

DAVID Y. IGE  
GOVERNOR



HAKIM OUANSAFI  
EXECUTIVE DIRECTOR

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**STATE OF HAWAII**  
HAWAII PUBLIC HOUSING AUTHORITY  
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HONOLULU, HAWAII 96817

Statement of  
**Hakim Ouansafi**  
Hawaii Public Housing Authority  
Before the

**HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

**Tuesday, March 23, 2021**  
**2:00 PM – Room 329, Hawaii State Capitol**

In consideration of  
**SB 749, SD2, HD1**  
**RELATING TO THE PUBLIC HOUSING AUTHORITY**

Honorable Chair Johanson and Members of the House Committee on Consumer Protection & Commerce, thank you for the opportunity to provide testimony concerning Senate Bill (SB) 749, SD2, HD1, relating to the public housing authority.

The Hawaii Public Housing Authority (HPHA) **supports, with amendments**, the passage of SB 749, SD2, HD1. This measure allows the Hawaii Public Housing Authority to build non-subsidized housing.

Concentrating public housing and extremely low-income families in dense urban areas has proven to not be an effective use of scarce affordable housing resources. Over the last several decades, the U.S. Department of Housing and Urban Development (HUD) has been encouraging Public Housing Authorities undertaking redevelopment efforts to create financially viable and socially stable communities through Mixed-Income development.

While the Office of Hawaiian Affairs (OHA) has questioned the HPHA's motives in undertaking Mixed-Income development, and, in our view, may be interpreting our motives out of context in their previous testimony before the House Housing Committee, the Mixed-Income, and Mixed-Finance redevelopment model is a legitimate redevelopment model supported and encouraged by the federal government which provide the HPHA with over \$105 million or 95% of its operating funding to house the most vulnerable of our population including hundreds of Native Hawaiians that are homeless or underhoused. The model is an attractive option, and beyond the social good that comes with preserving housing units for occupancy by extremely low-income families, it also contributes to the economic and social diversity and stability of the overall community. Households with affordable rents based on Area Median Incomes, and higher income families

paying market rate rents not only diversify these Mixed-Income Developments economically, but market rate units also support the lower income units while providing a taxpayer benefit by reducing the gap financing needed from the Legislature to underwrite these developments.

Additionally, following the conversion of a federal public housing property into a mixed finance redevelopment, the HPHA will be required to execute a Mixed Finance Annual Contributions Contract with the U.S. Department of Housing and Urban Development. Under this agreement, the HPHA would be required to ensure that sufficient reserves are maintained to support the operation and maintenance of the project units. This component is vital to ensure the affordable housing units in the project remain affordable throughout the life of the Master Development Agreement, and not just for a limited period of time. Moreover, Mixed-Income redevelopment projects are typically executed through public private partnerships, better positioning HPHA properties to access the private capital and financing necessary to revitalize them into vibrant communities for all future generations, including Native Hawaiians.

The HPHA has identified several properties within its portfolio located in close proximity to the planned Honolulu Rail System stations currently being developed by The Honolulu Authority for Rapid Transportation (HART), that could immediately benefit from this initiative. The HPHA has also identified properties with the potential for Mixed-Income redevelopment on neighbor islands. Undertaking redevelopment of these assets would not only allow the HPHA to rehabilitate functionally obsolete public housing units but would eliminate expensive repair and maintenance expenses required to maintain these units, while also significantly expanding the inventory of critically needed affordable housing units across the state.

While OHA also raised concerns about transparency in their testimony before the House Housing Committee, please know that all HPHA redevelopment projects are highly dependent upon receiving Capital Improvement Project funding that must be approved through the State Legislative process. The HPHA must also compete with other redevelopment projects in order to apply for and receive Low-Income Housing Tax Credits from the State administered by the HHFDC. Further, a very robust community engagement process is required for all predevelopment efforts for all HPHA redevelopment projects. The HPHA builds into its master development agreement a requirement to perform community outreach at various milestones throughout the predevelopment process. This requirement is included to be certain that the community has adequate opportunity to provide input at important Project planning and decision milestones.

In regards to the HPHA having to submit documentation to OHA at least three months prior to any plan to redevelop or enter into a public-private partnership for an affordable housing development, the HPHA believes that this requirement will add an unnecessary burden to transactions that are already exceedingly difficult to structure, finance and close, and will create uncertainty in the minds of the development partners, lenders and investors who participate in these projects. More importantly, this requirement would violate HPHA's Annual Contributions

Contract (ACC) with HUD which defines the federal and state mandated roles and responsibilities of the Agency's Board of Directors.

As you may know, HUD mandates that the HPHA Board of Directors is the "legally and financially responsible governing body of a Public Housing Authority (PHA) and the first line of accountability for the PHA's performance". The HPHA is a single purpose entity, governed by an eleven-member Board of Directors that are appointed by the governor (Chapter 365D-3 and 356D-4 Hawaii Revised Statutes), and it provides policy guidance to the Agency in accordance to federal and state law. The 11 Board members must come from all counties and must also include a current public housing tenant, an advocate for low-income and homeless people, and an advocate for people with disabilities. Any conflict with this important role between the Board and OHA will interfere with the Board's obligations.

For all these reasons, the HPHA humbly requests the following amendments:

SECTION 2, (h) – line 15 through line 20 – The net proceeds of all sales or leases, less costs to the authority, ~~[and excluding amounts required to be set aside or transferred pursuant to section 5(f) of the Admission Act of 1959 or section 1 and 6 of article XII of the Hawaii State Constitution,]~~ shall be deposited in the public housing revolving fund established by section 356D-28.

SECTION 2, (i) – line 1 through line 17 – ~~[With regard to real property set aside or leased to the authority that was classes as government or crown lands previous to August 15, 1895, or exchanged for such lands by the authority for an aggregate period of more than sixty-five years, the authority shall submit the following documentation to the office of Hawaiian affairs at least three months prior to any plan to redevelop or enter into a public private partnership for an affordable housing development under this section:~~

- ~~(1) — The specific location and size of the parcel of land to be redeveloped or financed;~~  
~~and~~
- ~~(2) — A detailed project description of the proposed affordable housing development, including the type of project, whether rental or owned; number of stories; number of units; amenities; all revenue sources, including the amount of net floor area to be leased for commercial or industrial uses; estimated rent or sales price of the units; and a development timeline.]~~

The HPHA continues to work tirelessly to combat the affordable housing crisis in Hawaii. A lead housing agency for the state and humbly ask that you grant us the important tools provided by this measure to allow our agency to continue to do all we can to help solve this crisis.

The HPHA appreciates the opportunity to provide the Committee with the HPHA's testimony. We thank you very much for your dedicated support.

**SB-749-HD-1**

Submitted on: 3/20/2021 8:32:12 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alberto t Genovia	Ahupuaa puna o kauai.org	Oppose	No

Comments:

Stop this descretion to our Hawaiian culture , stop the stealing of kingdom government and crown lands to be sold for 99 years at a time . Like the sugar plantation. That left us with clean up of the poison and pollution contamination of corporate injustice .. EPA brown field lands...



**SB749 SD2 HD1**  
RELATING TO THE PUBLIC HOUSING AUTHORITY  
Ke Kōmike Hale o ka Ho‘omalū Mea Kemu a me ka ‘Oihana Kālepa  
House Committee on Consumer Protection & Commerce

Malaki 23, 2021

2:00 p.m.

Lumi 329

The Office of Hawaiian Affairs (OHA) **OPPOSES** SB749 SD2 HD1, which seeks to amend Hawai‘i Revised Statutes (HRS) § 356D by authorizing the Hawai‘i Public Housing Authority (HPHA) to lease public and “ceded” lands to developers for market-rate or above market-rate “housing” not subject to any affordability or income restrictions. OHA notes this measure may result in the foreclosure of Native Hawaiian claims to potentially large swaths of “ceded” lands for a century or longer, by the issuance of long-term leases considered tantamount to a fee sale of lands in other contexts, such as those involving the leasing of tribal lands. **OHA opposes the foreclosure of Native Hawaiian claims to “ceded” lands that were unlawfully taken under extreme duress and without consent by or compensation to the Native Hawaiian people, and urges the inclusion of language provided below that would provide some recognition of and protection for these claims.**

OHA appreciates the HD1 amendment to clarify the obligations of the HPHA under the Public Land Trust, which is a subset of the “ceded” lands corpus specifically set aside and held for the benefit of native Hawaiians and the general public, as well as under the Hawaiian Homes Commission Act. OHA also appreciates the recent amendment that would provide OHA with three months’ notice prior to any plans to lease “ceded” lands for a period longer than 65 years. Such notice may potentially provide OHA with an opportunity to advocate for terms and conditions in HPHA development projects that can protect Native Hawaiians’ claims of the “ceded” lands corpus. **However, notice alone does not provide any substantive protection for Native Hawaiian claims, and leaves open the significant risk that Native Hawaiians’ concerns and claims will be rejected, misunderstood, or ignored in the envisioned, century-long encumbrance of “ceded” lands.** This notice provision, as drafted, also relies on HPHA’s interpretation of what may constitute “ceded” lands, which are often incorrectly and inappropriately conflated with the Public Land Trust and the lands classified under section 5(b) of the Admission Act. **Notably, the lack of substantive protections and the potential for agency misinterpretation will only invite future conflicts in the planning and implementation of HPHA development projects, which OHA’s suggested amendment below specifically intends to avoid.**

As OHA has testified previously, SB749 SD2 HD1 contemplates a significant expansion of HPHA’s authority, by enabling it to plan, develop, construct, and finance the development of any housing, including market- and above market-rate and non-income restricted units. Combined with HPHA’s extremely liberal leasing authority for lands leased or set aside to the agency, this measure may result in significant pressure to set aside or lease large swaths of public and “ceded” lands to the HPHA, to be disposed of for mixed-use and market- or above market-rate developments under multi-generational, long-term leases far exceeding the 65 year limit generally applicable to public land leases.

**As OHA has repeatedly asserted, extremely long-term, multi-generational leases on “ceded” lands create a sense of entitlement on the part of lessees that has led to, and may continue to lead to, the alienation of public and “ceded” lands.** Notably, long-term leases such as the 99-year leases envisioned for this and related measures have also been considered tantamount to the sale of a fee interest in tribal lands, as **“the land base is effectively lost for generations to come,”** and **“the property expectation born of those leases, combined with the infrastructure development and capital investment made in reliance on them, may render those leases essentially irretractable as a political matter.”**<sup>1</sup> OHA strongly objects to the sale or alienation of “ceded” lands except in limited circumstances, and has significant concerns over any proposal that may facilitate the effective diminution of the “ceded” lands corpus. Accordingly, OHA cannot support any proposal that may subject a significant amount of “ceded” lands to extremely long-term, multigenerational leases, including the instant measure, unless there is a mechanism in place to protect and preserve Native Hawaiian claims to leased “ceded” lands.

**Moreover, OHA notes that this measure contradicts HPHA’s own stated purpose to “provide Hawai‘i residents with affordable housing,” by focusing on developing affordable rental, supportive, and public housing and services.**<sup>2</sup> Currently, under HRS § 356D-11, HPHA may develop “public housing projects,” pursuant to federal regulations and guidelines, to assist states with addressing “the shortage of housing affordable to low-income families” (emphasis added). SB749 SD2 HD1 would amend the definition of “public housing projects” to include “mixed-income,” and authorize HPHA to work with “eligible developers” to construct “housing” projects explicitly defined in this bill as any type of housing, without restrictions as to affordability or income levels of occupants. **Allowing HPHA to develop market- or above market-rate housing would not only foreclose the use of our limited land base for affordable housing purposes, but could also**

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<sup>1</sup> Mary Christina Wood, *Protecting the Attributes of Native Sovereignty: A New Paradigm for Federal Actions Affecting Tribal Resources*, 1995 UTAH L. REV. 109, 145-46 (1995); see also Reid Peyton Chambers & Monroe E. Price, *Regulating Sovereignty: Secretarial Discretion and the Leasing of Indian Lands*, 26 STANFORD L. REV. 1061, 1078 (1974) (“Through the lease instrument—often for 99 years—the fiction of Indian retention is retained, but the impact on the tribe is often inconsistent with the form. In this context, 99-year leases are tantamount to the sale of the fee” (emphasis added)).

<sup>2</sup> Hawai‘i Public Housing Authority Official Website, available at <http://www.hpha.hawaii.gov/> (last accessed February 9, 2021).

**result in an increase in demand for affordable and workforce housing.**<sup>3</sup> Accordingly, this bill would not only distract from HPHA's primary purpose to facilitate the development of housing for low-income local residents, but it may also hinder the ability of lower income families, including Native Hawaiian families, to secure affordable housing in our increasingly expensive state.

Should the Committees nonetheless choose to move SB749 SD2 HD1 forward, **OHA respectfully urges the inclusion of language to provide a mechanism to recognize and protect Native Hawaiian claims to "ceded" lands, which are likely to become subject to the broad leasing authorities of HPHA.** OHA specifically urges the amending the language on page 2, line 9, to read as follows:

"projects[-];  
provided that any contract, sponsorship, partnership,  
or development under this chapter that involves the  
lease, sublease, rental, exchange, transfer,  
assignment, or pledge of lands classed as government  
or crown lands prior to August 15, 1895, or exchanged  
for such lands, that exceeds an aggregate period of  
longer than 65 years shall contain terms and  
conditions approved by the board of trustees of the  
Office of Hawaiian Affairs. Such terms and conditions  
may include provisions that reflect the maintained  
claims of native Hawaiians in the "ceded" lands  
corpus, such as provisions requiring rights of first  
refusal, transfers or commitments of resources for  
programs serving native Hawaiian interests,  
affordability requirements based on native Hawaiian  
housing demand data, a reservation of the rights and  
interests of a native Hawaiian self-governing entity  
in such lands, or any other relevant provision."

Accordingly, OHA respectfully urges the Committee to **HOLD** SB749 SD2 HD1. However, should the Committee choose to move this measure forward, OHA **minimally** urges the inclusion of the suggested amendment offered above. Mahalo nui loa for the opportunity to testify on this measure.

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<sup>3</sup> See KEYSER MARSTON ASSOCIATES, RESIDENTIAL NEXUS ANALYSIS, 6 (SEPTEMBER 2015) (every 100 new market-rate housing units generate an additional demand for an 20 affordable units, 15 (i.e. 75%) of which are needed to be at 100% AMI or below.

**SB-749-HD-1**

Submitted on: 3/21/2021 8:08:54 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eldred K. Kalehua	Royal Order of Kamehameha I. Heiau O Mammalohoa Helu Elua	Oppose	No

**Comments:**

**I OPPOSE** SB749 SD2 HD1 because it would allow the Hawai‘i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai‘i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.



## **STOP SB 749, SD2 HD1 !**

**SB 749, SD2 HD1** seeks to amend Hawai'i Revised Statutes § 356D by authorizing the Hawai'i Public Housing Authority to build **market-rate or above market-rate "housing" not subject to any affordability or income restrictions...on Hawai'i's public lands!**

**Testimony of Kūpuna for the Mo'opuna – STRONG OPPOSITION**

CONSUMER PROTECTION & COMMERCE Chair Johanson and Vice Chair Kitagawa, 3/23/21 @ 2pm



### **STOP LEGAL THIEVERY!**

*The lands granted to the State of Hawai'i by Section 5 (b) (f) of the Admission Act and pursuant to Article XVI, Section 7, of the Hawai'i State Constitution, .... **shall be held by the State as a public trust for native Hawaiians and the general public.***

These lands are to be held in trust by the state for the betterment of the conditions of native Hawaiians and the general public (for public institutions such as public schools, public hospitals, etc.), not to make private citizens rich.

**1.) Watch "PUBLIC LAND TRUST: JUSTICE DELAYED IS JUSTICE DENIED."**

<https://www.kamakakoi.com/plt>

**2.) Read "PUBLIC-PRIVATE PARTNERSHIPS HAVE A TROUBLED HISTORY IN HAWAII."**

<https://www.staradvertiser.com/2021/03/14/hawaii-news/public-private-partnerships-have-a-troubled-history-in-hawaii/>

*Ua mau ke ea o ka 'āina i ka pono!*

# KA LĀHUI HAWAI‘I

## KŌMIKE KALAI‘ĀINA

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

MARCH 23, 2021

HOUSE BILL 749 SD2

Relating to the Public Housing Authority

Aloha Chair Johanson, Vice Chair Kitagawa, and Members of the Committee,

Ka Lāhui Hawai‘i Kōmike Kalai‘āina submits the following written testimony in **STRONG OPPOSITION** to Senate Bill 749 SD2 which would allow the Public Housing Authority use of Public Lands and public resources for market housing with no income qualification at a time when local residents are being priced out of the housing market. Furthermore, using Public Lands aka Hawaiian Kingdom Crown and Government lands for development outside of the five public purposes outlined in the Admissions Act constitutes a breach of trust.

Ka Lāhui Hawai‘i Kōmike Kalai‘āina affirms and defends Kanaka Maoli peoples’ (aka native Hawaiians and their descendants) right to over 1.8 million acres of our national lands. The diminishing of this trust without the free informed consent of the Kanaka Maoli peoples who are the true right holders of these lands is a serious violation of not only our human and civil rights but the State's moral obligation to the first peoples of this land who continue to own some of the worst socio-economic statistics in our own homeland (e.g. we make up 40% of the houseless in Hawai‘i and only 21% of the general population).

With the median price of a home on O‘ahu at \$920,000, this proposal seems insane. The Public Housing Authority should stick with its mission to provide Hawai‘i residents with affordable housing and shelter. Having income qualifications ensure that public resources and lands are being used for those most in need. Once private and public partnerships start building market value houses on Hawaiian Lands that could result in 99 year leases it would equal to giving away lands to those who could otherwise afford it at the expense of the most venerable population in Hawai‘i - the Kanaka Maoli people.

Me ka 'oiai'o,

M. Healani Sonoda-Pale

Public Affairs Officer, Ka Lāhui Hawai‘i Kōmike Kalai‘āina



March 23, 2021

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Representative Aaron Ling Johanson, Chair

Representative Lisa Kitagawa, Vice Chair

**Testimony Strongly Opposing SB 749, SD 2, HD 1**

Aloha, Chair Johanson, Vice Chair Kitagawa, and members of the Committee,

The Hawaiian Affairs Caucus of the Democratic Party of Hawaii continues to **strongly oppose SB 749, SD 2, HD 1** that allows the Hawaii public housing authority (HPHA) to build non-subsidized housing on ceded lands. HPHA is already exempt from Chapter 171 protections of ceded lands. HPHA already can lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease “ceded” lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and **unaffordable housing**, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian claims.

This violates the State’s fiduciary obligation to Native Hawaiians under the public trust and public land trust, and would expose the State to unnecessary litigation.

We suggest that pending issues regarding ceded land identification and revenue be resolved first.

We continue to believe that the State has a moral and fiduciary duty to honor, respect, and follow through on its legal obligation to protect and preserve public lands and transfer 20% of the revenue for the benefit of Native Hawaiians.

We encourage your committee **NOT to pass SB 749, SD 2, HD 1.**

Mahalo nui loa for the opportunity to testify.

Me ka mahalo nui,

JUANITA MAHIENAENA BROWN KAWAMOTO, Chair

Hawaiian Affairs Caucus of the Democratic Party of Hawai‘i

**SB-749-HD-1**

Submitted on: 3/22/2021 1:46:56 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mahina Duarte	Kanaeokana	Oppose	No

Comments:



**March 22, 2021**

**To: Committee on Consumer Protection & Commerce**

**FR: Kanaeokana Kula Hawai'i Network**

**RE: SB749 SD2 HD1 Relating to Public Lands**

**Aloha Representatives:**

**Kanaeokana, the Kula Hawai'i Network which includes membership of DOE Hawaiian Language Immersion Program sites, all 17 Hawaiian Focused Charter Schools (HFCS), and over 50 other Hawaiian education organizations, STRONGLY OPPOSES SB749 SD2 HD1, because it would allow the Hawai'i Public Housing Authority (HPHA) to be a party to the harmful erosion of the public land trust lands (PLT) corpus, which includes "ceded" lands, all of which are held in trust by the state, in part, for the betterment of conditions for Native Hawaiians.**

**Because of HPHA's exemption from Chapter 171 protections for "ceded" lands, this measure would allow HPHA, through its lease mechanism, to lease "ceded" lands for 99+ years, which could permanently alienate these lands from the public trust. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims. The HD1 amendments to this measure, which afford the Office of Hawaiian Affairs notice, does not address, in any meaningful way, any harm that may arise from the disposition and alienation of "ceded" lands.**

**The result would be tantamount to selling "ceded" land by foreclosing Native Hawaiians' unrelinquished claims for a century or longer.**

**Therefore, we humbly ask the committees to OPPOSE SB749 SD2 HD1.**

**Me Ka 'Oia'i'o**

**Mahina Paishon-Duarte, Co-Chair**

**Elena Farden, Co-Chair**

**KÅ• mike Advocacy**

**Kanaeokana Kula Hawai'i Network**



# Native Hawaiian LEGAL CORPORATION

1164 Bishop Street, Suite 1205 • Honolulu, Hawai'i 96813  
Phone (808) 521-2302 • Fax (808) 537-4268 • [www.nativehawaiianlegalcorp.org](http://www.nativehawaiianlegalcorp.org)



SB749 SD2 HD1

RELATING TO

SENATE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

March 23, 2021

2:00 p.m.

Room 329

Aloha e Chair Johanson, Vice Chair Kitagawa, and Committee Members,

The Native Hawaiian Legal Corporation (“NHLC”) OPPOSES SB749 SD2 HD1, which seeks to amend Hawai‘i Revised Statutes (“HRS”) Chapter 356D to expand the Hawai‘i Public Housing Authority’s (“HPHA”) already liberal leasing authority (including its HRS Chapter 171 exemption) for lands leased or set aside to the agency. ....

HPHA’s stated purpose is “to provide Hawai‘i residents with affordable housing,” by focusing on developing affordable rental, supportive, and public housing services. See <http://www.hpha.hawaii.gov/>. These proposed amendments, however, would enable HPHA to plan, develop, construct and finance the development of **any** type of housing—including market- and above market-rate and non-income restricted units—at a time when the need for more (not less) affordable housing options has reached a crisis level. Deleting the definition of “public housing projects” from the existing statute to eliminate restrictions as to affordability or income levels sends the absolute wrong message to both HPHA, the agency principally charged with providing affordable housing, as well as to those in our community whose affordable housing needs remain unmet and at risk of being eclipsed by market- and above market-rate development projects. This is clearly at odds with HPHA’s purpose and could have deleterious effects in our low income communities.

The crux of our opposition, however, is the same one shared by the Office of Hawaiian Affairs, namely, that the effect of SB749 SD2 HD1 is to facilitate and incentivize the setting aside or leasing of large swaths of public and “ceded” lands to the HPHA to the detriment of Native Hawaiians specifically. HPHA’s expanded ability to dispose of “ceded” lands for a century or longer, for mixed-use and market- or above market-rate development developments, effectively alienates lands otherwise held in trust to, among other express purposes, serve Native Hawaiian beneficiaries. SB749 SD2 HD1’s potential to divest Native Hawaiians of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions leaves you, as trustees of the ceded lands trust, no other choice but to reject this measure.

As stated in our opposition testimony to similar bills making their rounds this legislative session, the State has too often been complicit in efforts to transfer certain parcels of “ceded” lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. But the trust vested in the State to manage and administer the



Senate Committee on  
Consumer Protection and Commerce  
March 23, 2021  
Page 2 of 2

“ceded” lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, “for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended”—is no less fulsome in 2021 than it was in 1959. And so measures like these, that have the effect of reducing Native Hawaiians’ historical ancestral land base even further for the intentional and express benefit of addressing the housing shortage needs of “higher income earring households” (as admitted to in HPHA’s testimony dated March 18, 2021) is an affront to the approximately 30,000 native Hawaiians who have been languishing for decades on the Department of Hawaiian Home Lands waitlist. How long must they wait for the State to adequately address and prioritize their longstanding housing crisis?

Indeed, so long as native Hawaiian claims to ownership of the “ceded” lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State’s failure to meet its trust obligations to Native Hawaiians, prudence demands that the State’s management and administration of the “ceded” lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. SB749 SD2 HD1 fails to live up to that legal and moral obligation.

For all the above-stated reasons, NHLC OPPOSES SB749 SD2 HD1 and implores this Committee to maintain restrictions on the sale or alienation of “ceded” lands except in limited circumstances, none of which warrant passage of this instant measure.

Mahalo for the opportunity to testify.

Summer L.H. Sylva



Executive Director  
Native Hawaiian Legal Corporation



Founded 1889

# PLUMBERS AND FITTERS LOCAL 675 UNITED ASSOCIATION



March 22, 2021

Representative Aaron Ling Johanson, Chair  
Representative Lisa Kitagawa, Vice Chair  
House Committee on Consumer Protection and Commerce  
State Capitol, 415 South Beretania Street, Video Conference  
Honolulu, Hawaii 96813

Re: SB749 HD1 Relating To The Public Housing Authority  
Tuesday, March 23, 2021 at 2:00 pm

Aloha Chair, Vice-Chair, and Committee Members;

Chartered in 1919, the Plumbers and Fitters UA, Local 675 is one of the oldest organized labor unions in Hawai'i and one of three 'licensed' skilled-construction trades, steeped in a rich history as one of Hawai'i's construction-industry pioneers.

Mahalo for the opportunity to provide comments on Senate Bill 749, House Draft 1 as it relates to the Hawai'i's Public Housing Authority (HPHA), which allows HPHA to build non-subsidized housing.

Local 675 takes no formal position on this measure at this time, however should this Bill move forward, we would like to request an amendment to the Bill that would clarify and ensure that HPHA's procurement policies are consistent with federal procurement requirements and practices for Public Housing Agencies<sup>12</sup>

As such, Local 675 respectfully requests that the words, "state and local" be inserted following the word 'federal' in Section 2 of the Bill, page 4, line 16 as shown below:

356D-11(g) . . . In selecting eligible developers or in contracting any services or materials for the purposes of this subsection, the authority shall be subject to all federal, state, and local procurement laws and regulations.

Mahalo for the opportunity to provide comments.

<sup>1</sup> See Procurement Handbook for Public Housing Agencies, HUD Handbook 7460.8 REV 2, dated 2/2007, Chapter 13, State and Local Laws and Regulations Governing PHA Procurement.

<sup>2</sup> See Also Procurement Practices At Public Housing Agencies, PHA Governance and Financial Management, U.S. Department of Housing and Urban Development.



**House Committee on Consumer Protection & Commerce**

**Hawai'i Alliance for Progressive Action (HAPA) OPPOSES: SB749 SD2 HD1**

Tuesday, March 23rd, 2021 2:00 p.m.

Aloha Chair Johansen, Vice Chair Kitagawa and Members of the Committee,

HAPA strongly **opposes** SB749 SD2 HD1 relating to public lands.

We are concerned that SB749 will significantly increase the pressure to lease the lands controlled by Hawai'i Public Housing Authority.

This increased pressure can lead to development by private developers for high-end and unaffordable housing. This results in the displacement of local families and essentially alienates these lands, forever foreclosing unrelinquished Native Hawaiian Claims.

The Hawai'i Public Housing Authority is exempt from Chapter 171 and can therefore already lease lands that are set aside or leased for 99 or more years.

We believe that SB749 would allow the Hawai'i Public Housing Authority to build non subsidized housing which will result in displacing local families and native Hawaiians. These non-subsidized houses are simply not affordable for Hawai'i residents.

These important Hawaiian Kingdom crown and government lands were taken during the 1893 overthrow of The Kingdom of Hawai'i and became "ceded" lands. However, Native Hawaiians have unrelinquished claims over "ceded" lands, and it is of the utmost importance for us to protect and preserve these lands until such time that these claims can be resolved.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick  
Executive Director

**SB-749-HD-1**

Submitted on: 3/20/2021 11:58:47 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joel Mark	Individual	Oppose	No

Comments:

I strongly oppose this bill. Fund the DHHL to provide real affordable housing for LOCAL people. Hawaiian lands aren't yours to sell!

**SB-749-HD-1**

Submitted on: 3/20/2021 12:33:40 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Chang	Individual	Oppose	No

Comments:

I oppose this bill for what I feel are self-evident historical reasons

**SB-749-HD-1**

Submitted on: 3/20/2021 1:56:23 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bronze Fonoimoana	Individual	Oppose	No

Comments:

I strongly oppose 99 yr leases of crown lands to aliens!!

**SB-749-HD-1**

Submitted on: 3/20/2021 2:03:52 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anna Weightman	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/20/2021 3:39:36 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Kalani Wassman	Individual	Oppose	No

Comments:

Stop the sale of Hawaiian lands. This travesty must stop. This land is not for sale, it is a shameful misuse of political power. Stop the sale of HAWAIIAN LANDS



**SB-749-HD-1**

Submitted on: 3/20/2021 3:44:58 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leimomi Khan	Individual	Oppose	No

Comments:

I continue to oppose this measure because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims. The State of Hawaii as trustee of ceded lands have a fiduciary responsible to build upon the PublicTrust Lands, not diminish it or lock the lands up to one developer for 99+ years.

**SB-749-HD-1**

Submitted on: 3/20/2021 6:45:51 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erik Meade	Individual	Oppose	No

Comments:

I OPPOSE SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/20/2021 8:47:14 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Harley Broyles	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/21/2021 7:54:29 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
christine ahn	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/21/2021 8:26:29 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aiko Yamashiro	Individual	Oppose	No

Comments:

I oppose this measure that would remove critical Chapter 171 protections from public "ceded" lands. These protections and processes are necessary to allow the public to participate in management and care for land--creating space for community voice critical to a strong democratic society.

Because "ceded" lands are kept for the specific benefit of our Native Hawaiian community, it is important that this community protection be maintained in its integrity. I am not Native Hawaiian (fourth-generation, Japanese/Okinawan, Windward O'ahu), but have seen over and over again how important it is to take care of this community. Besides being clearly the right and just thing to do given Hawai'i's history, taking care of Native Hawaiian claims to land strengthens their culture, and benefits our shared future.

I greatly support measures that take care of Hawai'i's unique culture and wisdom. Native Hawaiians are not a special interest group in Hawai'i. They are the foundation of this place. Rather than import urban housing ideas from elsewhere, we have an opportunity now to turn to our unique communities and cultures to find the most innovative and wise ideas to strengthen the health of our lands, urban spaces, and peoples.

This pandemic has taught us that the world can be upended at any moment. 99-year (or more) leases on land are simply unnecessary, and in fact would be a detriment to the creativity and adaptability that we need right now to build back better, to experiment boldly and smartly, and to reflect and change strategies as needed. Giving these dangerously long leases to entities to build non-subsidized housing will exacerbate our housing crisis, and continue to make living in Hawai'i affordable to only the rich for generations to come.

**SB-749-HD-1**

Submitted on: 3/21/2021 12:15:48 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Hans Mortensen	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

Melody Kapilialoha MacKenzie  
579 Kāne‘apu Place, Kailua, Hawai‘i 96734

**S.B. 749, S.D. 2, H.D. 1**  
**RELATING TO THE PUBLIC HOUSING AUTHORITY**

House Committee on Consumer Protection & Commerce

Hearing: Tuesday, March 23, 2021, at 2:00 pm

Aloha, and thank you for the opportunity to submit testimony in **opposition** to S.B. 749, S.D. 2, H.D. 1. I am an attorney, advocate for the Native Hawaiian community and its trust resources, and a Professor Emerita at the William S. Richardson School of Law. I have helped to litigate and written extensively on the legal issues involving the Public Land Trust and the constitutional and statutory mandates relating to trust lands and funds. I submit this testimony in my personal capacity.

Most of the public lands held by the State are the Government and Crown Lands of the Hawaiian Kingdom, and embody the spiritual and physical connection of the Native Hawaiian people to ‘āina or land. The State’s fiduciary duty in relation to these lands, held by the State with significant portions designated as the “Public Land Trust,” is deeply rooted in Hawai‘i law. As the Hawai‘i Supreme Court has stated, State officials are obligated “to use reasonable skill and care in managing the public lands trust” and the State’s conduct should be judged “by the most exacting fiduciary standards.” *Office of Hawaiian Affairs v. Housing Community and Development Corporation of Hawai‘i*, 117 Hawai‘i 174, 195, 177 P.3d 884, 905 (2008). Thus, the State’s well-established commitment to reconciliation with the Native Hawaiian community includes the preservation of the “ceded” or trust lands to the greatest extent possible, until the unrelinquished claims of the Native Hawaiian community to the lands are resolved.

By amending Hawai‘i Revised Statutes (HRS) § 356D, this bill authorizes the Hawai‘i Public Housing Authority (HPHA) to build market-rate or above market-rate “housing” not subject to affordability or income restrictions. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99 years or more. Thus, this bill would allow the HPHA to lease potentially large amounts of public lands—which are overwhelmingly lands to which Native Hawaiians maintain unrelinquished claims—under long-term leases. Unfortunately, the long-term leases contemplated under this measure may foreclose Native Hawaiian claims to potentially large portions of “ceded” lands for a century; this would be analogous to a fee sale of lands and effectively act as a barrier to resolving Native Hawaiian claims to the trust lands.

The State has recognized that these lands have a unique history and, in previously enacting laws requiring a two-thirds majority vote in both houses of the Legislature for the sale or gift of trust lands, has made a commitment to limit the alienation of these lands to ensure that they are preserved for future reconciliation efforts with the Native Hawaiian community. HRS § 171-64.7. Although this proposal includes a three-month notice requirement to OHA on plans to redevelop or enter into a public-private partnership for housing development on trust lands, by allowing extremely long-term leases of the lands for housing developments that would not necessarily be for those with the greatest housing needs, this bill goes too far and undermines the State’s overall commitment to true reconciliation.

For the above reasons, I **oppose** S.B. 749, S.D. 2, H.D. 1. Mahalo for the opportunity to submit this testimony.

**SB-749-HD-1**

Submitted on: 3/21/2021 5:43:37 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Sojot	Individual	Oppose	No

Comments:

I strongly oppose SB749 SD2 HD1. If we truly aim to create affordable housing for our local community, then actually fund the agencies tasked with that responsibility. Don't sell Hawaiian lands; those lands aren't yours to sell.



**SB-749-HD-1**

Submitted on: 3/22/2021 12:39:35 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Molly Leilani Trihey	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 8:32:24 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaulu Luuwai	Individual	Oppose	No

Comments:

Legislators should not be expediting such controversial bills during a time when many are excluded from participation in the legislative process. This bill deserves to be thoroughly debated and talked about with the public. Wait till next session to vet it.

If you want to help streamline affordable housing, you should concurrently be looking at ways to do the same for DHHL. This bill cannot be passed in good conscience when it clearly favors one group over the decades of cries of the most marginalized group in Hawai'i -- Native Hawaiians.

Last, this bill will likely lead to the tantamount sale of public lands, claims to which have not been settled with Hawaiian Kingdom subjects dating back to the overthrow of the Hawaiian Kingdom.

Please defer the bill until next session. Mahalo.

**SB-749-HD-1**

Submitted on: 3/22/2021 8:33:47 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mervina Cash-Kaeo	Individual	Oppose	No

Comments:

Opening the door to unsubsidized housing looks like a great idea during the current economic climate. The question to ask is who is this a great idea good for and what safegaurds, if any, are in place to protect the interest of the people, especially Native Hawaiians. This question is even more important when you consider the fact that HPHA is exempt from Chapter 171 protections.

**SB-749-HD-1**

Submitted on: 3/22/2021 9:32:44 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gloria Palma	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 9:36:55 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raelyn Reyno Yeomans	Individual	Oppose	No

Comments:

Strong opposition

**SB-749-HD-1**

Submitted on: 3/22/2021 9:52:11 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Napali Souza	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 10:13:25 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gerald Taber	Individual	Oppose	No

Comments:

OPPOSE

**SB-749-HD-1**

Submitted on: 3/22/2021 10:34:37 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
J.R. Kealoha	Individual	Oppose	No

Comments:

strong opposition. mahalo.



**SB-749-HD-1**

Submitted on: 3/22/2021 10:37:52 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tehani Louis-Perkins	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 10:47:33 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sheena Lopes	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims. PLEASE STOP CHEATING Native Hawaiians from these rightful lands stolen from us. Your duty is to benefit Native Hawaiians, not corporations that want to kick us out of our ANCESTRAL HOMES.

**SB-749-HD-1**

Submitted on: 3/22/2021 10:54:57 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sally Thrasher	Individual	Oppose	No

Comments:

SB749 SD2 HD1 would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing - i.e., housing that almost no one in Hawai'i will be able to afford. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 11:11:31 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Kalili	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 11:12:51 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kekaiokalani Naone	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 11:23:27 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Greene	Individual	Oppose	No

Comments:

As a 70 Yr Old Native Hawaiian & German Woman I STRONGLY OPPOSE This Bill !

Please Stop Throwing , WE THE NATIVE HAWAIIAN LEGAL OWNERS, Of THESE STOLEN LANDS - GIVE US OUR RIGHTS NOW! STOP THIS STEAL NOW !

Where is THE HUMAN FEELING For People Whom Bash- Trash, Then Dispose Wiih So Much DISRESPECT To The Hawaiian Peoples ???

We Have No Where To Buy a HOME We can Afford, Not \$900, 000. WE ARE DYING JUST SD AMERICANS WANT !!!

IT IS OVER STOP THE STEAL NOW.....

HONESTLY,

Patricia Louise Leimomi Greene

**SB-749-HD-1**

Submitted on: 3/22/2021 11:24:28 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nana-Honua Manuela	Individual	Oppose	No

Comments:

No title, no treaty, stolen lands, stop war crimes now.

**SB-749-HD-1**

Submitted on: 3/22/2021 11:25:02 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clarence Ching	Individual	Oppose	No

Comments:

I am Clarence ku Ching - and I rise in opposition to this bill.

These are the stolen (so-called "ceded") lands of the Kingdom of Hawaii (that continue to exist and that has the best title to these lands).

They were illegally "ceded" to the u.s. by the illicit Republic of Hawaii (having no good title) to the u.s. in the 1890s. Then they were attempted to be returned to the "people" of Hawaii by the 1959 Admissions Act - to the so-called "State of Hawaii" as Trustee with fiduciary responsibilities and duties - "for the betterment of conditions of Native Hawaiians and the general public" - to be held as a Public Trust for those beneficiaries.

The primary purpose of the Trust is to provide benefits for its beneficiaries - not to be objects over which "the State" can gift or lease - for the benefit of others who are NOT beneficiaries..

This Bill violates the duties and responsibilities of the "state's" fiduciary duties and responsibilities!

The Legislature, with fiduciary duties and responsibilities, is obligated to uphold Trust rules and standards - and Must adhere to the "standards" of Trust law.

To violate these fiduciary rules and standards is to be un-Constitutional, illegal and immoral!

Please do uphold the "Law of Trusts" and reject this gross violation of Trust Law AND the Constitution of the "State of Hawaii!".



**SB-749-HD-1**

Submitted on: 3/22/2021 11:40:05 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
carol lee kamekona	Individual	Oppose	No

Comments:

I OPPOSE SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 12:08:02 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laulani Teale	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose this measure, which encourages further, potentially rampant, development of lands belonging to the Hawaiian Kingdom.

Until such time as the matters regarding the legal status of the United States' continued, arguably illegitimate possession of Hawai'i, and thereby the title to these lands, are resolved, measures such as this one are hostile to much of the indigenous population. For this reason, they contribute to conflict, rather than to help to resolve it.

As a community peace worker, I see this conflict manifest in tensions in many aspects of life in Hawai'i. It affects us all more than we know. It affects our children, and their sense of peace and belonging. It creates cognitive dissonance that is often resolved in unhealthy ways. It is not good for us.

Additionally, we do not have the natural infrastructure to support this kind of development. Our water tables, sewage treatment and natural resources are at capacity. Until real estate can be limited to the existing local population and expatriates, displacement will continue. Curbing outside sales, and curtailing real estate profiteering are the answers, not development of lands belonging to the Kingdom.

The complete removal of income qualifications here is unconscionable. With so many Kanaka Maoli in poverty, assisting the rich who have taken their land to build homes on their Kingdom lands is really not okay.

Please hold this measure.

Mahalo nui,

Laulani Teale

**SB-749-HD-1**

Submitted on: 3/22/2021 12:08:15 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Raul Nohea Goodness	Individual	Oppose	No

Comments:

SB749 SD2 HD1 would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing - i.e., housing that almost no one in Hawai'i will be able to afford. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

I oppose SB749 SD2 HD1.

**SB-749-HD-1**

Submitted on: 3/22/2021 12:13:41 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Walter Ritte	Individual	Oppose	No

Comments:

I strongly oppose Sb749 SD2 HD1. Ceded lands are not to be sold (long term lease), ownership these lands are under a cloud due to the illegality of its acquisition.

**SB-749-HD-1**

Submitted on: 3/22/2021 12:15:12 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George White	Individual	Oppose	No

Comments:

**Aloha Chair Nakashima, Vice-Chair Matayoshi and Members -**

I write in OPPOSITION to SB749, SD2 HD1, because this measure would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years.

This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

Thank you for this opportunity to provide testimony in opposition to SB 749, SD2 HD1.

**Respectfully -**

George White

**SB-749-HD-1**

Submitted on: 3/22/2021 12:26:05 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carla Allison	Individual	Oppose	No

Comments:

My name is Carla Allison and I stand in strong opposition to SB749. We need to listen to and support the voices of our Native Hawaiian leaders. Please do not support or pass SB749. Thank you.

**SB-749-HD-1**

Submitted on: 3/22/2021 12:29:41 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tahiti Reed	Individual	Oppose	No

Comments:

I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai‘i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai‘i residents and much less Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims.

**SB-749-HD-1**

Submitted on: 3/22/2021 1:00:04 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mary Whispering Wind	Individual	Oppose	No

Comments:

I OPPOSE SB749 SD2 HD1,



**SB-749-HD-1**

Submitted on: 3/22/2021 1:45:19 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Noelani Ahia	Individual	Oppose	No

Comments:

I strongly oppose this bill.

**SB-749-HD-1**

Submitted on: 3/22/2021 1:48:44 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meleana Shim	Individual	Oppose	No

Comments:

Aloha honorable members of this committee hearing,

I am a Native Hawaiian law student at the William S. Richardson School of Law and I **OPPOSE** SB749 SD2 HD1 because it would allow the Hawai'i Public Housing Authority (HPHA) to build non-subsidized housing, including housing that is not affordable for Hawai'i residents and much less for Native Hawaiians. Because HPHA is exempt from Chapter 171, it can already lease lands that are set aside or leased to it for 99+ years. This bill will significantly increase the pressure to lease "ceded" lands controlled by HPHA for 99+ years, to be developed by private developers for high-end and unaffordable housing, essentially alienating these lands and forever foreclosing unrelinquished Native Hawaiian Claims. For these reasons, I oppose SB749 SD2 HD1.

Thank you for the opportunity to testify on this measure.

**SB-749-HD-1**

Submitted on: 3/22/2021 1:50:48 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ivy	Individual	Oppose	No

Comments:

My name is Ivy laea-McIntosh and I strongly oppose this bill. It is clear to me that private developers are only concerned about profit not the peoples of this place. They have no sense of place or respect for Hawaiian values. Values that nurutre the aloha spirit which is what everyone who comes here wants to feel. We need to create housing oppurtunities that invite local families especially Kanaka Maoli to stay and thrive here.

**SB-749-HD-1**

Submitted on: 3/22/2021 1:53:03 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jeannine Johnson	Individual	Oppose	No

Comments:

I strongly oppose SB749 SD2. I object to the use of ceded lands for any housing project that is not for native Hawaiians exclusively until all 28,000 native Hawaiians on the Department of Hawaiian Home Lands waitlist has a home,

**SB-749-HD-1**

Submitted on: 3/22/2021 1:54:56 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Ward	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE SB749.

This is a time when we desperately need affordable housing! If this bill passes it provides the impetus for developers to build high-end housing, alienating these lands from those who need it most, and foreclosing unrelinquished native Hawaiian claims to the ceded lands. Please, do not pass this bill!

Thank you!

Deborah Ward

**SB-749-HD-1**

Submitted on: 3/22/2021 1:56:28 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jazzmin Cabanilla	Individual	Oppose	No

Comments:

I OPPOSE SB749 SD2 HD1

As a "beneficiary"/rightholder/trustee of the Public Land Trust, Crown and Government lands; I strongly oppose SB749 SD2 HD1.

**SB-749-HD-1**

Submitted on: 3/22/2021 2:07:25 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jessica dos Santos	Individual	Oppose	No

Comments:

Dear Legislators,

I strongly oppose this bill as it does the exact opposite with state resources that should be done. We need truly affordable housing for the current residents.

Respectfully,

Jessica dos Santos

**SB-749-HD-1**

Submitted on: 3/22/2021 4:04:21 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steven Thomas	Individual	Oppose	No

Comments:

Strongly OPPOSE.

ENOUGH CATERING TO MONEY.



**SB-749-HD-1**

Submitted on: 3/22/2021 8:19:11 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elmer Domingo	Individual	Oppose	No

Comments:

these lands are for Hawaiians and for their use.

**SB-749-HD-1**

Submitted on: 3/22/2021 10:29:58 PM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gabrielle Sedore	Individual	Oppose	No

Comments:

I oppose Bill SB749.

**SB-749-HD-1**

Submitted on: 3/23/2021 9:35:15 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eric D Carter	Individual	Oppose	No

Comments:

Hawaiian lands aren't yours to sell

**SB-749-HD-1**

Submitted on: 3/23/2021 11:25:18 AM

Testimony for CPC on 3/23/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sharde Freitas	Individual	Oppose	No

Comments:

Oppose