



LEASEHOLD REPEAL PASSES

Council votes to end forced conversions immediately; condo lessees file suit

By Sterling Kini Wong

Honolulu's mandatory leasehold conversion law seems destined to be wiped clean from the books following the city council's 6-3 vote on Jan. 26 to repeal the controversial ordinance. Council members Todd Apo, Donovan Dela Cruz, Ann Kobayashi, Rod Tam, Romy Cachola and Nestor Garcia voted in favor of the bill, while Barbara Marshall, Gary Okino and Charles Djou voted against it. Supporters of Hawaiian trusts and other landowners were relieved and elated by the outcome of the vote, holding hands and breaking into a rendition of *Hawai'i Pono'i*, the anthem of the Hawaiian Kingdom that is now the state song.

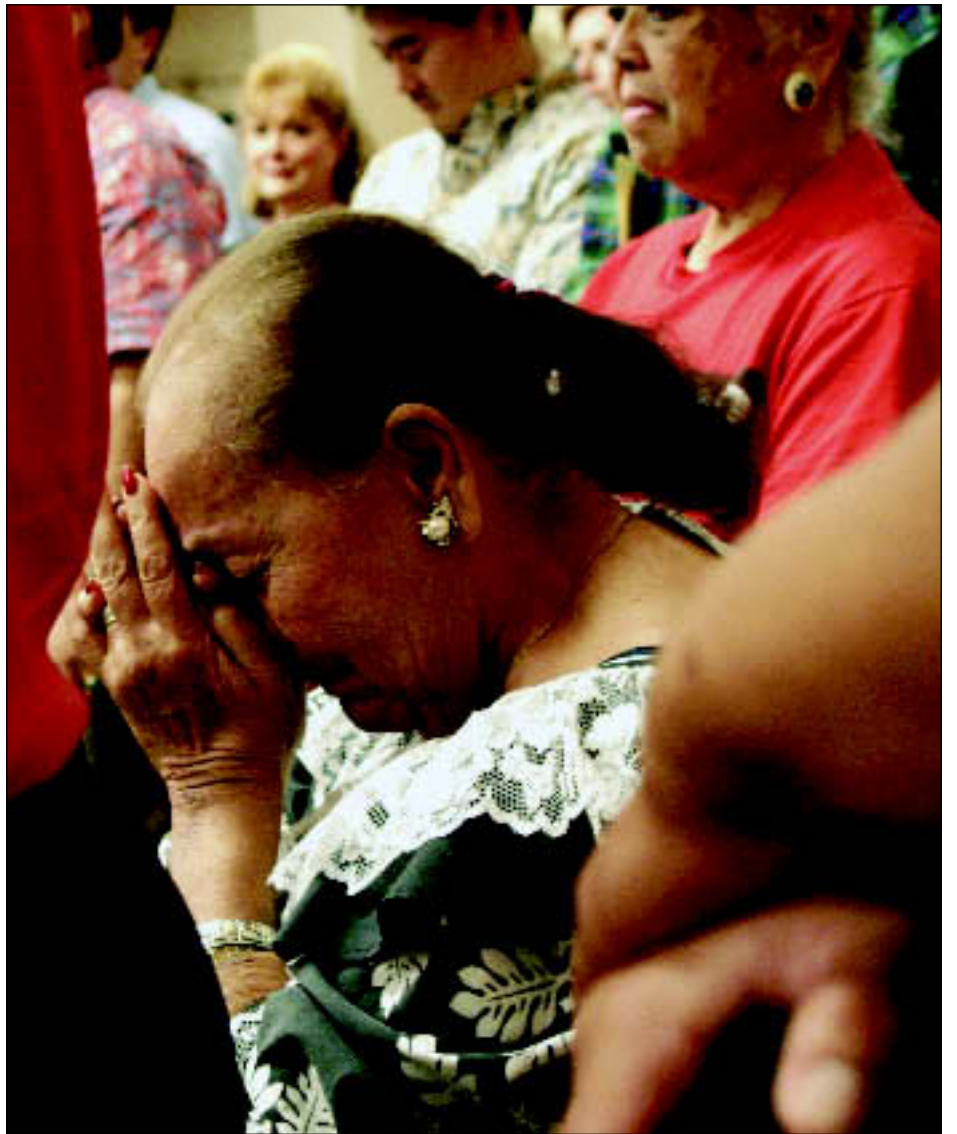
Bill 53, which would abolish the conversion law, now awaits the approval of Mayor Mufi Hannemann, who has said he will sign the bill. However, it seems likely that the city has still not heard the last of Chapter 38, the leasehold conversion law passed in 1991. Prior to the council's vote, two lawsuits were filed against the city by lessees of the Admiral Thomas and Kāhala Beach condominium buildings. Both groups had already initiated the leasehold conversion process and are asking the city to let them complete the conversion of their condominiums.

The leasehold conversion law allowed the city to use its condemnation powers to force condominium landowners to sell the fee interest in the land under their buildings to qualified lessees. Many lessees support the law because it provided them with a process to purchase fee-simple interest in their homes. However, landowners, which include ali'i trusts, churches and small families, have likened the law to legalized theft.

The argument of the council members who voted to repeal the law boiled down to fairness and how the city should determine public purpose when using its condemnation powers. Councilmember Nestor Garcia said that the city should not get involved in private contracts and favor one party over another, especially when the intervention benefits just a few interests. "Chapter 38 promotes unfairness," said Garcia, "that's why it was so controversial."

Wayne Kaho'onei Panoke of the 'Īlio'ulaokalani Coalition, the political action group that coordinated a march in September in support of Bill 53, said that the repeal was not only a victory for Hawaiians, but all of Hawai'i. "This ensures that our trust lands will remain in Hawaiian hands in perpetuity," he said.

Ray Soon, Kamehameha Schools' vice



Aunty Frenchy De Soto, longtime Hawaiian leader and a founder of OHA, shed tears of relief after the Honolulu City Council voted in favor of repealing the city's forced lease-to-fee conversion law.

Photo: 'Aukai Reynolds

president for community relations and communications, said that the council made the right decision by repealing the conversion law. "The decision preserves the right of landowners to make decisions that they believe is in the best interest of their beneficiaries. For Kamehameha Schools and the other Hawaiian landowners, it's crucial that these lands

remain controlled by Hawaiians."

Soon added that the school's attorneys are still deciding whether to intervene in the lawsuit filed by the lessees of the Kāhala Beach, which Kamehameha Schools owns. "The Kāhala Beach is critical to Kamehameha Schools' portfolio, and we will do whatever it takes to protect those lands," he said. ■

Recognition bill introduced in 109th Congress

By Derek Ferrar

Hawai'i's congressional delegation has once again introduced legislation that would formalize a federal political relationship with Native Hawaiians, similar to the status already held by Native American tribes and Alaska Native groups. The Native Hawaiian Government Reorganization Act – better known as the Akaka Bill after the measure's primary sponsor, Sen. Daniel Akaka – outlines a process through which the federal government, through the Department of the Interior, would extend formal political recognition to a yet-to-be-formed Native Hawaiian governing body.

"The measure aims to extend the federal policy of self-determination and self-governance to Hawai'i's indigenous, native people," a release from Akaka's office said, "thereby establishing parity in federal policies towards Native Hawaiians, Alaska Natives, and American Indians."

During last year's congressional session, the bill was prevented from reaching a full Senate vote by Sen. Jon Kyl of Arizona and other opponents, who placed a procedural hold on the measure. At the end of the session, however, Kyl and the Senate leadership promised that the bill would get a full floor vote this year, in exchange for the Hawai'i senators' support for spending and energy

bills that would otherwise have been held up late in the session.

Akaka told reporters that he wished to reintroduce the measure as early in the new congressional session as possible. In accordance with that plan, on Jan. 25 Akaka and Sen. Daniel Inouye officially introduced the bill in the Senate, while Reps. Neil Abercrombie and Ed Case introduced an identical measure in the House of Representatives.

Upon reintroducing the bill, the Hawai'i delegation hailed it as a vital step toward re-establishing Hawaiian self-determination and protecting Hawaiian programs and assets from legal attacks. "This bill is important to

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This year, OHA marks 25 years of serving Hawaiians. In this issue, *Ka Wai Ola* kicks off a year of commemoration and reflection. See story on page 5.

At MA'O organic farm in Wai'anae, a "community food security initiative" provides both healthy, locally grown food and a training program for Wai'anae youth. See story on page 10.

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Ka Wai Ola o OHA

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