



**HB860**  
**RELATING TO ACTIONS FOR QUIET TITLE**

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

February 14, 2017

8:30 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) Beneficiary Advocacy and Empowerment Committee will recommend that the Board of Trustees **SUPPORT** HB860, which seeks to address legal processes that have long been exploited, to forcibly sever Native Hawaiian families' connections to their ancestral lands.

Kuleana land parcels (kuleana), many of which have been passed down from original awardees through multiple generations of heirs, often represent the last vestige of the legal recognition originally granted to Native Hawaiian families' traditional tenure of ancestral lands. Today, maintaining a connection to family kuleana continues to be critical for many Native Hawaiians to maintain a connection to their ancestors and ancestral lands, as well as to uphold the traditional practices, lifestyles, and values that derive from their cultural and family heritage.

Unfortunately, legal mechanisms, such as quiet title and adverse possession, have often been used to forcibly sever the connection between Native Hawaiian families and their kuleana. Prior to the overthrow of the Hawaiian Kingdom government, quiet title actions were a beneficial legal tool for Native Hawaiian kuleana awardees to stave-off adverse possession claims made by encroaching large agricultural landowners. However, beginning in the Territorial era, changes to the quiet title process resulted in the use of quiet title actions to dispossess Native Hawaiian families of their kuleana. The current framework of quiet title action continues to leave kuleana vulnerable to dispossession, including through the use of complex and cost-prohibitive legal processes that effectively foreclose quiet title defendants, i.e. kuleana owners, from challenging quiet title actions and adverse possession claims.

HB860 seeks to address the various means by which the current quiet title framework has been exploited, to unfairly sever Native Hawaiians from lands held in their family for generations; furthermore, this measure attempts to better ensure that families are able to maintain traditional and cultural access to their kuleana parcels, notwithstanding the filing of a quiet title action against them.

Therefore, OHA urges the Committee to **PASS** HB860. Mahalo for the opportunity to testify on this measure.

BEFORE THE COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

Hawaii State Legislature, February 14, 2017

House Bill No. 860  
Relating to Actions of Quiet Title

Aloha Chair Ing, and Vice Chair Gates, and Members of the Committee:

The Ka Lahui Hawaii Political Action Committee (KPAC) supports HB 860 Relating to Actions of Quiet Title.

Kuleana lands were granted to Kanaka Maoli tenant farmers between 1850 and 1855 and include gathering, access, and agricultural rights as well as the right to build a dwelling. Only 8,205 Kanaka Maoli received Kuleana lands that account for less than 1 percent of Hawaiian Kingdom lands. Many of these awards were adversely possessed by corporations like sugar and pineapple plantations but a precious few are still in the same families today keeping their ancestral tie to their lands. With Kanaka Maoli owning the worst socio economic, health and education statistics in the state it is imperative that the State of Hawaii help Kanaka Maoli stay on their ancestral lands. As people of the land, the wellbeing of Kanaka Maoli is intrinsically tied to the ‘aina.

This bill strengthens rights of the Kuleana owners and makes it harder and less desirable for corporations and foreigners to adverse possess aka legally steal the ancestral lands of Kanaka Maoli.

Respectfully submitted,

M. Healani Sonoda-Pale  
Chair, KPAC

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 5:30 PM  
**To:** omhtestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for HB860 on Feb 14, 2017 08:30AM

**HB860**

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We STRONGLY SUPPORT this bill. As a native Hawaiian Advocacy Corporation, we seek to protect the interests of our Lahui. Kuleana lands were given in allodium by our King Keaweawe'ula Kīwala'ō Kauikeaouli Kaleiopapa Kalani Waiakua Kalanikau Iokikilo Kīwala'ō i ke kapu Kamehameha (Kamehameha III), in perpetuity, so that native Hawaiians will always have a home in our homeland. Many of the lands that are claimed to be "owned" by non-Kanaka Maoli or "native Hawaiians" are in fact stolen lands, that continue to be protected by the United States through its State of Hawaii government. It is about time that laws protect native Hawaiians lands, especially for those families who do not know that they have lands. Please pass this bill. Mahalo.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 8:35 PM  
**To:** omhtestimony  
**Cc:** edkunipo@gmail.com  
**Subject:** Submitted testimony for HB860 on Feb 14, 2017 08:30AM

**HB860**

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward Kunipo	Individual	Support	No

Comments: Aloha! My ohana and I are totally in support of this bill. I am a native Hawaiian and would like to see this bill get passed to help us who have land that is currently being taken away by this quiet title action. My ohana are currently going through similar court case. We need this bill to pass so that we native Hawaiians do not have to give up our lands that our kupuna had and wanted it to pass down to the future generations. Mahalo, Ed Kunipo edkunipo@gmail.com

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 12, 2017 8:34 PM  
**To:** omhtestimony  
**Cc:** worldcat30@gmail.com  
**Subject:** Submitted testimony for HB860 on Feb 14, 2017 08:30AM

**HB860**

Submitted on: 2/12/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
george purdy	Individual	Support	No

Comments: In full support of what this bill offers to the people.

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I am a Native Hawaiian born in the State of Hawaii and lived on Hawaiian Home Lands, Papakolea Homestead. I am concerned about the recent news of Kuleana Lands being taken away by Quiet Title or Adverse Possession and I am appalled that these lands of our ancestors, our Kupunas are being subjected by Big Mainland Companies or people of stature with millions, billions of dollars are taking advantage of this type of Land takeover. I am asking for your mana'o and making this Pono, to do the right thing and support this bill-HB860 Kuleana Land.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 9:55 AM  
**To:** omhtestimony  
**Cc:** hoonanea@aol.com  
**Subject:** \*Submitted testimony for HB860 on Feb 14, 2017 08:30AM\*

**HB860**

Submitted on: 2/11/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Regina Gregory	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 11, 2017 9:52 AM  
**To:** omhtestimony  
**Cc:** makiaweli2012@gmail.com  
**Subject:** \*Submitted testimony for HB860 on Feb 14, 2017 08:30AM\*

**HB860**

Submitted on: 2/11/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
keomailani von gogh	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 8:14 PM  
**To:** omhtestimony  
**Cc:** ladyshyshy57@gmail.com  
**Subject:** Submitted testimony for HB860 on Feb 14, 2017 08:30AM

**HB860**

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rochelle K. KUNIPO Garcia	Individual	Comments Only	No

Comments: I am a Native Hawaiian born in the State of Hawaii and lived on Hawaiian Home Lands, Papakolea Homestead. I am concerned about the recent news of Kuleana Lands being taken away by Quiet Title or Adverse Possession and I am appalled that these lands of our ancestors, our Kupunas are being subjected by Big Mainland Companies or people of stature with millions, billions of dollars are taking advantage of this type of Land takeover. I am asking for your mana'o and making this Pono, to do the right thing and support this bill-HB860 Kuleana Land.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 10, 2017 4:55 PM  
**To:** omhtestimony  
**Cc:** launahele@yahoo.com  
**Subject:** \*Submitted testimony for HB860 on Feb 14, 2017 08:30AM\*

**HB860**

Submitted on: 2/10/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Benton	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 11:13 AM  
**To:** omhtestimony  
**Cc:** mkkapuniai@gmail.com  
**Subject:** \*Submitted testimony for HB860 on Feb 14, 2017 08:30AM\*

**HB860**

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion K A Kapuniai	Individual	Support	No

Comments:

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## omhtestimony

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**From:** edkunipo@gmail.com  
**Sent:** Sunday, February 12, 2017 3:00 PM  
**To:** omhtestimony  
**Subject:** HB 860. I totally support this bill!

Aloha OMH:

I am a Native Hawaiian born in the State of Hawaii and lived on Hawaiian Home Lands, Papakolea Homestead and now in Nanakuli. I am concerned about the recent news of Kuleana Lands being taken away by Quiet Title or Adverse Possession and I am appalled that these lands of our ancestors, our Kupunas are being subjected by Big Mainland Companies or people of stature with millions, billions of dollars are taking advantage of this type of Land takeover. I am asking for your mana'o and making this Pono, to do the right thing and support this bill-HB860 Kuleana Land.

Our 'ohana is currently going through a quiet title law suit on Hawaii Island. We are totally supportive of this bill and hoping that it will get passed and approved so that it will help us and other native Hawaiians going through similar quiet title cases. Mahalo for your time.

Aloha,  
Edward Kunipo  
Native Hawaiian  
808-339-5134

Sent from my iPhone

**gates2 - Thomas**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 11:13 AM  
**To:** omhtestimony  
**Cc:** mkkapuniai@gmail.com  
**Subject:** \*Submitted testimony for HB860 on Feb 14, 2017 08:30AM\*

**Categories:** Green Category

**HB860**

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marion K A Kapuniai	Individual	Support	No

Comments:

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**gates2 - Thomas**

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**From:** Pamela Anderson <nanakuli50@gmail.com>  
**Sent:** Monday, February 13, 2017 12:38 PM  
**To:** omhtestimony  
**Subject:** HB860

As a native Hawaiian, and a leasehold owner of a homestead lot, it is of urgency that I request your support of HB860.

The native Hawaiians continue to suffer and the 'aina suffers also. Please support HB860

Mahalo

Pamela Anderson  
87-155 waiolu st  
Waianae hi. 96792  
(808) 3527281

**gates2 - Thomas**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 13, 2017 6:53 PM  
**To:** omhtestimony  
**Cc:** rspacer@yahoo.com  
**Subject:** Submitted testimony for HB860 on Feb 14, 2017 08:30AM

**HB860**

Submitted on: 2/13/2017

Testimony for OMH on Feb 14, 2017 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Richard Spacer	Individual	Support	No

Comments: I SUPPORT this bill and thank Rep. Kaniela Ing for this. Though provoked by the lawsuits brought by Facebook's Mark Zuckerberg against Kauai kuleana holders in the abupua'a of Pila'a, this bill is a step in the right direction to shore up Native Hawaiian property rights. Thank you for passing it. Regards, Richrd Spacer Kauai

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