-making process.

Thank you for your consideration of our testimony.

**SB-738-SD-1**

Submitted on: 3/2/2023 3:23:05 PM

Testimony for JDC on 3/3/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zeb Jones	Testifying for Hydroponics Alternatives LLC	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Gabbard, Vice Char Keith-Agaran and Committee Members:

I submit this testimony in SUPPORT of SB738, SD 1--as amended—which: a) authorizes DHHL beneficiaries on the Waitlist who are 60 years of age or older OR terminally ill to receive a lease award and designate a qualified successor; 2) authorizes any qualified successor of waitlisted beneficiaries who died before receiving a lease to file claim for a lease award within four (4) year of the effective date; and 3) would require the DHHL to adopt rules governing these two (2) award processes within a specific time frame.

Back in 1993, the DHHL “Wait List” totaled approximately 27,000 beneficiaries – and that figure has now mushroomed to approximately 29,000 waiting for residential, agricultural or pastoral leases. This bill, once passed and if allowed to complete the “cross over process” for hearing in the House chambers, would effectively give Waitlisted beneficiaries some options – targeting kupuna and those who are terminally ill. These are the most vulnerable beneficiaries, who desperately need this type of support and intervention and who could benefit most. Additionally, as my family and I have ALWAYS maintained, providing housing options for our Native Hawaiian community makes sense not only from a humanitarian standpoint and to partially rectify the injustices committed against Hawaiians, but also frees up housing for all segments of Hawai`i’s population.

For these key reasons and in the interest of caring for our kupuna and reducing Hawai`i’s DHHL waiting list AND our state’s houseless population, we urge your Committee to please pass SB738, SD 1.

Mahalo for this opportunity to present this testimony supporting SB738, SD 1.

Zeb Jones

Hydroponics Alternatives LLC

PO Box 1472/ Wai`anae, HI 96792 / Email: [zebbe3442@gmail.com](mailto:zebbe3442@gmail.com)

**SB-738-SD-1**

Submitted on: 3/1/2023 9:12:38 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sterling Bear	Individual	Support	Written Testimony Only

Comments:

I am a Hawaiian and live my culture as my parents did and their parents before them. My grandparents died waiting for their Hawaiian homes placement and now my parents are advanced in age. I testify in support of this bill because it is a crime to make generations wait, just to tell them no can when the time comes! Hawaiians are a minority in Hawaii and it is hard to keep the bloodline from being mixed nowadays.

**SB-738-SD-1**

Submitted on: 3/1/2023 9:12:42 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Juanita Kawamoto Brown	Individual	Support	Written Testimony Only

Comments:

Please pass SB 738!

**SB-738-SD-1**

Submitted on: 3/1/2023 9:13:30 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeffree kawamoto	Individual	Support	Written Testimony Only

Comments:

i support sb738 to allow generational land ownership

**SB-738-SD-1**

Submitted on: 3/1/2023 11:41:34 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raynette P Fukui	Individual	Support	Written Testimony Only

Comments:

3/1/2023

Testimony submitted for SB738.

My name is Raynette P Reyes Fukui, I am submitting this testimony in support of SB738. My mother Marian Reyes passed away while on the HHL wait list (for almost 20 years). I could not be her beneficiary while she was on the wait list because I am not 50% Hawaiian. My grandmother Agnes Keola Kapaona Tampos was 100% Hawaiian, and my mother, Marian R Reyes was 50% Hawaiian but that did not help me because I am only 25%. In our current multi-cultural state, it is difficult to find children of Native Hawaiians with 50 percent ancestry having children with 50 percent Hawaiian. Senator Maile Shimabukuro has been responsive to my concerns, and has acted with great urgency to expedite this bill as she understands the situation I and many others are in. I also understand that if SB738 passes into law, it is intended to be retrospective, which could assist someone in my situation. I've worked tirelessly for the past five month or so contacting DHHL, State Senate and House Representatives, US Senators and House Representatives, Native Hawaiian Legal Services and the Depart of Interior to see if anyone could help me or provide me with guidance in this matter. My mother's position on the Hawaiian Homes listing is now posted on a public notice dated November 20, 2022, for 180 days, which is open to eligible relatives at least 18 years of age and 50% Hawaiian. If no one comes forward to claim my mother's position on the Hawaiian Homes listing, her name will be removed from the list. I implore our legislators to pass this important bill as soon as possible as I am in my 70s and time waits for no one. I would like to benefit from the DHHL land lease program and have my children also become my beneficiaries.

**SB-738-SD-1**

Submitted on: 3/2/2023 8:46:01 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thompson Kaluhiokalani	Individual	Support	Written Testimony Only

Comments:

my grandmother is still waiting shes 78



**SB-738-SD-1**

Submitted on: 3/2/2023 8:40:57 AM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lu Ann Faborito	Individual	Support	Written Testimony Only

Comments:

Definite support as my mother who is 78 is still on the waitlist!!!

**SB-738-SD-1**

Submitted on: 3/2/2023 3:22:13 PM

Testimony for JDC on 3/3/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Chair Rhoads, Vice Chair Gabbard, Vice Char Keith-Agaran and Committee Members:

I submit this testimony in SUPPORT of SB738, SD 1--as amended—which will: a) authorize DHHL beneficiaries on the Waitlist who are 60 years of age or older OR terminally ill to receive a lease award and designate a qualified successor; 2) authorize any qualified successor of waitlisted beneficiaries who died before receiving a lease to file claim for a lease award within four (4) year of the effective date; and 3) require DHHL to adopt rules governing these two (2) award processes within a specific time frame.

The DHHL “Wait List” totaled approximately 27,000 beneficiaries in 1995 – and that figure has NEVER decreased. In fact, that number has now mushroomed to approximately 29,000 waiting for residential, agricultural or pastoral leases to be made available. This bill, once passed and if allowed to complete the “cross over process” for hearing in the House chambers would effectively give Waitlisted beneficiaries some options – targeting kupuna and those who are terminally ill. These are the most vulnerable beneficiaries, who need this type of support and intervention and who could benefit most. Additionally, as my family and I have ALWAYS maintained, providing housing options for our Native Hawaiian community makes sense not only from a humanitarian standpoint and to partially rectify the injustices committed against Hawaiians, but also frees up housing for other segments of Hawai`i’s population.

For these key reasons and in the interest of caring for our kupuna and reducing Hawai`i’s DHHL waiting list AND our state’s houseless population, we urge your Committee to please pass SB738, SD 1.

Mahalo for this opportunity to present this testimony supporting SB738, SD 1.

Nancy Jones

PO Box 1462, Wai`anae, HI 96792 / Email: [nancyhydroalt@gmail.com](mailto:nancyhydroalt@gmail.com)