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*Ke Kia'āina o ka Moku'āina 'o  
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IKAIKA ANDERSON  
CHAIRMAN DESIGNATE, HHC  
*Ka Luna Ho'okele*

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

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

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TESTIMONY OF IKAIKA ANDERSON, CHAIRMAN-DESIGNATE  
HAWAIIAN HOMES COMMISSION  
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS  
HEARING ON JANUARY 31, 2023 AT 1:01PM IN CONFERENCE ROOM 224

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

January 31, 2023

Aloha Chair Shimabukuro, Vice Chair Fevella, and members of the Committees:

The Department of Hawaiian Home Lands (DHHL) submits comments on this measure which authorizes beneficiaries, who are sixty years or older or terminally ill, to receive an undivided interest award and to designate a successor and also authorizes any eligible heirs of beneficiaries to file successorship claims within a certain timeframe, including posthumous undivided interest awards.

While DHHL appreciates the intent of this bill, there are a number of concerns. First, this bill would significantly expand the undivided interest award program beyond its current use, which is to award undivided interest leases for a particular area that is under development. An evaluation of the undivided interest program has identified issues that should be addressed before any expansion.

Secondly, an applicant's age or medical diagnosis could advance an applicant on the waiting list ahead of other applicants on the waiting list. Section 10-3-7 of the Hawaii Administrative Rules relating to Priority and preference for award of leases notes that "Applicants shall be considered for award in the order in which their completed applications were received by the department." In addition, terminally ill is not defined in the bill.

Finally, allowing any eligible heir of a beneficiary who passed away while on the waiting list to file a successorship claim for a posthumous undivided interest award would be in violation of the Hawaiian Homes Commission Act, 1920, as amended (HHCA). The HHCA authorizes leases to native Hawaiians defined as any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778 the right to the use and occupancy of a tract or tracts of Hawaiian home lands.

**SB-738**

Submitted on: 1/30/2023 6:44:47 AM

Testimony for HWN on 1/31/2023 1:01:00 PM

| Submitted By          | Organization                      | Testifier Position | Testify   |
|-----------------------|-----------------------------------|--------------------|-----------|
| De MONT Kalai Manaole | Testifying for Ho'omana Pono, LLC | Support            | In Person |

Comments:

Aloha Mai Kākou! My name is De Mont Kalai Manaole, formerly known as De Mont R. D. Conner. I am a Co-Manager of Ho'omana Pono, LLC, which is an advocate organization for Native Hawaiians & Prisoners.

We **STRONGLY SUPPORT** this measure. For my own experience, my mother, Catherine Emmalika Manaole Conner, a.k.a. "Geronimo" passed in 1995, after being on the "Death List", which DHHL calls the beneficiary waitlist.

My Mother died while I was still in prison. When I was paroled, I attempted to claim my heirship rights to take my mother's place on the Death-List. I was told not only that I couldn't take my mother's place on the list, but, that my mother's records was lost in a basement flood.

My mother was one of seven children. Only one of my mothers' siblings obtained Homestead. That was my aunty Helen K. Bunker. Only my aunty Helen's oldest child, my oldest Cuzzin Normalei was able to get into Kamehameha Schools.

So the tragedy of our experiences with our own Hawaiian Trusts has been a very bad experience.

I am glad that finally, after all these decades, a bill such as this will give our people a **REAL** chance to obtain a Homestead lot & the right to pass our land on to the next generation.

Please pass this bill. Mahalo.

**LATE**

January 31, 2023

Senate Committee on Hawaiian Affairs  
Senator Maile S.L. Shimabukuro, Chair  
Senator Kurt Favella, Vice Chair

**Testimony in Opposition of SB-738**

Aloha Chair Shimabukuro, Vice Chair Favella, and members of the Committee,

I'm Homelani Schaedel, a beneficiary residing in Malu'ohai, a homestead leader in Kapolei, and an advocate for the Hawaiian Home Lands Trust.

The Department of Hawaiian Home Lands Undivided Interest (UI) Award Program has been in existence since April 5, 2005.

Phase 1: Ho'ohiki – To promise – Should you choose to participate in the Undivided Interest Program, DHHL promises to prepare you for homeownership, and your homestead lot for construction.

Phase 2: Ho'opaepae – to build upon a foundation – As construction and development commences, the foundation for your future home is laid. Through HOAP, home ownership preparation and training is provided to build upon your personal foundation of knowledge towards home ownership.

Phase 3: Ho'okō – to fulfill, as a promise – The department honors its promise to you, the native Hawaiian homeowner. The foundation is completed, and your home is constructed.

My concern is that this bill does not identify the “purpose” or its' intent. Lines 5 and 6 identify two (2) specific groups; Sixty years or older or Terminally ill that discriminates on those two basis. Setting a precedence that adversely diminishes the interest of existing UI lessees, will have unintended circumstances.

In 2003 my sister who was an Applicant passed, from breast cancer at the age of 43. Although the UI program was not in existence at the time of her death; she could have, but did not designate a successor to her application.

**DHHL's Title 10-Administrative Rules:**

*§10-3-7 Priority and preference for award of leases. (a) Applicants shall be considered for award in the order in which their completed applications were received by the department; provided that awards shall first be made according to ranking in existing priority I, II, and III waiting lists in that order until those waiting lists are exhausted. Thereafter, awards shall be based on numerical designation by date of completed application on the area waiting list, then on the island-wide waiting list, except as otherwise provided in this chapter.*

*§10-3-8 Transfer of application rights. (a) An applicant may designate an individual relative who is at least eighteen years of age and a native Hawaiian from among the following to succeed to the applicant's application rights upon the death of the applicant*

If the intent of this bill is to preserve the opportunity of successorship to a UI lessee or an Applicant on the Waitlist, that opportunity is and has been in existence.

If the intent of this bill is to advance anyone who is 60 years or older or terminally ill that has an existing UI lease to the front of the line; I caution this committee to consider the negative impact and repercussions this will create.

Beneficiaries, whether applicant or lessee have kuleana to designate a successor to their application or their lease, UI or not. While we may empathize for those who have been waiting, we need to be fair and just...pono.

For the reasons above I urge this committee not to advance this bill.

Mahalo for allowing me the opportunity to share my mana'o.



# HUI KAKO'O 'ĀINA HO'OPULAPULA

*"Let the people flourish on the land."*

Testimony Presented Before the  
Senate Committee on Hawaiian Affairs  
Tuesday, January 31, 2023 at 1:01pm

By  
Elmer Ka'ai  
President and Chair  
Hui Kako'o 'Āina Ho'opulapula

SB 738 – Relating to the Department of Hawaiian Home Land.

Chair Shimabukuro, Vice Chair Fevella and Members of the Committee:

Hui Kako'o 'Āina Ho'opulapula (Hui Kako'o) supports this measure.

Hui Kako'o acknowledges that Section 1 which awards an undivided interest lease to beneficiaries that are of sixty year or older or terminally ill will be concerning as it will circumvents the waitlist with the creation of new one undivided interest program. This is a creative proposal; however, any implementation shall require consultation with the waitlist beneficiaries.

Hui Kako'o believes Section 2 is way over due. This proposal fulfills one of Prince Kuhio's desires - to ensure that our na kanaka are provided land to families to live and pass on for future generations. In our view, waitlist beneficiaries are automatic recipients to the lands in the Hawaiian Home Land Trust, as such, should be provided the same successorship opportunities as successors to a beneficiary with a Hawaiian Homestead lease.

Thank you for the opportunity to provide testimony in support of SB 738 and encourages its passage.

*Hui Kako'o 'Āina Ho'opulapula is a volunteer community non-profit organization focusing on advocating for waitlist beneficiaries of the Hawaiian home land trust. Our organization was established in December 1994; however, our roots started with a small group of DHHL waitlist beneficiaries meeting in 1992 to provide a voice from their perspectives.*

**SB-738**

Submitted on: 1/30/2023 10:17:07 AM

Testimony for HWN on 1/31/2023 1:01:00 PM

| <b>Submitted By</b>   | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|-----------------------|---------------------|---------------------------|---------------------------|
| Marlene Kamuela Purdy | Individual          | Support                   | Written Testimony<br>Only |

## Comments:

I, Marlene K. Purdy support SB738. This Hawaiian Home Lands undivided interest legislative bill will assure a qualified 50% native Hawaiian on the DHHL wait list the opportunity to leave their undivided interest lease to a qualified ohana successor. I do believe that DHHL should expedite the process of awarding HHL leases, but until then, this bill will prevent generational despair for our native Hawaiian ohana that are dying while waiting for their HHL award. Mahalo!

**LATE**

**SB-738**

Submitted on: 1/30/2023 1:25:13 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

| Submitted By        | Organization | Testifier Position | Testify                |
|---------------------|--------------|--------------------|------------------------|
| Patrick Kahawaiolaa | Individual   | Oppose             | Written Testimony Only |

Comments:

Aloha e Senator Shimabukuro & honorable members of the Hawaiian Affairs Committee, I am Patrick Kahawaiolaa, a native Hawaiian as defined, pursuant to the HHCA,1920, amended July 9, 1921, chapter 42, 42 stat 108, 67th Congress, the current President of the Keaukaha Community Association, however, because this issue was not discussed at all in our native Hawaiian community I am here in my *individual capacity as a native Hawaiian Advocate*, to meet the deadlines to **SUBMIT TESTIMONY** and I **OBJECT** to this legislation not because I do not think our people deserve to receive they justified birthright from the enactment of the HHCA,1920, but to the **PROCESS** being use to reach the desired result such as when in 1986, the HHCA,1920 was *amended* to change the *blood quantum* for a successor... the State *sought & received the CONSENT of the US CONGRESS* to became part of said Act... so I believe if this legislation would now provide a **PAPER LEASE AWARD KNOWN AS AN UNDIVIDED LEASE AWARD TO SICK AND INFIRMED KUPUNA AGED 60+ ON THE WAITLIST...MAY I REMIND YOU SAID ACT NOW MAKE NO PROVISIONS FOR A WAITLIST SUCCESSORSHIP AND IF PASSED WOULD BE CONSIDERED CONTRARY TO SAID ACT AND TITLE 4, §401, HHCA,1920... the intended legislation would be null & void..**

Thank you for allowing me time to share my mana'o on this matter ... the correct way in my opinion is for this body to create legislation to amend said Act ...like it was done to create a 25% successorship in §209 HHCA,1920 as amended....

'Owau me ka ha'aha'a,

Patrick Kahawaiolaa

native Hawaiian Advocate



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[policy@hawaiianhomesteads.org](mailto:policy@hawaiianhomesteads.org)

**LATE**

Date: January 30, 2023

To: Senate Committee on Hawaiian Affairs

Fr: SCHHA Policy Committee, Chaired by KipuKai Kualii  
Staffed by Rolina Faagai, SCHHA Policy Analyst

Re: SB 783 – Undivided Lease Awards to the Waitlist - Support

The Sovereign Council of Hawaiian Homestead Associations (SCHHA) is a 36-year-old hui of Homestead Associations located across the state, from Kauai to Hawaii Island. We are an HHCA beneficiary organization of experienced leaders, on the waitlist and residing in homestead communities. SCHHA is duly registered with the U.S. Department of Interior as a federally defined homestead association under 43CFR Part 47/48, representing the interests and provision of services to our homestead and waitlist communities with a service area of the entire Hawaiian Home Loan Trust of 203,000 acres statewide.

Typically, our SCHHA Council Chair would lead and communicate policy positions of the SCHHA to state and federal policy makers. However recently, our SCHHA Chair of the last 8 years, Ms. Robin Puanani Danner stepped down to accept a position as a Senior Policy Advisor in the Office of the Governor.

The above referenced bill would require DHHL to issue paper lease awards known as Undivided Interest Leases to Waitlist individuals 60 years or older, or with a terminal illness. Further that successors of deceased Waitlist beneficiaries have 4 years from enactment to file a successor claim.

SCHHA communicates its support of this measure, to provide the same protections to Waitlist successors afforded to successors of Lessees. At present, if a beneficiary dies on the Waitlist, a successor to take his or her place on the Waitlist must be 50% blood quantum or more, whereas if a Lessee dies, a designated successor may be 25% or more blood quantum.

Thank you. For additional information, please email [policy@hawaiianhomesteads.org](mailto:policy@hawaiianhomesteads.org)



**LATE**

**SB-738**

Submitted on: 1/30/2023 4:53:52 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

| Submitted By  | Organization  | Testifier Position | Testify                |
|---------------|---|--------------------|------------------------|
| Kekoa Enomoto | Testifying for Maui/Lana`i Mokupuni Council, and Pa`upena Community Development Corporation | Support            | Written Testimony Only |

Comments:

Aloha mai kakou e members of the Senate Committee on Hawaiian Affairs,

On behalf of the Maui/Lana`i Mokupuni Council, and Pa`upena Community Development Inc., I am advocating in favor of Senate Bill 738 Authorizing Hawaiian Homes beneficiaries, who are 60 years or older or terminally ill, to receive an undivided-interest homestead award.

SB738 will ensure that kupuna beneficiaries of 50 percent Hawaiian-blood quantum will not die on the waitlist without a successor heir, as happened to Gov. Josh Green. Like scores of waitlisters each year, the governor's mother-in-law died on the waitlist, thus dispossessing his Native Hawaiian wife of a homestead entitlement under the Hawaiian Homes Commission Act. This bill guarantees homelands leases to kupuna beneficiaries (most of whom have languished for decades while awaiting a homestead award) and their designated successors. SB738 will benefit not only an individual beneficiary, but also seven generations of that kupuna's `ohana because, prospectively, Hawaiian Homes leases are for 198 years.

As background, I serve as 2019-23 president of the Maui/Lana`i Mokupuni Council, a consortium of 18 Hawaiian homesteads and their associations. I am also co-founding chairwoman of the board of Pa`upena Community Development Inc. (CDC), an IRS 501(c)(3) nonprofit beneficiary organization under the auspices of the 1921 Hawaiian Homes Commission Act federal trust.

The mission of the 6-year-old, Upcountry Maui-based CDC is to provide resources, training and advocacy to empower fellow Hawaiian Homes beneficiaries to build homes and self-sufficient communities. Pa`upena serves the County of Maui's tri-isle group of Maui, Molokai and Lana`i. Therefore, I represent 13,778 Hawaiian Homes beneficiaries, including 11,496 waitlisters for 4,831 residential, 5,830 agricultural and 835 pastoral homestead awards on three islands.

In behalf of nearly 14,000 Maui County homelands beneficiaries, mahalo nui for this opportunity to advocate in favor of SB738 that safeguards the Hawaiian Homes entitlements of seven generations of a myriad `ohana.

Me ka `onipa`a (with determination),

-Kekoa Enomoto

# LATE

## **SB-738**

Submitted on: 1/31/2023 11:02:13 AM

Testimony for HWN on 1/31/2023 1:01:00 PM

| <b>Submitted By</b> | <b>Organization</b>                                    | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|--|---------------------------|---------------------------|
| Ainaaloha W Ioane   | Testifying for MAHA,<br>Malama Ka Aina Hana Ka<br>Aina | Support                   | Written Testimony<br>Only |

Comments:

Aloha

MAHA, Malama Ka Aina Hana Ka Aina, is the Community Association representing the Hawaiian Beneficiaries of King's Landing. MAHA holds an ROE with the Department of Hawaiian Homelands to steward the lands of King's Landing while it goes through its Kuleana Homesteading and settlement plan Process.

MAHA was established in 1982, by Kupuna William Kulakauka Pakani, his wife Audrey Pakani, Kelii William Ioane Jr. "Skippy Ioane" and his wife Carol Ioane. We have been in a 40 year long Landback struggle with the Department of Hawaiian Homelands for Homesteading and lease available for the beneficiaries of MAHA.

The King's Landing beneficiaries have resided and rehabilitated with the aina of King's Landing for over 40 years, under a 30-day eviction ROE. In 2022, after multiple attempts the Commissioners of DHHL finally approved the settlement plan and Kuleana Homesteading process for King's Landing.

Since 1982, 14 Hawaiian Beneficaires living in King's Landing have died, while waiting for leases to the aina. These 14 beneficiaries could not pass on their lease to their successors because there is no successorship option under an ROE. This has been heartbreaking for village members to see families torn apart when their beneficiary passes and must move out of the village.

There are currently 20 Hawaiian Beneficiaries on the Waiting List residing in King's Landing. 85% of those beneficiaries are above the age of 60. The Homesteading Process could take up to 5 years to complete. My father "Skippy Ioane" devoted his adult life and my childhood to the cause of rehabilitation and the establishment of the King's Landing village. My aunt Rose Pacheco lost her husband and son in the same year. She is our oldest member at 80 years old.

Undivided Interest would offer security and ensure multi-generational rehabilitation of the ohana unit. Like all our Kupuna over 60, tomorrow is not guaranteed. If my father passes before King's Landing finishes its Settlement Plan and leases are awarded, I will not be able to return to my ohana hānau. I was born at home in King's Landing, was raised by the aina and community,

and I am here today, to ensure through undivided interest my birthright as a native Hawaiian and steward of King's Landing.

MAHA and beneficiaries of the King's Landing Village support SB 738 and the issuing of undivided interest awards.

Me Ke aloha

Ainaaloha W. Ioane

**LATE**

**SB-738**

Submitted on: 1/31/2023 1:37:38 PM

Testimony for HWN on 1/31/2023 1:01:00 PM

| Submitted By         | Organization | Testifier Position | Testify                |
|----------------------|--------------|--------------------|------------------------|
| Kapua Keliikoa-Kamai | Individual   | Support            | Written Testimony Only |

Comments:

Aloha Kākou,

**I STRONGLY SUPPORT SB 738 - RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.**

Authorizes beneficiaries, who are sixty years or older or terminally ill, to receive an undivided interest award and to designate a successor. Authorizes any eligible heirs of beneficiaries to file successorship claims within a certain timeframe, including posthumous undivided interest awards. Requires the Department of Hawaiian Home Lands to adopt rules by a certain date.

Mahalo Senator Shimabukuro! This legislation is very appropriate and overdue; fortunately it allows successors/heirs to rectify their respective situations now. In the future, it will protect successors/heirs from this undue stress. I would like to add this paragraph addendum:

- (3) Fifty (50) years of age for those that suffer from cardiovascular disease, poor health, cancer, obesity and diabetes.

According to the "[Mortality Patterns of Native Hawaiians Across Their Lifespan: 1990–2000](#)", an [Article](#) in the American Journal of Public Health, 2010 November; lead author Sela Panapasa of University of Michigan with co-authors Marjorie Mau of the University of Hawaii, David Williams of Harvard University, and James McNally of U-M's ISR.

It stated that "Little is known about the health of Native Hawaiians outside of the state of Hawaii, owing in large part to the sample limitation in most national-level surveys. An accurate assessment of morbidity and mortality among Native Hawaiians has also been hampered by their aggregation with Asians, which increased sample sizes but made it impossible to look at heterogeneity within this diverse population.[30,31](#) Still, reports of health outcomes among NHPs have increased somewhat in recent years. These reports suggest that NHPs face elevated risks for cardiovascular disease,[19](#) poor health,[13,14,17,18](#) cancer,[15,16](#) obesity and diabetes,[32,33](#) and mortality across the life course.[11,12,34,35](#) However, baseline health statistics from larger national databases on specific health issues, which represent a vital element for informing policies on NHP health and well-being, remain sparse.

It concluded that "Compared with Whites, Native Hawaiians and Blacks face similar challenges regarding infant and early-life mortality and increasing risks of mortality in mid-life and early old age. Our analyses document a need for renewed efforts to identify the determinants of ill health and commitment to address them."

My apologies for this late and lengthy submission. Mahalo for this opportunity to SUPPORT SB7381!

Kapua Keliikoa-Kamai

Hawaiian Homelands Commission Act Beneficiary

Wai'anae Homesteader

p.s. The article citings can be located at the [Article's URL](#). A good deal of this testimony delay was due to the need for me to continually "save progress" which wasn't always "saved" and then to have to log-in and start over again! Please extend the TESTIMONY INPUT/data entry time frame to a minimum of 5 continuous minutes. Some people like me, respond at the time I finally see/open the notice, which is oftentimes just before it's due. Or in this case, past due now. Regardless of my situation, the testimony input time should be extended. Mahalo again.