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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 FEBRUARY 2, 2023 AT 1:00PM IN CR 224

SB 741, RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

February 2, 2023

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

The Department of Hawaiian Home Lands (DHHL) submits comments on this measure that exclude from any waiting list maintained by DHHL any lessee or successor who sells or transfers their lease on a tract of Hawaiian home lands.

Act 179 (2018) required DHHL to conduct a study on the issue of Hawaiian Home Lands lessees selling or transferring their Hawaiian Home Lands lease to another native Hawaiian for a fee or personal gain and then applying for a subsequent Hawaiian Home Lands lease that can be accessed here: <https://dhhl.hawaii.gov/wp-content/uploads/2019/12/DHHL-Report-to-the-2020-Legislature-Relating-to-Act-179-2018.pdf>. The findings from this study indicated that less than half of 1% of pastoral and agricultural applications and 4% of residential applications has a prior lease. The vast majority of the transfers ranging from 68-93% were made to a family member without remuneration. The recommendation from the study was that legislative action was not needed given the small number of applicants (176) that transferred their lease for a fee or other personal gain and then applied for a subsequent Hawaiian home lands lease. Enacting legislation for such a small number could have unintended consequences to other beneficiaries. Furthermore, DHHL's existing administrative rules already provide a priority and preference for award of leases. HAR Section 10-3-7 states that "in making awards, the department shall give preference to an applicant who is not a lessee, or whose spouse is not a lessee." DHHL's administrative rules were also amended in 2017 to stipulate that "leases for vacant or undeveloped lots and undivided interests, or any interest therein, shall not be sold but may be transferred for no consideration or by succession" (HAR Section 10-3-36(a)). The rules provide that "lease transfers to qualified relatives of a lessee or to beneficiaries on a waitlist shall have priority for processing over transfers to beneficiaries not on a waitlist" (HAR Section 10-3-36(b)).

Thank you for your consideration of our testimony.



HUI KAKO'O 'ĀINA HO'OPULAPULA

"Let the people flourish on the land."

Testimony Presented Before the
Senate Committee on Hawaiian Affairs
Thursday, February 2, 2023 at 1:00pm

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

SB 741 – Relating to the Hawaiian Homes Commission Act.

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

Thank you for the opportunity to provide comments on this measure.

Hui Kako'o 'Āina Ho'opulapula (Hui Kako'o) acknowledges the intent of Senate Bill 741, and understand the concerns raised by the Senate Native Hawaiian Caucus (SNHC). At this point, Hui Kako'o does not have an official position; however, we supports SNHC's bold initiative to raise the level of discussion through this legislation.

Thank you for the opportunity to comment on SB 741, and encourage passage to continue the discussion.

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.



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Date: January 31, 2023
To: Senate Committee on Hawaiian Affairs
Fr: SCHHA Policy Committee, Chaired by KipuKai Kualii
Staffed by Rolina Faagai, SCHHA Policy Analyst
Re: SB 741 – Denial of HHCA Eligibility - Comment

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.

This measure would deny a homestead lessee any further eligibility to a homestead lease, if the lessee transfers his/her homestead and sells his/her home or farm assets affixed to the ground lease, to another HHCA beneficiary defined in the HHCA.

For example, if a lessee of a homestead needs to seek medical attention for an extended period, and is unable to afford the homestead, if the lessee transfers the homestead to another HHCA beneficiary, the lessee would be denied any right to a homestead in their lifetime.

If the source of a homestead award to an HHCA beneficiary on the Waitlist were dependent on the demise of an existing lessee, then this measure may have significant merit. However, the source of a homestead award to an HHCA beneficiary on the Waitlist is the efficient distribution of a homestead lot by DHHL from available lands in the Hawaiian Home Land Trust inventory.

This measure is deserving of a deeper discussion among HHCA beneficiaries before State government removes the rights of an HHCA beneficiary without clear data, especially without analysis of the social and economic impacts when mobility of a citizen group is denied. Recommend the purpose of this measure be the topic of greater analysis and a report issued by the State government in collaboration with homestead associations and in particular, with waitlist homestead associations.

Thank you. For additional information, please email policy@hawaiianhomesteads.org

SB-741

Submitted on: 1/30/2023 7:15:09 PM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth R. Conklin, Ph.D.	Testifying for Center for Hawaiian Sovereignty Studies	Support	Written Testimony Only

Comments:

Support. This is a good way to shorten the waiting list by removing anyone who chooses not to make use of a gift they have already received and apparently do not need.

SB-741

Submitted on: 1/31/2023 10:18:25 AM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jo-Anne Aiwohi	Individual	Support	Written Testimony Only

Comments:

In support

SB-741

Submitted on: 2/1/2023 11:45:15 AM

Testimony for HWN on 2/2/2023 1:00:00 PM

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

Comments:

Needs more consideration for those, who for health reasons and other extraneous circumstances, need to end their lease responsibility and therefore, make available for others.

Thank you,

M Kapuniai

LATE

SB-741

Submitted on: 2/1/2023 9:19:37 PM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marlene Kamuela Purdy	Individual	Oppose	Written Testimony Only

Comments:

I, Marlene K. Purdy, oppose SB741. This is my 3rd testimony for SB741...I'm beyond frustration. I'm hoping you received my other 2 testimonies explaining my opposition. Bottom line... This bill will cause more homelessness in Hawaii. There are a few ohana that have superceded the DHHL lease award process. This practice is not the cause for the 28k wait-listers, it's the lack of work ethic of the DHHL. Bad things happen in life, many homesteaders are one pay check away from mortgage foreclosure, they'll need to sell there home which includes their lease. This bill will punish them for being a victim of this economic downturn, just by not allowing them to acquire another lease when their finances improve. This is a bad bill for all, including the State. Mahalo! Hopefully, you get this testimony.

LATE

SB-741

Submitted on: 2/2/2023 8:22:43 AM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jaerick medeiros-garcia	Individual	Oppose	Written Testimony Only

Comments:

I'm in opposition to this bill to exclude waitlister and or anybody or hawaiiian home land from the act of 1920 is wrong because the state is stealing a federal entity and the governor is already breaking constitutional laws by appointing the chair to DHHL green and Ige served two masters by doing so. Illegal.

LATE

SB-741

Submitted on: 2/2/2023 8:47:39 AM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB741: All DHHL beneficiaries, successors, and waitlisters should be under Commission Act of 1920.

Tara Rojas

LATE

SB-741

Submitted on: 2/2/2023 11:11:00 AM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Brown	Individual	Support	Written Testimony Only

Comments:

I am in support of SB 741

LATE

SB-741

Submitted on: 2/2/2023 2:46:48 PM

Testimony for HWN on 2/2/2023 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kekoa Enomoto	Individual	Oppose	Written Testimony Only

Comments:

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

I do not favor Senate Bill 741 Excluding from DHHL waitlists any Hawaiian Homes Commission Act (HHCA) beneficiary lessee or successor who sells or transfers their Hawaiian Homes lease.

SB741 would abridge the right of a Hawaiian Homes lessee, who has sold and/or transferred a homestead lease, from re-applying for a homestead award. I believe SB741 represents government overreach, just as I think anti-abortion legislation does. Moreover, it is my understanding that any legislation diminishing the rights, entitlements and benefits of HHCA beneficiaries must have the consent and approval of Congress.

A 37-year Hawaiian Homes beneficiary, I have lived 16 years at Waiohuli homestead in Upcountry Maui. At age 76, I am a former 32-year Keokea, Maui, agricultural homesteader, who sold/transferred my ag lot to a strapping, 40-something beneficiary aspiring, and able, to farm. Although I did not rejoin a waitlist following the lease sale/transfer, I support a beneficiary's option to re-apply for a homelands lease (after having sold and/or transferred a lease) under current DHHL rules. Likewise, I may not support abortion personally, but I uphold a woman's right to make that decision for herself.

Currently I chair the board of Pa`upena Community Development Inc., a nonprofit beneficiary organization under HHCA auspices. I also serve as Maui/Lana`i Mokupuni Council president representing nearly 14,000 Maui County beneficiaries, and as a 2019-23 executive council member of the Sovereign Council of Hawaiian Homestead Associations (SCHHA), a consortium of 42 organizations statewide. Nevertheless, I am advocating as an individual against SB741.

Mahalo for this opportunity to endorse the right of any Hawaiian Homes Commission Act beneficiary lessee or successor who sells and/or transfers their Hawaiian Homes lease, to re-seek a homestead award.

