



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 3363, RELATING TO HAWAIIAN HOME LANDS.

BEFORE THE:

SENATE COMMITTEE ON HAWAIIAN AFFAIRS

DATE: Tuesday, February 6, 2024 **TIME:** 1:01 p.m.

LOCATION: State Capitol, Room 224 & Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Alana L. Bryant, Deputy Attorney General

Chair Shimabukuro and Members of the Committee:

The Department of the Attorney General provides the following comments on this bill.

This bill proposes to add a new section to the Hawaiian Homes Commission Act, 1920, as amended (HHCA), to allow native Hawaiian applicants on Department of Hawaiian Home Lands (DHHL) waitlists to designate successors to their applications for "residential or commercial agricultural tracts" who are at least one thirty-second Hawaiian.

Under sections 207 and 208, HHCA¹, DHHL may only award leases to applicants who are at least fifty percent Hawaiian. To authorize DHHL to award leases to the successors covered by this bill, we suggest amending sections 207 and 208 as follows:

§207. Leases to Hawaiians, licenses. (a) The department is authorized to lease to native Hawaiians or qualified application successors the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee

§208. Conditions of leases. Each lease made under the authority granted the department by section 207 of this Act, and the tract in respect to which the lease is made, shall be deemed subject to the following conditions, whether or not stipulated in the lease:

¹ Native Hawaiians are defined as "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." Hawaiian Homes Commission Act, 1920 § 201.

- (1) The original lessee shall be a native Hawaiian[;] or a qualified application successor, not less than eighteen years of age. In case two lessees either original or in succession marry, they shall choose the lease to be retained, and the remaining lease shall be transferred, quitclaimed, or canceled in accordance with the provisions of succeeding sections.

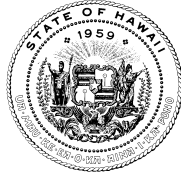
Additionally, section 207(a), HHCA, allows for three types of DHHL homestead lease awards: residential, agricultural, and pastoral. If the bill's intent is to cover applications for all three types of leases, we suggest amending page 1, lines 6-13, of the bill as follows:

§ . Beneficiaries on waitlist; successors. Notwithstanding any provision of this Act to the contrary, a living beneficiary's place on the department of Hawaiian home [~~land's~~] lands' waitlist for any residential [~~or commercial~~], agricultural, or pastoral tract available pursuant to this Act may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least one thirty-second Hawaiian.

Thank you for the opportunity to provides comments on this bill.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawaii'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawaii'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

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TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON FEBRUARY 6, 2024 AT 1:01PM IN CR 224

SB 3363, RELATING TO HAWAIIAN HOME LANDS

February 6, 2024

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

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill which would provide that a living beneficiary's place on the Department of Hawaiian Home Land's waitlist for any residential or commercial agricultural tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least 1/32 Hawaiian.

To provide clarity concerning this measure, DHHL defines homestead lots as residential, agricultural, and pastoral 99-year homestead leases. A lease transfer refers to when a living lessee transfers their lease to another living, qualified beneficiary. Successorship refers to when a lessee or applicant dies, and a qualified beneficiary succeeds to a lessee's lease or an applicant's position on the DHHL waiting list.

Section 10-3-7 of the Hawaii Administrative Rules relating to priority and preference for the 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 other words, waiting list priority has historically been by chronological application date. Successors to a deceased applicant on the DHHL waiting list only succeed to the deceased applicant's position on the DHHL waiting list, they do not receive a lease as a result of the death of the previous applicant whom they succeeded.

Lastly, any such program must ensure that any qualified successor of a beneficiary who died while on the waiting list is native Hawaiian, defined by the Hawaiian Homes Commission Act, 1920, as amended (HHCA) as DHHL is authorized to issue leases to native Hawaiians pursuant to section 207(a) of the HHCA. Amendments to the HHCA, including its blood quantum requirement, is subject to review and approval by the U.S. Department of the Interior and the U.S. Congress.

Thank you for your consideration of our testimony.

SB-3363

Submitted on: 2/4/2024 11:19:38 PM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
De Mont Kalai Manaole	Testifying for Hoomana Pono, LLC	Support	In Person

Comments:

We **STRONGLY SUPPORT** this bill! Yes we *DEFINITELY NEED THIS BILL* to protect our Trust lands from being taken from Trust Beneficiaries once the blood quantum drops below 25%.

SB-3363

Submitted on: 1/31/2024 4:56:59 PM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kade Yam-Lum	Individual	Support	Written Testimony Only

Comments:

Mahalo nui loa for the opportunity to provide my testimony in support of SB3363, the Hawaiian Home Lands Preservation Act. As a Hawaiian who has been on the waitlist for housing with the Department of Hawaiian Home Lands (DHHL) for over 15 years, I firmly believe that this act is a necessary step in ensuring that the rights and well-being of beneficiaries are protected.

The issue of housing in Hawaii, especially for Native Hawaiians, is a critical one. The waitlist for DHHL housing has only continued to grow, leaving many of us without a place to call home. It is disheartening and frustrating to see generations of families waiting for their turn to receive the promise of land, as outlined in the Hawaiian Homes Commission Act of 1920.

SB3363 addresses this issue by recognizing the importance of succession rights for beneficiaries. It acknowledges that the waitlist is not simply a list of individuals, but a legacy that should be preserved and passed down to future generations. Allowing for the transfer of a beneficiary's place on the waitlist to a successor ensures that the long-awaited opportunity for housing is not lost when a beneficiary passes away.

This proposed legislation also highlights the significance of Hawaiian ancestry in determining succession rights. Requiring successors to be at least one thirty-second Hawaiian ensures that the intent of providing lands for Native Hawaiians is upheld. It ensures that the benefits of DHHL housing are directed towards those who can trace their heritage and connection to these lands.

I believe that SB3363 is a reflection of the values of our community and our commitment to addressing the urgent issue of affordable housing for Native Hawaiians. It recognizes the importance of legacy, ancestry, and the responsibility we have to future generations.

In conclusion, I urge the Legislature to support and pass SB3363, the Hawaiian Home Lands Preservation Act. This act will provide hope and opportunity for beneficiaries and their successors who have been patiently waiting for their turn for far too long. It is a step towards fulfilling the promises made to the Native Hawaiian community and ensuring that their rights and well-being are protected.

SB-3363

Submitted on: 1/31/2024 6:40:56 PM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Silva	Individual	Support	Written Testimony Only

Comments:

Provides that a living beneficiary's place on the Department of Hawaiian Home Land's waitlist for any residential or commercial agricultural tract may be designated for transfer to a successor if the living beneficiary dies before receiving an offer for a tract; provided that the successor shall be at least 1/32 Hawaiian.

SB-3363

Submitted on: 1/31/2024 7:54:17 PM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

Strong support, this may be our dilemma as mom is aging and DHHL moves way too slow to get our waitlisters assigned a lease.

SB-3363

Submitted on: 2/1/2024 8:41:01 AM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jan K Makepa	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Jan Makepa, I am a resident of the Wai‘anae Valley Homestead. I oppose SB3363 for the following reasons...

- 1) Lowering the quantum for waitlister successors to 25% should be considered as...
- 2) Lowering of quantum to 1/32 for lessee successors have not yet been passed by congress

We cannot ask for a bill to lower the quantum for waitlisters when we haven‘t even done so for lessees.

Mahalo, Jan Makepa

SB-3363

Submitted on: 2/2/2024 10:11:58 AM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

February 4, 2024

Testimony for SB 3363 Relating to Department of Hawaiian Home Lands

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I'm in SUPPORT of SB 3363 for the following reasons:

I know for a fact that my mom and dad waiting for an award and sad to say they pass.

Now I have a lease award in 2005 and I'm still waiting for my VACATE LOT at lease one of my kid will gain this opportunity to stand in place of me for a VACATE LOT as a successor.

I hope it will come in my life time.

Mahalo,

____/s/____

Cindy Freitas

SB-3363

Submitted on: 2/4/2024 10:26:10 PM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
David Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I stand in support of SB3363.

As we know, many Hawaiians die while on the waiting list to receive a plot of land from the Department of Hawaiian Home Lands. We also know that, as time goes by, Native Hawaiian blood quantum levels tend to decrease as generations go by while we accept more and more non-Native Hawaiians into our families. Because of this, our blood quantum levels decrease, but we are still Native Hawaiian. A quote I recall from a Native Hawaiian kupuna says, “how are you going to split me from my mo‘opuna (grandchild)?” While blood quantum may have gone down, the family continues to deserve receiving a house lot from DHHL, as much in present times as did their kupuna when they got onto the waiting list. Native Hawaiians of the present undergo the same challenges as their kupuna did when they were placed on the waiting list decades ago, similar poverty, health, financial, mental and physical challenges still exist today, and in some ways are worse than of the past. For these reasons I support SB3363.

Mahalo for your time and consideration.

Keoni Shizuma

SB-3363

Submitted on: 2/5/2024 5:01:12 PM

Testimony for HWN on 2/6/2024 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenani Gramberg	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I feel the need to oppose this Bill because 1/32 of Hawaiian Blood is way too little of the blood quantum to hold a DHHL lease. What about the Pure Hawaiian's that are still here & over the age of 60 and still waiting for a lease award. I really feel something should be done for the Pure Hawaiians of any age.

Mahalo,

Kenani Gramberg