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*Ke Kia'āina o ka Moku'āina 'o
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'o Hawaii*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

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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 JUDICIARY
HEARING ON FEBRUARY 23, 2024 AT 9:30AM IN CR 016

SB 3363, SD1, RELATING TO HAWAIIAN HOME LANDS

February 23, 2024

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) submits comments on this bill which 1) provides that a living beneficiary's place on the DHHL's waitlist for any residential, agricultural or pastoral 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 and 2) takes effect on either the date of the Secretary of the Interior's notification that congressional approval of this Act is unnecessary, or on the date of consent by the United States Congress.

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.

Department of Hawaiian Home Lands

February 6, 2024

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Thank you for your consideration of our testimony.

SB-3363-SD-1

Submitted on: 2/17/2024 12:13:06 AM

Testimony for JDC on 2/23/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
De Mont Kalai Manaole	Testifying for Hoomana Pono, LLC	Support	Written Testimony Only

Comments:

We continue to **STRONGLY SUPPORT** this bill & seek its passage. MAHALO.

SB-3363-SD-1

Submitted on: 2/21/2024 10:17:04 AM

Testimony for JDC on 2/23/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dayne Duke Kealanahele	Individual	Support	Written Testimony Only

Comments:

Dear JDC Committee,

I fully support this measure. Both of my Hawaiian grandparents passed away while waiting for a lease, and none of their descendants qualify to take their spot on the waitlist.

My paternal grandmother had been on the DHHL waitlist since she was 24 years old and sadly passed away more than 70 years later on the waitlist in 2017 without receiving a lease. DHHL defined her as 75% Hawaiian. None of her children qualify to assume her spot on the waiting list. The current requirements state that a successor needs to be at least 50% Hawaiian to assume a deceased parent's spot on the DHHL waitlist. Hence, my grandmother's place on the waitlist remains unfulfilled for 71 years. Her children are being denied their right to take their mother's spot on the waitlist, and they never had the benefit of the security and ancestral connection to land during her lifetime.

My maternal grandfather has also been on the DHHL waitlist since the 1960s and passed away after waiting for more than 60 years without receiving a lease. DHHL defined him as 87.5% Hawaiian. Grandpa originally applied for a pastoral lot on Hawai'i Island in Waimea, where his family was from. However, after many years of waiting for a Waimea property and the new promise of construction in Kapolei's DHHL communities, he decided to relocate his application to Kapolei, believing it would afford him an offer of a lease from DHHL. As a result, DHHL removed his seniority in Waimea and placed him in the lowest spot on the O'ahu waitlist in 2008. His application now states 2008 as the start of his wait time, neglecting to reflect the years prior he already spent on the waitlist. After nearly 70 years of waiting for a DHHL lot, Grandpa passed away from COVID in 2021 without receiving a lease.

It is worth noting that a blood quantum is not even science. My father was 32.5% Hawaiian, and my mother is 43.75% Hawaiian, making my blood quantum 38.13% Hawaiian. None of my parents, their siblings, myself, or my siblings are entitled to my grandparents' spots on the DHHL waitlist. Lowering the blood quantum requirement to succeed in a waitlister's spot after death to 1/32 would allow generations of Hawaiians to receive the support they deserve and, at the very least, allow their children and grandchildren a chance. Thus far, with the birth of my nieces in 2020, four generations of our family have been spent waiting on the DHHL waitlist.

My grandfather dreamed of the day he would receive a lease. He would talk about how this house would bring the family together and allow my mother (who has never owned a home) to

raise us. Then, he would dream about how his great-grandchildren might see the day he received a lease. Sadly, the day he received a DHHL lease never came. Grandpa's dying words to me were to pursue DHHL on their kuleana to our family. I intend to fulfill his wishes and pursue this effort to the fullest of my capabilities.

I support this bill and am available to testify in any forum needed. I urge you to pass this measure.

Mahalo,

D. Punahele