

clee1 - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 8:45 AM
To: HAWtestimony
Cc: publicpolicy@oha.org
Subject: Testimony for SB2793 on 3/14/2012 8:45:00 AM
Attachments: SB2793 SD2 DHHL Waivers Testimony 3.14.12 HAW.pdf

Testimony for HAW 3/14/2012 8:45:00 AM SB2793

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Office of Hawaiian Affairs
Organization: Office of Hawaiian Affairs
E-mail: publicpolicy@oha.org
Submitted on: 3/13/2012

Comments:



SB2793 SD2
RELATING TO THE HAWAIIAN HOMES COMMISSION ACT
House Committee on Hawaiian Affairs

March 14, 2012

8:45 a.m.

Room 329

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB2793 SD2, which would allow the chairman of the Department of Hawaiian Homelands (DHHL), with unanimous consent of the commission, to suspend administrative rules and award a lease to a beneficiary who has been on the waitlist for at least twenty years.

Our primary observation is that the bill could greatly benefit from further details to support its main proposal. For example, the justification for the bill and committee report indicate that the waiver would allow DHHL to provide beneficiaries with access to new products it is developing. However, the bill itself does not explain when and how the waiver can be used. Therefore, we recommend that the following points be addressed in either the preamble or the body of the bill, or through rule making:

- How DHHL will justify choosing between multiple beneficiaries who have been applicants for more than twenty years.
- Why twenty years is the operative cut-off date.
- That the waiver is meant to facilitate the placement of families into new DHHL products such as multi-generational housing (if that is, in fact, the intent of the waiver).
- Reporting to the legislature or DHHL beneficiaries when a lease is awarded in this fashion.
- That unanimous consent of the commission means unanimous consent of the entire commission, not merely unanimous consent of the members present at a specific meeting.

OHA suggests the following amendments, indicated in ***italicized bold*** to part (b) (the new language for SB 2793 SD2 is underlined):

"(b) The title to lands so leased shall remain in the State. Applications for tracts shall be made to and granted by the department, under such regulations, not in conflict with any provisions of this title, as the department may prescribe. Notwithstanding any rule to the

contrary, the chairperson of the Hawaiian homes commission, with unanimous consent from **all members of the commission, may award a lease to any native Hawaiian with an original application date of not less than twenty years from the date of the approval, if the lease is for a kupuna or kauhale housing lease product. Any award made under this provision shall be reported to the legislature in a report twenty days prior to the start of the next session.** The department shall, whenever tracts are available, enter into ~~such~~ a lease with any applicant who, in the opinion of the department, is qualified to perform the conditions of such lease. "

OHA urges the committee to PASS SB2793 SD2 with the suggested amendments. Mahalo for the opportunity to testify on this important measure.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 3:18 PM
To: HAWtestimony
Cc: dreanalee.k.kalili@gmail.com
Subject: Testimony for SB2793 on 3/14/2012 8:45:00 AM
Attachments: SB2793 SD 2_HHL_03-14-12_HAW.docx

Testimony for HAW 3/14/2012 8:45:00 AM SB2793

Conference room: 329
Testifier position: Support
Testifier will be present: Yes
Submitted by: Alapaki Nahale-a
Organization: Department of Hawaiian Home Lands
E-mail: dreanalee.k.kalili@gmail.com
Submitted on: 3/13/2012

Comments:



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS
IN SUPPORT OF

SB 2793 SD 2, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

March 14, 2012

Chair Hanohano, Vice-Chair Lee and Members of the Committee:

The Department of Hawaiian Home Lands strongly supports SB 2793 SD 2, which allows for the suspension of administrative rules for the purpose of awarding a lease to a native Hawaiian who has been on the waitlist for at least 20 years. This bill is part of the Governor's administrative package by request of our department.

As the department develops varied homestead products to immediately meet the current needs of its longest-waiting applicants, the ability to suspend the department's administrative rules can eliminate barriers that have prevented Hawaiian Home Lands applicants from receiving a homestead lease. Of the 21,151 residential applicants, 6,740 have been on the waiting list for at least 20 years. This measure targets nearly one-third of the native Hawaiians who are waiting for a lease and who may otherwise never be able to accept a lease award.

The Senate Draft 2 adds a sunset provision to enable the Hawaiian Homes Commission to enact this policy as a pilot for five years. We

Department of Hawaiian Home Lands
SB 2793 SD 2
March 14, 2012
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are very supportive of this amendment. However, we also respectfully request that your committee consider and adopt a House Draft 1 that includes a preamble to the measure to read as follows:

"SECTION 1. As the Department of Hawaiian Home Lands develops various new homestead products (such as multifamily units, rentals, and kupuna housing) to meet the needs of its longest-waiting applicants, the ability to suspend certain provisions of Title 10 of the Hawaii Administrative Rules can eliminate barriers that have prevented Hawaiian Home Lands applicants from accepting a homestead lease.

This measure targets these applicants who have been on the waiting list for at least 20 years. Any applicant on the waiting list for this period of time has received multiple offers for lease awards, but has not been able to accept the lease."

This language will clarify the legislative intent and responds to several concerns identified by testifiers in previous committees.

Mahalo for the opportunity to testify in strong support of this important measure, and mahalo for your consideration of this proposed amendment.

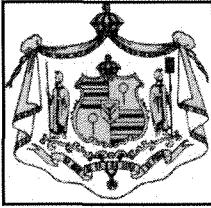
clee1 - Lina

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 13, 2012 11:22 AM
To: HAWtestimony
Cc: souleelko@gmail.com
Subject: Testimony for SB2793 on 3/14/2012 8:45:00 AM
Attachments: SB2793SD2 Rd.2.doc

Testimony for HAW 3/14/2012 8:45:00 AM SB2793

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Soulee Stroud
Organization: Association of Hawaiian Civic Clubs
E-mail: souleelko@gmail.com
Submitted on: 3/13/2012

Comments:



Association of Hawaiian Civic Clubs

P. O. Box 1135

Honolulu, Hawai`i 96807

TESTIMONY OF PRESIDENT SOULEE STROUD

SENATE BILL 2793SD2 (SSCR2681)

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

Wednesday, March 14, 2012; 8:45 am; Room 329

Aloha Madam Chair Hanohano, Vice Chair Lee and members of the House Committee on Hawaiian Affairs. The Association of Hawaiian Civic Clubs supports this bill that would allow the suspension of rules to award a lease to native Hawaiians who have been on the HHL waiting list for more than twenty years.

Chairman Nahale-a has shared some alarming statistics about the number of applicants who have been on the waiting list for more than twenty years, and we are aware that some of these applicants are civic club members. This bill was amended as it passed through two Senate committees, virtually assuring that this bill will go to conference. We will have to trust that, as stated in the committee reports, the legislature wants to do what is fair and has the best interests of the applicants at heart.

Thank you for the opportunity to testify. We urge passage of this bill.