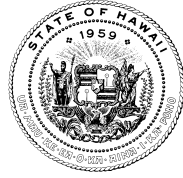


JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina 'o
Hawaii*

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



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

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON HAWAIIAN AFFAIRS
HEARING ON JANUARY 30, 2024 AT 1:00PM IN CR 224

SB 2435, RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

January 30, 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 1) authorize DHHL to administer a Lease Award Program for beneficiaries on the homestead lease waiting list who are sixty years old or older or terminally ill, under certain conditions and 2) requires the DHHL to adopt rules by a certain date.

While DHHL appreciates the intent of this bill, there are several concerns. DHHL has concerns that 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 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, rather than by the age of an applicant, or due to a condition of the applicant. In particular, the term terminally ill is not defined in the bill.

Furthermore, 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 as DHHL is authorized to issue leases to native Hawaiians pursuant to section 207(a) of the Hawaiian Homes Commission Act, 1920, as amended.

Lastly, DHHL engages in beneficiary consultation before conducting any chapter 91 rule-making. It can take DHHL up to two years to fully complete the rule-making process.

Thank you for your consideration of our testimony.

SB-2435

Submitted on: 1/29/2024 3:45:17 PM

Testimony for HWN on 1/30/2024 1:00:00 PM

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

Comments:

We **STRONGLY SUPPORT** this bill & believe that this is the ***MOST IMPORTANT*** bill for Waitlisters.

Personally, I am a SECOND GENERATION Waitlister, of which my mother died on the waitlist in 1995 after being on the waitlist for 30 years.

I don't want to be the 2nd GENERATION to die on the Waitlist, without having something to pass on to my next generation.

Please pass this SIGNIFICANT BILL.

SB-2435

Submitted on: 1/28/2024 4:18:30 PM

Testimony for HWN on 1/30/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Faborito	Individual	Support	Written Testimony Only

Comments:

yes, in complete support

SB-2435

Submitted on: 1/28/2024 7:29:59 PM

Testimony for HWN on 1/30/2024 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

Yes DHHL should make provisions for those elderly who are on the wait list. It's shameful that so many have died on that waitlist. More needs to be do in getting 'ohana into Hawaiian Homelands and no better way to than to start with than the elderly. Their cases need to be prioritized so no more die on the waitlist

TO: The Honorable Maile S.L. Shimabukuro
Chair, Senate Committee on Hawaiian Affairs
The Honorable Kurt Fevella
Vice Chair, Senate Committee on Hawaiian Affairs
Distinguished Committee Members

FROM: Vanessa Visitacion, BSW
University of Hawaii Social Work Graduate Student

RE: SB 2435 – RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS
HEARING: January 30, 2024 at 1:00 PM
POSITION: **Support** SB 2435

Aloha, my name is Vanessa Visitacion, and I am a Social Work student in the Myron B. Thompson School of Social Work at the University of Hawai'i at Manoa. I am testifying in support of SB 2435 with suggestions. Section 10-3-8, Hawaii Administrative Rules, states, in part, that if an applicant dies without designating a successor, a relative as meeting qualifications of the application waitlist may request to succeed to the deceased applicant's application rights, but they must do so within a specific period of one hundred eighty days after the date of the last publication of the applicant's name. It is possible that qualifying successors miss the deadline or lose connection with certain family members and, therefore, are not notified of their death. The succession process is complicated and confusing; a simple one would be ideal.

The Star-Advertiser and ProPublica have analyzed trust records, and as of 2020, they have found that more than 2,000 beneficiaries have already died while on the waitlist without receiving homesteads. Furthermore, they have found that more than half of the people on the waitlist are over 60 years old, an age that would be difficult to take on a mortgage. Therefore, having a lease award program for beneficiaries on the waiting list who meet the stated qualifications in the proposed bill would be beneficial in securing heirs' chances to gain homesteads. This would prevent their designated heir from applying and being put at the bottom of the list, now over 28,000 applicants long. It may put the successor higher on the list, essentially taking their spot. Furthermore, the lease award may remove the complicated process when a waitlist beneficiary dies.

Since many beneficiaries are pushing an older age, many have given up on the hopes of gaining Hawaiian homelands because it would be difficult to afford it at their age, so having a successor will give a chance to the next generation. Also, it is essential to point out that in Hawai'i, Native Hawaiians have the shortest life expectancy and exhibit higher mortality rates than the total population due to heart disease, cancer, stroke, and diabetes, which further pushes the need to establish a lease award program for beneficiaries since the proposed bill includes 'terminally ill.'

Some suggestions for the bill would be to define the "lease award program" and what is considered "Terminally ill." Finally, another suggestion would be to define "qualified successor."

I am in support of SB 2435 and hope to see it passed with some adjustments and clarifications.

Mahalo for this opportunity to testify,

Vanessa Visitacion, BSW
vv9@hawaii.edu

References

Mokuau, N. (2017). *CHALLENGES AND PROMISE OF HEALTH EQUITY FOR NATIVE*

HAWAIIANS. Perspectives on Health Equity and Social Determinants of Health - NCBI

Bookshelf. <https://www.ncbi.nlm.nih.gov/books/NBK595255/>

Land, P. (2023, December 20). To reclaim ancestral land, all native Hawaiians need is a

\$300,000 mortgage and to wait in line for decades. *ProPublica*.

<https://www.propublica.org/article/hawaii-native-land-homesteads-department-of-hawaii>

[n-home-lands#:~:text=Analyzing%20trust%20records%2C%20the%20Star,agree%20is%](https://www.propublica.org/article/hawaii-native-land-homesteads-department-of-hawaii)

[20a%20severe%20undercount](https://www.propublica.org/article/hawaii-native-land-homesteads-department-of-hawaii)