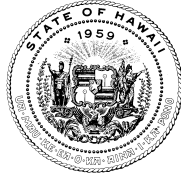


JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawaii'i*

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

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
HEARING ON MARCH 14, 2023 AT 2:00PM IN CR 325**

SB 738, SD 2, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

March 14, 2023

Aloha Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Hawaiian Home Land (DHHL) submits comments on this measure that 1) authorizes the Department of Hawaiian Home Lands to administer a lease award program for beneficiaries on the homestead lease waiting list who are sixty years old or older or terminally ill 2) authorizes qualified successors of beneficiaries who died while on the waiting list to file a claim for a lease award within four years of the effective date of the Act 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 has historically been by chronological application date, rather than by the age of an applicant, or due to a condition of the applicant. In particular, the term terminally ill is not defined in the bill.

Furthermore, any such program must ensure that any qualified successor of a beneficiary who died while on the waiting list is native Hawaiian, defined by the Hawaiian Homes Commission Act as DHHL is authorized to issue leases to native Hawaiians pursuant to HHCA & 207(a).

Lastly, the one-year mandate to promulgate rules pursuant to chapter 91, Hawaii Revised Statutes, would be very difficult for DHHL to meet. 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.



Environmental Caucus of
The Democratic Party of Hawai'i

To: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
Members of the Committee on Judiciary and Hawaiian Affairs

Re: **SB 738 SD 2 – RELATING TO THE DEPARTMENT OF HAWAIIAN HOME
LANDS**

Hearing: Tuesday, March 14, 2023, 2:00 p. m., Conference 325 & via Videoconference

Position: **Strong support**

Aloha, Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary and Hawaiian Affairs:

The Environmental Caucus of the Democratic Party of Hawai'i and its 7,500 members stands in strong support of SB 738, SD2. This measure would authorize the Department of Hawaiian Homelands to administer a lease award program for beneficiaries on the homestead lease waiting list who are sixty years old or older or terminally ill, under certain conditions. This measure would further authorize 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.

As provided in the Democratic Party of Hawai'i Platform adopted at the DPH State Convention on May 28, 2022, our policy on Housing is as follows:

We believe housing is a human right. We believe that each and every person should have access to safe, stable and adequate housing regardless of ability to pay. We support policies that deliver housing that is affordable to people at the bottom of the income scale where the need is greatest. We support policies that reduce barriers to the development of this housing, so long as these policies do not conflict with the tenets laid out in the Environment and Energy plank. We support policies that reduce barriers to homeownership for residents. We support policies that preserve housing for residents and discourage real estate speculation.

We believe that houselessness is the symptom of an inequitable economic system that creates generational poverty and hardship. We believe this system must be changed. We support policy that gets people experiencing houselessness re-housed quickly and efficiently, and we support policy that delivers wrap-around services to recently re-housed individuals and families. We support adequate public funding for these initiatives.



March 14, 2023

Page 2

Our policy on Native Hawaiian and Hawaiian Culture is as follows:

We support Native Hawaiians in their efforts to secure justice from the federal and state governments to repair the harms suffered and endured by the Native Hawaiian people and 'āina, including fulfilling its Public Land Trust responsibilities which require that the revenue be provided annually to Native Hawaiians and funding of the Hawaiian Homes Commission budget and other housing programs to ensure that no Native Hawaiian is homeless, here in their homeland.

We support proactive actions by the federal and state governments to enhance Native Hawaiian culture, health (including traditional and customary medicinal treatment programs), language, housing, education, environment, agriculture, jobs, and economic development. We support reforming the criminal justice system to address the disparate treatment of Native Hawaiians, including bail reform and restorative justice which includes Ho'oponopono. [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)

Authorizing the Department of Hawaiian Home Lands to administer a lease award program for beneficiaries on the homestead lease waiting list who are sixty years old or older or terminally ill, under certain conditions and authorizing 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 are consistent with the policies of the Democratic Party of Hawaii Platform planks on (1) Housing, and (2) Native Hawaiian and Hawaiian Culture, to wit, that (1) we support policies that reduce barriers to homeownership for residents; and (2) we support proactive actions by the federal and state governments to enhance Native Hawaiian . . . , housing, . . .

Please support and pass this bill.

/s/ Melodie Aduja & Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i

SB-738-SD-2

Submitted on: 3/13/2023 12:28:00 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

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

Comments:

Aloha Chair Tarnas, Vice Chair Takayama and Honorable Committee Members:

I am submitting this testimony SUPPORTING SB738, SD 2 --as amended, BUT with an effective date change—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) requires DHHL to adopt rules governing these two (2) award processes within a specific time frame.

As of 1995, the DHHL “Wait List” totaled approximately 27,000 beneficiaries – and that figure has NEVER decreased. Actually, that figure has now ballooned to about 29,000 waiting for residential, agricultural or pastoral leases. This bill, once passed, 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. So – supporting housing for Native Hawaiians benefits ALL of us.

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 2 – and to please change the effective date to ideally 07/01/2023, BUT not later than 07/01/204 as ALL of us have an interest in reducing the DHHL Waitlist (called the “Deathlist” by many) as soon as possible.

Mahalo for this opportunity to present this testimony supporting SB738, SD 2.

Zeb Jones

Hydroponics Alternatives LLC

PO Box 1472/ Wai`anae, HI 96792 / Email: zebbe3442@gmail.com

SB-738-SD-2

Submitted on: 3/14/2023 7:51:38 AM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapua Keliikoa-Kamai	Individual	Support	In Person

Comments:

Aloha kakou,

I SUPPORT SB 738 SD2 RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS. Authorizes the Department of Hawaiian Home Lands to administer a lease award program for beneficiaries on the homestead lease waiting list who are sixty years old or older or terminally ill, under certain conditions. 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. Requires the Department of Hawaiian Home Lands to adopt rules by a certain date. Effective 3/22/2075.

I support this measure because it intends to fulfill Prince Kuhio Kalaniana'ole's desire for the Hawaiian people's rehabilitation by returning to the land.

ARTICLE [1A. Purpose].]

[§ 101. Purpose.][Subject to Congressional Approval.]

(a) The Congress of the United States and the State of Hawaii declare that the policy of this Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act, and the preservation of the values, traditions, and culture of native Hawaiians.

Prince Kuhio a congressional delegate, without voting powers, ability to persuade his colleagues to pass the Hawaiian Homes Commission Act was a major feat. While he wasn't able to ensure it included all Hawaiians (1/32nd blood quantum) for the period he wanted (999 year leases) - it is significant. While this measure cannot be executed because it contradicts various aspects of the HHCA, the intent is pono. Prince Kuhio would not have wanted our people, or their heirs, to languish or die on the Hawaiian Home Lands wait list either.

Mahalo for this opportunity to both protect the HHCA and due rights of the beneficiaries, and our heirs.

Me ka haahaa,

Kapua Keliikoa-Kamai

Waianae Valley Hawaiian Homes Lessee

Hawaiian Advocate

SB-738-SD-2

Submitted on: 3/11/2023 6:36:22 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raynette Fukui	Individual	Support	Remotely Via Zoom

Comments:

My name is Raynette P Reyes Fukui, I am submitting this testimony in support of SB738,SD2. 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 have 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.

In conclusion I am extremely disheartened that DHHL does not support this bill. You would think that they would do everything in their power to support Native Hawaiians and their quest for Hawaiian Homelands. Our times are changing, and we need to change these policies and procedures to meet our changing times. Having one set of policies and guidelines for Successorship while on the wait list and a different set of polices and guidelines for Successors of beneficiaries that was awarded a lease is not a fair process.

Mahalo for allowing me the opportunity to submit my testimony and I ask for your consideration in this matter.

SB-738-SD-2

Submitted on: 3/10/2023 5:20:19 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaimo Muhlestein	Individual	Support	Written Testimony Only

Comments:

My father died on Feb. 27, 2022 at the age of 88. He was on the DHHL waitlist. His children are less than 50% blood quantum. Kaumaha nui loa e ke Aupuni o Hawaii Nei. Pass SB 738 SD2

SB-738-SD-2

Submitted on: 3/12/2023 7:18:17 AM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Napua Reyes McHugh	Individual	Support	Written Testimony Only

Comments:

My mother was a lineal descendant of William Kapaona, a native Hawaiian born in Nuilii, North Kohala. William's father Paona was provided the privilege of growing taro for Kamehameha I in Nuilii. During the Great Mahele, William Kapaona was issued and paid for land grants in excess of 75 acres. My mother, Marian R. Reyes was proud of her native Hawaiian culture, she practiced the teachings and returned the same kindness to the North Kohala diverse family communities and the people of Hawaii. During my mother's time, there was and still is diverse communities of different races that inter-married and practiced the culture of many different races throughout the years. Our Hawaiian family history goes back to 1700s. My mother should not be penalized for the inability of DHHL to issue leases timely and for the current beneficiaries to be denied the Hawaiian Home Land because we are not 50% Hawaiian or was not approved to be a successor due to amount of Hawaiian in our bloodline. We are native Hawaiians and unjust rules related to beneficiaries or successors who have waited along side my mother for her rightful lease should not be denied. We need change the beneficiaries and successors rules for current and future generations as this new law will provide to our family and other families in the same situation. Please do the right thing and approve changes to the bloodline rules to allow beneficiaries or successors the rights due them as native Hawaiians related to Hawaiian Home Land! Mahalo, Diane Napua Reyes McHugh, Lineal Descendant to William Kapaona, Daniel Kekaula Kapaona, Edward K Kapaona, Agnes Kapaona Tampos and mother Marian R Reyes

3/12/2023

Testimony submitted for SB738.

I am submitting this testimony in support of SB738, SD2 and my sister Raynette P Reyes Fukui's efforts to become a beneficiary. My sister Raynette and I have the same biological parents. My sister has documented our mother's (Marian Reyes) Hawaiian biological background and status on the DHHL wait list. I agree with my sister that the current beneficiary process discriminates against those on the wait list as it holds them to a stricter qualification standard than that required of those who are beneficiaries of a lease.

I strongly request that the legislators pass this bill as soon as possible. I would like my sister Raynette and her children to benefit from the DHHL land lease program as beneficiaries.

Mahalo for your consideration.

Albert L Reyes Jr

Aloha e Chair Rep. Tarnas & Vice Chair Rep. Takayama and honorable members of the House Judiciary & Hawaiian Affairs Committee who according to my basic understanding of this process all of you collectively will be addressing in this case SB738 SD1 relating to the Hawaiian Home Commission Act, 1920, as amended and possible decision making... therefore...

I'm Patrick L. Kahawaiolaa, a native Hawaiian as defined pursuant to the HHCA,1920, 42 stat. 108, 67th Congress and I will be testifying as an INDIVIDUAL native Hawaiian advocate, although I am the current President of the Keaukaha Community Association, the first homesteads settlement awarded in 1924, a native Hawaiian community ainohoopulapula (homestead lands) on Hawaii island called KEAUKAHA, formally called Kuhio Settlement...

Prince Jonah Kuhio, an Alii, who became a Territorial Representative 1905-1922, the founding father of the Hawaiian Homes Commission Act,1920, whose 152nd birthday this State and the native Hawaiians who are beneficiaries of this Act, (trust) will be celebrating ...

how he saw his people languishing in the tenement buildings of Oahu, disenfranchised from the aina (land) and realizing that his people were people tied closely to those lands, began to in earnest to advocate and after a decade or more saw his hard work come to fruition in this Act, ... in which this body is now trying to amend, albeit to the detriment of beneficiaries on the Waitlist... where 28,000 qualified beneficiaries have been waiting for 30-40 years according to DHHL own records.... and my reasons for saying this is because....

SECTION 209 (SUCCESSOR) of the HHCA, 1920, as amended...

MAKES NO PROVISIONS FOR A SUCCESSOR TO ANYONE WAITING ON THE WAITLIST!!!!therefore

ABSENCE any provisions to allow for what SB738 is trying to do... this legislation would be in Conflict with the provisions of said Act... an is null and void...and any amendments to the HHCA,1920 when in conflict needs to seek the Consent of the US... and I believe that process may need to begin with dialog with the State's Co-trustee, Department of the Interior (DOI)...unless the State's Attorney General Anne Lopez... is prepared to issue an AG Opinion that SB 738 is the proper legislation to amend the HHCA,1920, as amended...

It is for these reasons... I must STRONGLY OBJECT to moving forward with this legislation.....

I thank all for allowing this native Hawaiian the opportunity to testify on this measure... I can be reached at (808) 937-8217

'Owau
Patrick L. Kahawaiolaa

SB-738-SD-2

Submitted on: 3/13/2023 12:25:59 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Honorable Committee Members:

I submit this testimony in SUPPORT of SB738, SD 2 --as amended—which will: a) authorize Department of Hawaiian Homelands (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 become available. This bill, once passed, 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. In this way, supporting DHHL’s mission benefits ALL of us in Hawai`i.

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 2 – and to please change the effective date to ideally 07/01/2023, BUT not later than 07/01/204 as ALL of us have an interest in reducing the DHHL Waitlist (called the “Deathlist” by many) as soon as possible.

Mahalo for this opportunity to present this testimony supporting SB738, SD 2.

Nancy Jones

PO Box 1462, Wai`anae, HI 96792 / Email: nancyhydroalt@gmail.com

SB-738-SD-2

Submitted on: 3/13/2023 12:54:00 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

SB-738-SD-2

Submitted on: 3/13/2023 1:41:28 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marion K A Kapuniai	Individual	Support	Written Testimony Only

Comments:

SUPPORT ONLY WITH AMENDMENT TO BILL WHICH INCLUDES NECESSITY TO AMEND THE HAWAIIAN HOMES COMMISSION ACT, AS AMENDED, 1920, BY SUBMISSION TO THE DEPARTMENT OF INTERIOR WHICH SHALL DETERMINE THE NECESSITY OF CONGRESSIONAL APPROVAL.

Thank you, M Kapuniai

SB-738-SD-2

Submitted on: 3/13/2023 8:56:59 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Aiu	Individual	Support	Written Testimony Only

Comments:

Honorable Legislators:

I am Robert Aiu, part-Hawaiian, not a land beneficiary.

However, I respectfully submit this testimony in support of the above bill relating to the DHHL.

I am keenly aware of the ongoing problem faced by thousands of eligible Hawaiians awaiting placement on Hawaiian lands. They died waiting.

My mother worked for DHHL for 35 years as Kauai project manager. She placed many Hawaiians on Anahola and Kekaha lands, but was well aware of the long waiting lists.

Now with the rapidly decreasing population of 50% Hawaiians, it is time to consider assisting direct 25% descendants of deceased 50% relations by affording them an opportunity to replace their qualified deceased folks.

Please consider this bill in the light it was meant, to help Hawaiians.

Mahalo,

Robert Aiu

bobbyaiu@yahoo.com

SB-738-SD-2

Submitted on: 3/13/2023 9:22:38 PM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lena Suzuki	Individual	Support	Written Testimony Only

Comments:

With so many people dying on the waitlist, finding other ways to help our people is definitely a step in the right direction. I support this bill in hopes that collectively we can find solutions to house our beneficiary.

SB-738-SD-2

Submitted on: 3/14/2023 8:20:15 AM

Testimony for JHA on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Peterson(Nani)	Individual	Support	Written Testimony Only

Comments:

I strongly support