

PHONE (808) 594-1888
Committee on Beneficiary Advocacy and Empowerment
Trustee Robert K. Lindsey, Jr., Hawai'i, *Chair*
Trustee Dan Ahuna, Kaua'i / Ni'ihau, *Vice-Chair*
Members
Trustee Leina'ala Ahu Isa, At-Large
Trustee Rowena Akana, At-Large
Trustee Keli'i Akina, At-Large
Trustee Peter Apo, O'ahu
Trustee Carmen Hulu Lindsey, Maui
Trustee Colette Y. Machado, Moloka'i / Lāna'i
Trustee John Waihe'e, IV, At-Large



FAX (808) 594-1865

LIEUTENANT GOVERNOR'S
OFFICE

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS

'18 JAN -4 P2 :29

MEETING OF THE COMMITTEE ON
BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, January 10, 2018
TIME: 1:00 p.m.
PLACE: OHA Boardroom
Nā Lama Kukui
560 N. Nimitz Highway
Honolulu, Hawai'i 96817

AGENDA

- I. Call to Order
- II. Approval of Minutes
  - A. December 20, 2017[†]
- III. Public Testimony^{*}
- IV. New Business
  - A. Briefing: OHA Washington, D.C. Bureau Update[†]
  - B. 115th Congress Legislative Positioning Matrix 1^{***†}
  - C. Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian"[†]
  - D. Action Item BAE 18-02: Approval of Nominees for the Island Burial Councils[†]
  - E. DHHL Legislative Hearing - Update[†]
- V. Community Concerns
- VI. Announcements
- VII. Adjournment

*Notice: Persons wishing to provide written testimony are requested to submit thirteen (13) copies of their testimony to the OHA Pouhana / CEO at 560 N. Nimitz Highway, Suite 200, Honolulu, HI 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally at the meeting may do so within a five (5) minute limit.

**Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting room at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure, current through 1/9/18. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs.

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

1/4/18

Trustee Robert K. Lindsey, Jr.
Chair, Beneficiary Advocacy & Empowerment

Date

HELU KELEPONA (808) 594-1888

Ke Kōmike Beneficiary Advocacy and Empowerment
Kahu Waiwai Robert K. Lindsey, Jr., Hawai'i, Luna
Ho'omalū

Kahu Waiwai Dan Ahuna, Kaua'i/Ni'ihau, Hope Luna
Ho'omalū
Nā Lāla

Kahu Waiwai Leina'ala Ahu Isa, Pae'āina

Kahu Waiwai Rowena Akana, Pae'āina

Kahu Waiwai Keli'i Akina, Pae'āina

Kahu Waiwai Peter Apo, O'ahu

Kahu Waiwai Carmen Hulu Lindsey, Maui

Kahu Waiwai Colette Y. Machado, Moloka'i / Lāna'i

Kahu Waiwai John Waihe'e, IV, Pae'āina



KA MOKU'ĀINA 'O HAWAII'
KE KE'ENA KULEANA HAWAII'
560 N. NIMITZ HIGHWAY, LUMI 200
HONOLULU, HAWAII' I 96817

HELU KELEPA'I (808) 594-1868

LIEUTENANT GOVERNOR'S
OFFICE

'18 JAN -4 P2:29

KA HĀLĀWAI O
KE KŌMIKE BENEFICIARY ADVOCACY AND EMPOWERMENT

LĀ: Pō'akolu, 10 'Ianuali 2018
HOLA: 1:00 p.m.
KAHI: Ka Lumi Hālāwai Nui 'O Maui Ola
Nā Lama Kukui
560 N. Nimitz Highway
Honolulu, Hawai'i 96817

Papa Hana

- I. Ke Kāhea no ka Ho'omalū
- II. Ka 'Āpono 'ana mai o ka Mo'olelo
A. 20 Kēkēmapa 2017[†]
- III. Ka 'Ōlelo Hō'ike a ka Lehulehu^{*}
- IV. Ka Hana Hou
A. Ka Ho'omaopopo 'Ana o kā OHA Hana ma Wakinekona, D.C.^{**†}
B. Ke Kūlana ma ko ka 'Aha 'Ōlelo Lāhui he 115 – Papa Palapala 1^{**†}
C. Ka Mea Ho'āpono BAE 18-01: Ka Ho'āpono 'ana o kekahi 'Ōlelo Ho'oholo e
kuhikuhi ana i ka makahiki 2018, "Ka Makahiki o ka Hawai'i"[†]
D. Ka Mea Ho'āpono BAE 18-02: Ka Ho'āpono 'ana o nā Mea Holo Moho no nā
'Aha Kanu 'Ana o nā Mokupuni[†]
E. Ka Hālāwai Kōmike 'Aha 'Ōlelo no DHHL – Ka Ho'omaopopo 'ana[†]
- V. Nā Mana'o Laulā o ka Lehulehu^{*}
- VI. Nā Ho'olaha
- VII. Ka Ho'oku'u 'Ana

* He 'Ōlelo Ho'olaha: Ua noi 'ia nā mea e 'i'ini nei e hā'awi i ka 'Ōlelo Hō'ike i kākau 'ia ihola e hā'awi ā ho'ouna paha mai i nā kope he 'umikūmākolū (13) o ka 'Ōlelo Hō'ike i kākau 'ia ihola i ka Pouhana o OHA ma 560 N. Nimitz Hwy., Suite 200, Honolulu, Hawai'i 96817, e kelepa'i paha i 594-1868, ā lekauiila paha iā BOTmeetings@oha.org he 48 mau hola ma mua o ka hālāwai. 'O nā mea e 'i'ini nei e ha'i mana'o ma ka hālāwai, hiki ke hana ma loko o 'elima (5) minuke.

** He 'Ōlelo Ho'olaha: Hiki i nā Kahu Waiwai ke ho'okumu ā ho'ololi paha i ke kūlana o ke 'ano kāko'o o OHA i nā Pila 'Aha 'Ōlelo e ho'olale 'ia nei / nā 'Ōlelo ho'oholo / nā palapala kia'āina e holomua nei ma ka 'aha 'Ōlelo moku'āina ā kekahi papa alaka'i paha i koho paloka 'ia. 'O nā Papa Palapala ma ka lumi hālāwai nui e waiho nei no ka heluhelu 'ana, hiki ke 'ike ā maopopo paha ka mo'olelo pōkole o kēlā me kēia pila, ka helu o ka pila, ka inoa o ka pila, ka pahu hopu o ka pila me ke 'ano kūlana kāko'o o OHA i nā mea ā pau, ā hiki i ka 1ā 1/9/18. Eia na'e, hiki i nā Kahu Waiwai ke kūkākūkā ma ka hālāwai kōmike me ka hālāwai Papa Kahu Waiwai kekahi i nā pila ma ka Papa Palapala a me nā pila 'ē a'e i hiki 'ole ke kākau 'ia ma ka Papa Palapala no ka ho'okō 'ana o nā kuleana mālama o ka Papa Kahu Waiwai o ke Ke'ena Kuleana Hawai'i.

† He 'Ōlelo Ho'olaha: No ka ho'omalele 'ana o nā mea hou a ke kōmike, e kāpae 'ia ka lula 72-hola e like me ka mea i pa'i 'ia ihola i loko o kā OHA BOT Operations Manual, Paukū 49.

Kahu Waiwai Robert K. Lindsey, Jr., Luna Ho'omalū
Ke Kōmike Beneficiary Advocacy and Empowerment

1/4/18

Lā

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

January 10, 2018 1:00 p.m.

ATTENDANCE:

Chairperson Robert K. Lindsey, Jr.
Trustee Leina'ala Ahu Isa
Trustee Rowena Akana
Trustee Keli'i Akina
Trustee Carmen Hulu Lindsey
Trustee John Waihe'e, IV

EXCUSED:

Vice-Chairperson Dan Ahuna
Trustee Peter Apo
Trustee Colette Machado

BOT STAFF:

Kama Hopkins
Kauikeaolani Wailehua
Max Mukai
Lehua Itokazu
Lopaka Baptiste
Maria Calderon
Paul Harleman
Lady Elizabeth Garrett

ADMINISTRATION STAFF:

Kawika Riley, CHIEF
Coti Haia, D.C. Bureau Chief (telephone)
Kahealani Peleras, CE
Jim McMahon, ADV
Jocelyn Doane, PUBL
Mehana Hind, CE
Monica Morris, PUBL
Joseph Kuhio Lewis, OUTR
Wayne Tanaka, PUBL

GUESTS:

Germaine Meyers
Leon Siu
Michelle Kauhane

I. CALL TO ORDER

Chair Lindsey (CL) calls the Committee on Beneficiary Advocacy and Empowerment meeting to order for Wednesday, January 10, 2018 to order at **1:02 p.m.**

CL calls for a Roll Call. Below is the record of members **PRESENT**:

MEMBERS			AT CALL TO ORDER (1:02 pm)	TIME ARRIVED
CHAIR	ROBERT	LINDSEY, JR.	X	
VICE-CHAIR	DAN	AHUNA		EXCUSED
TRUSTEE	LEI	AHU ISA	X	
TRUSTEE	ROWENA	AKANA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	PETER	APO		EXCUSED
TRUSTEE	HULU	LINDSEY	X	
TRUSTEE	COLETTE	MACHADO		EXCUSED
TRUSTEE	JOHN	WAIHE'E	X	
			6	

At the Call to Order, **SIX (6) Trustees are PRESENT**, thereby constituting a quorum.

CL announces that items II. A. and IV. D. will be deferred to the next BAE Committee Meeting on January 24, 2018. He also states the following change.

"On the agenda, Item IV. C. Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian" is printed. The title on the printed action item shall be changed to Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian". This non-substantive change is being done to be consistent with the language on the printed agenda."

CL requests a motion:

To waive the OHA Board of Trustees Operations Manual practice at which materials will be distributed at least 72-hours prior to the meeting where said materials will be reviewed, discussed, or acted upon regarding items:

IV. New Business

- A. Briefing: OHA Washington, D.C. Bureau Update
- B. 115th Congress Legislative Positioning Matrix 1
- C. Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian"
- E. DHHL Legislative Hearing - Update

Trustee H. Lindsey (T. H. Lindsey) – moved

Trustee Waihe'e (T. Waihe'e) – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Preser at time of vote
TRUSTEE	LEI	AHU ISA			X				
VICE-CHAIR	DAN	AHUNA							EXCUSE
TRUSTEE	ROWENA	AKANA			X				
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO							EXCUSE
TRUSTEE	HULU	LINDSEY	X		X				
TRUSTEE	COLETTE	MACHADO							EXCUSE
TRUSTEE	JOHN	WAIHE'E		X	X				
CHAIR	ROBERT	LINDSEY, JR.			X				
					6				3

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

72-Hour waiver passed at 1:05 pm.

III. PUBLIC TESTIMONY

CL asks if anyone has come to testify on items on the agenda. He calls Germaine Meyers (GM) forward.

GM shares testimony in opposition regarding item IV. C. She continues and shares testimony in support for item IV. B. ***(Please see attached testimony of Germaine Meyers)***

CL calls on Leon Siu (LS) to come forward.

LS shares testimony in opposition on item IV. B. ***(Please see attached testimony of Leon Siu)***

CL thanks testifiers and calls on OHA Chief Advocate, Kawika Riley (KR), to present items IV. A. and B.

IV. NEW BUSINESS

- A. Briefing: OHA Washington, D.C. Bureau Update
- B. 115th Congress Legislative Positioning Matrix 1

KR begins to introduce items IV. A. and B. while OHA Washington, D.C. Bureau Chief, Coti Haia (CH), is called to participate in the meeting by phone.

KR and CH share their presentation on items IV. A. and B. ***(Please see attached presentations: OHA Washington, D.C. Bureau Update and 115th Congress Legislative Positioning Matrix 1.)***

Lengthy back and forth discussion occurs regarding OHA 10 – H.R. 3744 Tribal Recognition Act. Some trustees feel OHA should not take a position due to various reasons, but the biggest reason was that latest surveys show that Hawaiians are not as interested in Federal Recognition as much as Housing, Education and Economic Self-Sufficiency. Other trustees feel that OHA Administration's recommendation to oppose H.R. 3744 is a good one. These trustees feel that by removing the Executive Branch's authority to acknowledge American Indian peoples who request government-to-government relationship with the United States only makes Federal Recognition more difficult as this duty would now only rest with Congress with the passage of the bill.

CL requests a motion to approve:

IV. New Business

B. 115th Congress Legislative Positioning Matrix 1

T. H. Lindsey requests a bifurcation. She suggests taking out OHA 10 for a separate vote and then proceeds with the motion.

Motion: To approve Administration's recommendations on NEW BILLS (OHA 5 - 9) on the 115th Congress Legislative Positioning Matrix dated January 10, 2018

T. H. Lindsey – moved

T. Waihe'e – second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Preser at time of vote
TRUSTEE	LEI	AHU ISA			X				
VICE-CHAIR	DAN	AHUNA							EXCUSE
TRUSTEE	ROWENA	AKANA			X				
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO							EXCUSE
TRUSTEE	HULU	LINDSEY	X		X				
TRUSTEE	COLETTE	MACHADO							EXCUSE
TRUSTEE	JOHN	WAIHE'E		X	X				
CHAIR	ROBERT	LINDSEY, JR.			X				
					6				3

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

Item IV. B. (OHA 5-9) passed at **2:08 pm.**

CL requests a motion to approve:

IV. New Business

B. 115th Congress Legislative Positioning Matrix 1 (OHA 10)

Trustee Akana (T. Akana) – moved

T. Waihe'e – second

Motion: To approve Administration's recommendations on a NEW BILL (OHA 10) on the 115th Congress Legislative Positioning Matrix dated January 10, 2018

Trustee Ahu Isa (T. Ahu Isa) requests reading emailed testimony of Mililani Trask regarding OHA 10. Ms. Trask opposes OHA 10.

Additional discussion occurs amongst Trustees and OHA Administration. KR, CH and T. Akana reiterate the position that OHA should be concerned if the bill passes in that there would only be one way to gain Federal Recognition. Trustee Akina (T. Akina) says, "All this does is take away the Executive Branch's authority to Recognize Native people. Congress can still do it. This doesn't necessarily help Hawaiians by OHA taking a position of opposition to this bill."

T. Akana calls for the question.

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEI	AHU ISA					X		
VICE-CHAIR	DAN	AHUNA							EXCUSED
TRUSTEE	ROWENA	AKANA			X				
TRUSTEE	KELI'I	AKINA				X			
TRUSTEE	PETER	APO							EXCUSED
TRUSTEE	HULU	LINDSEY	X				X		
TRUSTEE	COLETTE	MACHADO							EXCUSED
TRUSTEE	JOHN	WAIHE'E		X	X				
CHAIR	ROBERT	LINDSEY, JR.			X				
					3	1	2		3

MOTION: [ ] UNANIMOUS [ ] PASSED [ ] DEFERRED [X] FAILED

Item IV. B. (OHA 10) failed at **2:23 pm.**

CL moves on to item IV. C.

IV. New Business

C. Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian"

KR calls OHA Community Engagement Director, Mehana Hind (MH), and Kūhio Lewis (KH) forward to present item IV. C.

MH and KH share brief comments of how the resolution came up and was drafted. *(Please see attached Action Item BAE 18-01)*

CL requests a motion to approve:

IV. New Business

C. Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian"

Motion: To approve Action Item BAE 18-01: Approval of an OHA Resolution Designating 2018 as "Year of the Hawaiian"

T. H. Lindsey – moved

T. Waihe'e - second

MEMBERS			1	2	Y	N	Kanalua	Abstain	Not Present at time of vote
TRUSTEE	LEI	AHU ISA			X				
VICE-CHAIR	DAN	AHUNA							EXCUSE
TRUSTEE	ROWENA	AKANA			X				
TRUSTEE	KELI'I	AKINA			X				
TRUSTEE	PETER	APO							EXCUSE
TRUSTEE	HULU	LINDSEY	X		X				
TRUSTEE	COLETTE	MACHADO							EXCUSE
TRUSTEE	JOHN	WAIHE'E		X	X				
CHAIR	ROBERT	LINDSEY, JR.			X				
					6				3

MOTION: [X] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

Item IV. C. (BAE 18-01) passed at **2:26 pm.**

CL moves on to item IV. D.

IV. New Business

E. DHHL Legislative Hearing - Update

CL calls on Jocelyn Doane (JD) and Monica Morris (MM) to present OHA Administration's update on the DHHL Legislative Hearing. ***(Please see attached SUMMARY OF DHHL JOINT INFORMATIONAL BRIEFING TO HOUSE AND SENATE HOUSING AND HAWAIIAN AFFAIRS COMMITTEES ON OCTOBER 19, 2017.)***

QUORUM WAS LOST AT 3:10 PM BUT THE BAE COMMITTEE MEETING CONTINUED FOR THE PURPOSE OF LISTENING TO THE DHHL PRESENTATION BRIEFING AND TO HEAR FROM MEMEBERS OF THE AUDIENCE WHO WANTED TO SHARE COMMUNITY CONCERNS.

JD clarifies that the information in the briefing is information that came from the Department of Hawaiian Home Lands (DHHL). These are not necessarily the thoughts of the OHA Advocacy staff.

Some members of the DHHL staff were invited to share their thoughts and answer any questions.

Michelle Kauhane (MK) of CNHA also shared mana'o regarding the DHHL presentation and also about OHA 10. She also shares what CNHA is doing regarding assisting in raising capital for the tiny homes project. Their goal is to raise \$10 million in order to finance these projects.

CL thanks OHA Administration for their work and their presentations. He also thanks those who shared their mana'o regarding the presentation. CL then moves on to item V.

V. COMMUNITY CONCERNS

CL asks if anyone has come to speak under COMMUNITY CONCERNS.

CL calls MK forward. She clarifies that CNHA did not oppose NAHASDA legislation as reported by CH. MK shared that CNHA simply remained silent and took no position.

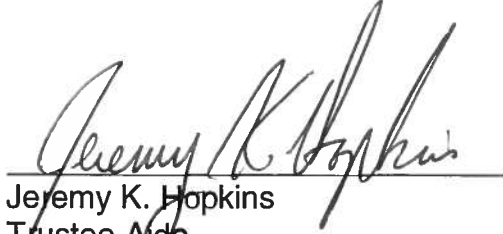
VIII. ANNOUNCEMENTS

None

IX. ADJOURNMENT

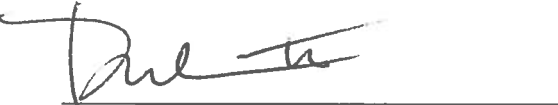
As there is no quorum to do business, there is no motion to adjourn.

Respectfully submitted,



Jeremy K. Hopkins
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on 1/31/18.



for Trustee Robert K. Lindsey, Jr.
Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- Excused Absence Memo – Trustee Dan Ahuna
- Excused Absence Memo – Trustee Peter Apo
- Excused Absence Memo – Trustee Colette Machado
- Testimony of Germaine Meyers
- Testimony of Leon Siu
- OHA Washington, D.C. Bureau Update and 115th Congress Legislative Positioning Matrix 1
- Action Item BAE 18-01
- SUMMARY OF DHHL JOINT INFORMATIONAL BRIEFING TO HOUSE AND SENATE HOUSING AND HAWAIIAN AFFAIRS COMMITTEES ON OCTOBER 19, 2017.



OFFICE OF HAWAIIAN AFFAIRS
Office of Trustee Dan Ahuna
Interoffice Memorandum

Date: January 2, 2018

To: Trustee Robert K. Lindsey, Jr., Chair ✓
Committee on Beneficiary Advocacy and Empowerment (BAE)

From: Trustee Dan Ahuna

Subject: **BAE Meeting Absence**

I am unable to attend the BAE meeting scheduled for January 10, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.

OFFICE OF HAWAIIAN AFFAIRS
INTEROFFICE MEMORANDUM

TO: Trustee Robert Lindsey, BAE Chair
Trustee Dan Ahuna, BAE Vice-Chair

FROM: Trustee Peter Apo

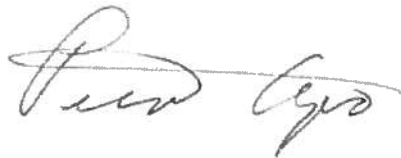
DATE: January 9, 2018

RE: BAE Meeting Absence on January 10, 2018

I am unable to attend the BAE Meeting at 1 p.m. on Wednesday, January 10, 2018. Please excuse my absence and extend my apologies to the members of the Committee.

If you have any questions, please call my office at 594-1879.

Mahalo.



PHONE (808) 594-1888

FAX (808) 594-1865



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

Memorandum

DATE: January 10, 2018

TO: Trustee Robert Lindsey
Chairperson, BAE Committee

FROM: Trustee Colette Y. Machado *Colette Y. Machado*

RE: BAE Committee Meeting January 10, 2018

I am unable to attend the scheduled BAE meeting today January 10, 2018.

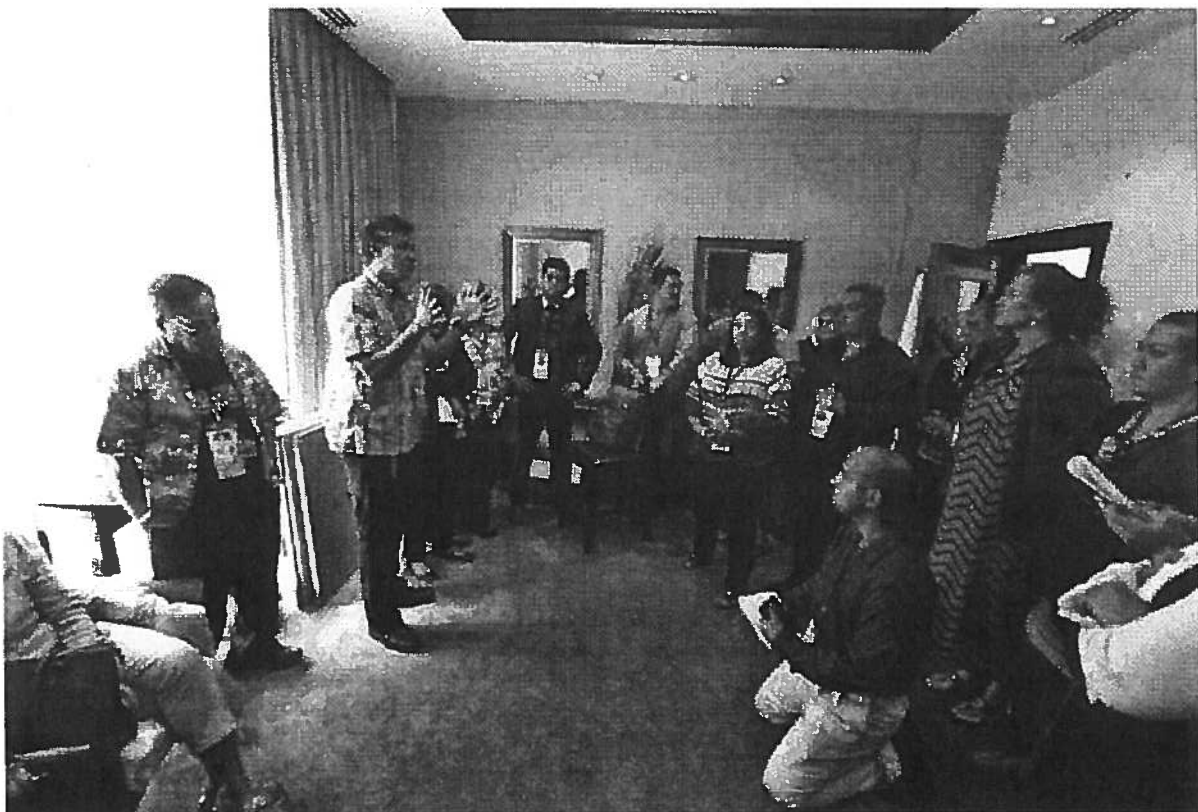
Please extend my excused absence and sincere apologies to the members of the committee.

Mahalo

WHY 2018 YEAR OF THE HAWAIIANS?

SINCE FEBRUARY 2016 AND THE AHA THAT OHA PAID FOR WITH OHA TRUST FUNDS TO SUPPORT AN INITIATIVE THAT LESS THAN 1% OF THE ADULT NATIVE HAWAIIAN POPULATION SAID THEY WANTED, OHA HAVE **NEVER EVER** RECONCILED WITH **OR APOLOGIZED TO** THE 99% OF THE NATIVE HAWAIIANS OHA LOCKED OUTSIDE OF MAUNAWILI FOR FOUR (4) CONSECUTIVE WEEKS, LESS THAN 2 YEARS AGO. **INSIDE MAUNAWILI** 152 NATIVE HAWAIIANS (LESS THAN 1% OF THE ADULT POPULATION) WERE PAID BY OHA TO ATTEND THEIR AHA AND RECEIVED MEALS FROM OHA. **OUTSIDE MAUNAWILI** MORE THAN 99% OF THE NATIVE HAWAIIAN ADULT POPULATION WERE LOCKED OUTSIDE OF MAUNAWILI GATES AND THEY BROUGHT THEIR OWN FOOD AND PAID FOR THEIR OWN TRANSPORTATION. SOME WERE ARRESTED AND PAID FOR THEIR OWN BAIL BOND.

INSIDE MAUNAWILI



INSIDE MAUNAWILI



LOCKED OUTSIDE OF MAUNAWILI



Leon Kaulahao Siu

Kanaka Maoli, Hawaiian National

Re: Congressional Bill HR #3744 – Agenda Item 1PM BAE Committee
Meeting Agenda Item: 115th Congress Legislative Positioning Matrix 1

Aloha Trustees:

The authority to grant federal recognition to an American tribal nation rests with Congress. Article I, Section 8, of the U.S. **Constitution** describes Congress's powers over **Indian affairs**: "To regulate commerce with foreign nations, and among the several States, and with the **Indian** tribes."

When Senator Akaka introduced the first of several subsequent bills to Congress, he was following the proscribed procedure for federal recognition. Whether what was described as "Native Hawaiians" qualified to be considered as an American tribal nation is besides the point.

The point is: Senator Akaka, Senator Inouye and the rest of the Congressional delegation members spent nearly a dozen years haggling over this issue because this was the proper venue for this matter. It is Congress that has the say in federal recognition of an American tribal nation.

After a dozen years trying to get Congressional approval, proponents of federal recognition decided they would try another tack. They would create the nation within the State of Hawaii, have the Department of Interior through a couple of rule changes, appoint itself the arbiter for federal recognition... The entire scheme is in contravention of the constitutional powers of Congress.

So here we are gathered today to decide whether the Office of Hawaiian Affairs should oppose the U.S. Congress in asserting through H.R. 3744 the Constitutional powers it already possesses. My mana'o is that OHA should stop this nonsense and not spend any more beneficiaries' time and beneficiaries' money to lobby Congress against, a bill that merely reiterates Congress' already existing plenary powers over American Indian affairs.

Mahalo nui,



Leon Siu
(808) 265 -2085
leonhits@gmail.com

Native American Housing Assistance and Self-Determination (NAHASDA) Reauthorization Act of 2017

- Sept. 28, 2017: Senator Tom Udall (D-NM) introduced S. 1895 and Representative Stevan Pearce (R-NM-2) introduced H.R. 3864
- Reauthorizes the Indian Housing Block Grant (IHBG) Program and Section 184 Home Loan Guarantee Program through 2022
  - Authorization of the IHBG Program expired in 2013
  - Authorization of the Section 184 Loan Guarantee Program expired in 2012
- Among a number of updates, the bill:
  - Amends Environmental Review section in NAHASDA
  - Extends maximum term of trust land leases from 50 to 99 years
  - Updates the Congressional offices to whom HUD must submit reports on NAHASDA programs



Native American Housing Assistance and Self-Determination (NAHASDA) Reauthorization Act of 2017

- On September 28, 2017, both S. 1895 and H.R. 3864 included Title VIII
  - Title VIII reauthorizes the Native Hawaiian Housing Block Grant and the 184A Loan Guarantee Program
- December 13, 2017: House Committee on Financial Services marked up H.R. 3864
  - During the markup, Title VIII was stripped from the House bill based on a **party-line vote**
- S. 1895 continues to include Title VIII, acknowledging the federal government's trust responsibility to the Native Hawaiian people



House Committee on Financial Services



OH-A

Native Hawaiian Housing Block Grant (NHHBG)

- **Purpose:** Create a program similar to the IHBG to benefit native Hawaiians residing on Hawaiian Home Lands and assist the State of Hawai'i to meet Congress' trust responsibility under the Hawaiian Homes Commission Act
- **Eligible recipient:** Department of Hawaiian Home Lands
- **Use:** Housing development, housing counseling programs, infrastructure development, etc.; beneficiaries must fall within low-income index of 80% of the area median income or lower
- Historically funded with at least \$10 million



184A Loan Guarantee Program

- **Purpose:** Offer home ownership, property rehabilitation, and new construction opportunities; Limited funds for refinancing
- **Eligible recipient:** native Hawaiian individuals and families wishing to own a home on Hawaiian homelands; beneficiaries must fall within low-income index of 80% of the area median income or lower
- **Uses:**
  - Provides access to private mortgage capital to acquire, construct, and rehabilitate Hawaiian homelands properties
  - Available to beneficiaries since traditional lenders were reluctant to approve loans to these leased tracts of land
- Historically funded between approximately \$380,000 and \$1 million



Indian Housing Block Grant

- **Purpose:** Simplify process of federal housing assistance for tribes
- **Eligible recipients:** Federally recognized tribes or tribally designated housing entities (TDHE)
- **Use:** Build, Buy, or Rehabilitate
  - Formula grant to support projects that develop or support rental/ownership housing or provide housing services to low-income American Indian families
  - New construction, rehabilitation of units, crime prevention and safety activities, rental assistance, etc.



Indian Housing Block Grant

- FY 2016 Enacted Appropriation: \$650 million
- Since 2003, number of low-income families in IHBG formula areas grew by 44%, exceeding 322,000 families
- [HUD reports](#): The success of the IHBG is limited by funding constraints
- Consistent level of funding through the years



With inflation, consistent funding is now inadequate



184 Loan Guarantee Program

- **Purpose:** Help increase Native access to homeownership by providing a guarantee to lenders on mortgage loans
- **Eligible recipients:** American Indian and Alaska Native families, Alaska Villages, Tribes, TDHEs
- **Use:** Construction, Rehabilitation, Purchasing, Refinancing
- **FY 2016 Enacted Appropriation:** \$7.5 million



Department of Hawaiian Homelands (DHHL)

- DHHL is the sole grantee under Title VIII of NAHASDA
- Administers both the NHHBG and 184A Loan Guarantee Program
- DHHL's kuleana include:
  - Clearing Hawaiian Home Land acreage of dense forest, brush, and scrub
  - Level land and build infrastructure, including water accessibility
  - **Ensure housing remains affordable for beneficiaries**



DHHL's Title VIII Requirements

- Number of requirements to be met by DHHL to qualify for NHHBG and 184A Loan Program Funds
  - Create and submit five year plan in a form prescribed by the Secretary
    - Must include mission statement, goals, objectives, and activities planned for the five year period
  - Create and submit one year plan
    - Must include goals, objectives, statement of the housing needs of low-income families served by DHHL
    - Also needs description of the estimated housing needs and need for assistance for low-income families consistent with geographical needs, needs for various categories of housing assistance, along with estimate of need to be met
- Operating budget
- Affordable housing resources, including a description of significant housing market characteristics for the state
- Statement of state interagency coordination
- Certification of compliance
- The list goes on...



Policy Recommendation

- The D.C. Bureau recommends OHA support Senator Udall's S. 1895, the Native American Housing Assistance and Self-Determination Reauthorization Act of 2017.
- The D.C. Bureau recommends OHA oppose Representative Pearce's H.R. 3864, Native American Housing Assistance and Self-Determination Reauthorization Act of 2017.



2017 OHA LEGISLATIVE PACKAGE

OHA NO.	BILL NO.	MEASURE TITLE	DESCRIPTION	STATUS	REFERRAL	RECOMMENDATION
OHA 1	S. 254 H.R. 1169	ESTHER MARTINEZ NATIVE AMERICAN LANGUAGES PRESERVATION ACT	Amends the Native American Programs Act of 1974 to reauthorize the program through Fiscal Year (FY) 2022, and also increases the length of grants from three to five years. Decreases the number of required Native students in Native American language nests and Native American language survival schools.	S 4/8/2017: Following the bill's 2/8/2017 favorable vote out of committee, Chairman Hoeven reported the bill without an amendment and was placed on the Senate Legislative Calendar. H 2/16/2017: Bill introduced	Senate Committee on Indian Affairs House Committee on Education and Workforce	Support
OHA 2	H.R. 1369	INDIAN HEALTHCARE IMPROVEMENT ACT OF 2017	Repeats current Indian Healthcare Improvement Act language as passed under the Patient Protection and Affordable Care Act with the intention of preserving IHCA, including the reauthorization of the Native Hawaiian Health Care Act, should a repeal of PPACA occur.	H 3/6/2017: Bill introduced and later referred to committees	House Committee on Natural Resources (Indian, Insular, and Alaska Native Affairs); House Committee on Energy and Commerce (Health); House Committee on Ways and Means; House Committee on Budget	Support
OHA 3	S. 1275	BRINGING USEFUL INITIATIVES FOR INDIAN LAND DEVELOPMENT (BUIILD) ACT OF 2017	This bill reauthorizes the Native American Housing Assistance and Self-Determination Act of 1996 through 2025, streamlines the environmental review process for federal agencies providing funds to tribes, increases the maximum term of leases on trust lands, and amends portions of the training and technical assistance guidelines laid out in the bill. The bill also would allow for NAHASDA funds to be used to meet matching or cost participation requirements. It omits a reauthorization for Title VIII Native Hawaiian housing programs.	S 6/13/2017 Legislative hearing held	Senate Committee on Indian Affairs	Oppose

2017 OHA LEGISLATIVE PACKAGE

OHA NO.	BILL NO.	MEASURE TITLE	DESCRIPTION	STATUS	REFERRAL	RECOMMENDATION
OHA 4	S. 1400 H.R. 3211	SAFEGUARD TRIBAL OBJECTS OF PATRIMONY ACT OF 2017	This bill increases the maximum penalty for a second violation of the Native American Graves Protection and Repatriation Act (NAGPRA) from five years to ten years. It prohibits exporting or transporting out of the United States Native American items obtained in violation of NAGPRA, Native American archaeological resources obtained in violation of the Archaeological resource Protection Act of 1979, and any Native American object of antiquity. An individual in violation will be fined and/or imprisoned for up to one year. Additionally, the bill would allow the Secretaries of State and Interior to designate a liaison to assist private individuals wishing to voluntarily return tangible cultural heritage. The bill also creates a Tribal Working Group, which would include Native Hawaiian Organizations, to receive information and assistance from the Executive Branch to provide assistance in the return of tangible cultural heritage.	S 6/21/2017: Bill introduced H 7/12/2017 Bill introduced and later referred to committees	Senate Committee on Indian Affairs House Committee on the Judiciary and Committee on Natural Resources	Support
OHA 5	S. 1895	Native American Housing Assistance and Self-Determination Reauthorization Act of 2017	This bill reauthorizes the Native American Housing Assistance and Self-Determination Act of 1996 through 2022, streamlines the environmental review process for federal agencies providing funds to tribes, increases the maximum term of leases on trust lands, and among other things, updates the committees who must receive reports from U.S. Department of Housing and Urban Development (HUD) on the NAHASDA programs. The bill includes Title VIII to reauthorize the Native Hawaiian Housing Block Grant and the 184A Loan Guarantee Program	S 9/28/2017: Bill introduced	Senate Committee on Indian Affairs	Support

2017 OHA LEGISLATIVE PACKAGE

OHA NO.	BILL NO.	MEASURE TITLE	DESCRIPTION	STATUS	REFERRAL	RECOMMENDATION
OHA 6	H.R. 3864	Native American Housing Assistance and Self-Determination Reauthorization Act of 2017	This bill reauthorizes the Native American Housing Assistance and Self-Determination Act of 1996 through 2022, streamlines the environmental review process for federal agencies providing funds to tribes, increases the maximum term of leases on trust lands, and among other things, updates the committees who must receive reports from U.S. Department of Housing and Urban Development (HUD) on the NAHASDA programs. As amended, the bill omits a reauthorization for Title VIII Native Hawaiian housing programs.	H 12/13/2017: A markup occurred and Title VIII was removed. The bill now awaits a vote on the floor.	House Committee on Financial Services	Oppose
OHA 7	H.R. 1867 S. 785	Alaska Native Veterans Land Allotment Equity Act	This bill amends the Alaska Native Claims Settlement Act to provide land allotments to Alaska Native Vietnam veterans and the heirs of those Vietnam veterans who are deceased.	H 4/11/2017: Referred to the House Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs S: 7/26/2017, Hearing in the Senate Energy and Natural Resources Committee on Public Lands, Forests, and Mining	H: House Natural Resources Committee S: Energy and Natural Resources Committee	Support
OHA 8	H.R. 4069 S. 1941	A bill to amend the Migratory Bird Treaty Act to clarify the treatment of authentic Alaska Native articles of handicraft containing nonedible migratory bird parts, and for other purposes.	This bill defines Alaska Native articles of handicraft and makes such articles exempt from the Migratory Bird Treaty Act.	H 10/18/2017: Referred to the Natural Resources Subcommittee on Federal Lands S 10/05/2017: Introduced	H: House Natural Resources Committee S: Committee on Environment and Public Works	Support

2017 OHA LEGISLATIVE PACKAGE

OHA NO.	BILL NO.	MEASURE TITLE	DESCRIPTION	STATUS	REFERRAL	RECOMMENDATION
OHA 9	S. 1965	Allowing Alaska IVORY Act	This bill amends the Marine Mammal Protection Act to allow Alaska Natives to possess, sell, or trade walrus ivory, whale bone, or mammoth ivory.	10/17/2017: Introduced	Senate Committee on Commerce, Science, and Transportation	Support
OHA 10	H.R. 3744	Tribal Recognition Act	This bill would remove the Executive Branch's authority to acknowledge American Indian peoples who request a government-to-government relationship with the United States, and require an Act of Congress for any further acknowledgement of Indigenous people. In addition to this direct change, the bill may have much broader consequences in terms of the Executive Branch's ability to fulfill aspects to the U.S. government's special legal and political relationship with American Indians, Alaska Natives, and Native Hawaiians.	09/26/2017: Subcommittee hearing held.	House Natural Resource Committee, Subcommittee on Indian, Insular, and Alaska Native Affairs	Oppose

No position on OHA 10



ACTION ITEM

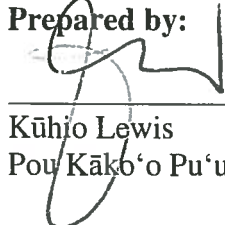
Committee on Beneficiary Advocacy and Empowerment
January 10, 2018

BAE #18-01

an OHA

Action Item Issue: Approval of ~~a~~^{an} Resolution Designating 2018 as “Year of the Hawaiian”

Prepared by:


Kūhio Lewis
Pou Kāko‘o Pu‘ulu Huliāmahi, Community Outreach Manager

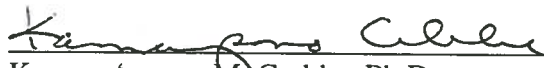
12/21/17
Date

Reviewed by:


Mehana Hind
Poukihi Paia Lono, Community Engagement Director

12/22/17
Date

Reviewed by:


Kamana‘opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

1/3/18
Date

Reviewed by:


Trustee Robert K. Lindsey, Jr.
Luna Ho‘omalua o Kōmike BAE
Chairperson, Committee on Beneficiary Advocacy and Empowerment

1/4/18
Date

I. Action

To approve an OHA resolution designating 2018 as “Year of the Hawaiian”

II. Issue

Should the OHA Board of Trustees approve an OHA resolution designating 2018 as “Year of the Hawaiian”?

III. Discussion

A number of historic milestones fall in calendar year 2018, including anniversaries for the arrival of Captain James Cook, the overthrow of the Kingdom of Hawai‘i, the establishment of the Hawaiian Civic Club of Honolulu, the 1978 Constitutional Convention and the adoption of the Apology Resolution.

Various Native Hawaiian entities are planning events to observe and celebrate these milestones throughout the year. These events collectively will provide an opportunity to reflect on the impact of these historical events on Native Hawaiians and Hawai‘i; to recognize the Native Hawaiian people’s continued pursuit of justice; and to celebrate the Native Hawaiian community’s advancements over the years.

Gov. John Waihe‘e proclaimed 1987 “Year of the Hawaiian,” and a series of events were held to commemorate the progress made by the Native Hawaiian community. During the 2017 Legislative Session, the Senate considered a resolution that urged Gov. David Ige to designate June 1, 2018, to June 1, 2019 as the “Year of the Hawaiian” to “pause, celebrate, and commemorate all that has been achieved with the hope and intention of inspiring future generations of Native Hawaiians.” While the Senate adopted SR74, the full Legislature did not approve a similar concurrent resolution. OHA’s position on both resolutions was “Support with Amendments.” Although Gov. Ige issued a proclamation designating 2018 as “Year of Remembrance of Queen Lili‘uokalani,” he has yet to fulfill the request of the Senate relating to “Year of the Hawaiian.”

SR74 also calls on OHA to play a coordinating role in Year of the Hawaiian. Staff has consulted with the lead sponsor of SR74, Sen. Brickwood Galuteria. On October 18, Public Policy reported on this resolution before the BAE, along with the other OHA-naming resolutions, and updated the trustees about tentative plans.

The goal is to coordinate largely pre-planned activities as well as a one-time event all under the “Year of the Hawaiian” theme. Community Engagement and Advocacy believe that the designation of the Year of the Hawaiian can bolster and raise the profile of our community’s efforts relating to a number of Native Hawaiian rights and justice issues.

Community Engagement has identified \$15,000 from its FY18 budget for the purpose of a contract to coordinate OHA and other Native Hawaiian organizations’ activities relating to Year of the Hawaiian. We also have a soft commitment from Kamehameha Schools to match these funds dollar for dollar, resulting in \$30,000 to fund Year of Hawaiian events and activities. A vendor has been selected for OHA’s funds through a Request for Qualifications under the procurement code, and a contract is currently being negotiated. Separate from the

contract, Community Engagement is also developing an online calendar to highlight Year of the Hawaiian events for the public.

As the Gov. Ige has yet to designate the Year of the Hawaiian, this OHA Board resolution will help to establish the messaging necessary for this coordinated campaign to celebrate these historic milestones. In addition, this OHA Board resolution may help persuade Gov. Ige to also proclaim 2018 as Year of the Hawaiian.

IV. Recommendation

To approve an OHA resolution designating 2018 as “Year of the Hawaiian”

V. Alternatives

- A. To not approve staff’s recommended resolution
- B. To approve an amended version of staff’s recommended resolution

VI. Funding

No funding is required.

VII. Timeframe

Immediate action is recommended.

VIII. Attachments

- A. Resolution

A RESOLUTION DESIGNATING 2018 AS “YEAR OF THE HAWAIIAN”

WHEREAS, in 2018 Native Hawaiians will observe numerous anniversaries of pivotal events that altered the course of history for Hawai‘i and the Native Hawaiian people;

WHEREAS, 2018 marks the 240th anniversary of the arrival of Capt. James Cook to Hawai‘i, which began regular contact between the international community and the islands, resulting in dramatic social and cultural changes for Native Hawaiians;

WHEREAS, 2018 marks the 125th anniversary of the overthrow of the Hawaiian Kingdom by western businessmen and missionary descendants, who with the aid of the United States interfered with the continuation of Native Hawaiian sovereignty and Native Hawaiian self-determination over their ancestral lands;

WHEREAS, 2018 marks the 100th anniversary of Prince Jonah Kūhiō Kalaniana‘ole’s establishment of the first Hawaiian Civic Club to promote good government; encourage the education of the Lāhui; and elevate the social, economic, civic and intellectual status of Native Hawaiians; and

WHEREAS, 2018 marks the 40th anniversary of the 1978 Hawai‘i State Constitutional Convention that led to the creation of the Office of Hawaiian Affairs; the designation of the Hawaiian language as a co-official language of the state; the establishment of the Hawaiian education program in public schools; and the reaffirmation of the state’s duty to protect traditional and customary Native Hawaiian rights; and

WHEREAS, 2018 marks the 25th anniversary of the adoption of the Apology Resolution, through which the United States apologized for its role in the overthrow of the Hawaiian Kingdom and called for reconciliation between the United States and the Native Hawaiian people; and

WHEREAS, 2018 will serve as an opportunity to reflect upon these historical events and their impacts on the Native Hawaiian community and Hawai‘i; to recognize the Native Hawaiian people’s ongoing pursuit of meaningful justice for the loss of their ancestral lands and sovereignty; and to inspire future generations of Native Hawaiians to build on the Lāhui’s achievements over the years; and

NOW, THEREFORE, BE IT RESOLVED, that the OHA Board of Trustees designates 2018 as the “Year of the Hawaiian” to recognize these historic anniversaries and their impacts; to recognize the Native Hawaiian people’s continued pursuit of justice; and to celebrate the Native Hawaiian community’s achievements over the years;

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to Hawai‘i’s Congressional Delegation, the Governor of the State of Hawai‘i, the Chair of the Senate Committee on Hawaiian Affairs, the Chair of the House Committee on Ocean, Marine Resources and Hawaiian Affairs, the Chair of the Board of Trustees of the Kamehameha Schools, the Chair of the Hawaiian Homes Commission, the Chair of the Board of Trustees of the Lili‘uokalani Trust, the Chair of the Board of Trustees of Lunalilo Home, and the Pelekikena of the Association of Hawaiian Civic Clubs.

ADOPTED, this 11th day of January 2018, island of O‘ahu, State of Hawai‘i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

SUMMARY OF DHHL JOINT INFORMATIONAL BRIEFING TO HOUSE AND SENATE HOUSING AND HAWAIIAN AFFAIRS COMMITTEES ON OCTOBER 19, 2017

**OHA Beneficiary and Advocacy Empowerment Committee
January 10, 2018**

Overview

1. Background
2. Department of Hawaiian Homes Lands (DHHL) Presentation
– Summary
3. Sovereign Councils of the Hawaiian Homelands Assembly
(SCHHA) Presentation – Summary
4. OHA Advocacy & Other Support Moving Forward

Background of Hawaiian Homes Commission Act (HHCA)

- Enacted by Congress (1921), subsequently amended
- Purpose: Rehabilitate native Hawaiians ($\geq 50\%$ Hawaiian blood quantum) by returning them to land for living, farming, ranching, mercantile and self sustainability purposes
- Section 207. Leases to Hawaiians, licenses.
  - *Homestead leases to nHs for residential, agricultural, pastoral use*
  - *Licenses for mercantile establishments, all of which shall be owned by nHs or organizations formed and controlled by native Hawaiians*
- Section 204.
  - *authorizes DHHL to lease lands not required for homestead leasing (residential, agr, pastoral) to the public & native Hawaiians*

Background of Hawaiian Homes Commission Act (HHCA)

- Admission Act conveyed title of "available lands" to the State as well as most responsibility for administration of HHCA
- Req'd HHCA to be included in the State Constitution as a "compact" with the United States and that with certain exceptions, the HHCA to be amended by the State with United States' consent (Admission Act sec 4 & 43 CFR part 47)
- Hawai'i's people agreed to "faithfully carr[y] out" the "further rehabilitation of the Hawaiian race" by continuing the "Hawaiian homes projects." (Article XII Section 2)

DHHL PRESENTATION– SUMMARY

Reiterating State Funding Kuleana: Article XII Section 1, State Constitution

“The legislature shall make sufficient sums available for the following purposes:

- (1) development of home, agriculture, farm and ranch lots;
- (2) home, agriculture, aquaculture, farm and ranch loans;
- (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and conditions of native Hawaiians are thereby improved;
- (4) the administration and operating budget of the department of Hawaiian home lands...”

DHHL Statewide Inventory: 203,981 Acres

- Hawai'i island: 117,551 acres (58%)
- Maui: 31,904 (16%)
- Moloka'i: 25,747 (13%)
- Kaua'i: 20,575 (10%)
- Lāna'i: 50 acres

Types of Homestead Leases

- Residential
- Agricultural
- Subsistence agricultural (3 acres or less)
- Pastoral

Homestead Demand

- Waitlist
  - 22,839 *residential*
  - 18,672 *agricultural leases*
  - 3,056 *pastoral*
- Waitlist for agricultural > residential homesteads for all islands, except for O'ahu
- O'ahu's waitlist demand is overwhelmingly residential

Shifting Development Focus

- Residential homestead leases – earlier priority
- Residential leases + agricultural leases – future direction

DHHL Waitlist Reduction Strategies

- Development Partnerships
- Package Home Program
- Rent with Option to Purchase Program
- Affordable Rentals (applicants remain on waitlist)
- Vacant lot awards (roads, water, electricity) so lessee can build own home
- Subsistence agriculture lot awards – can reside
- Kuleana awards (unimproved lots)

“Affordable Housing” Homesteading Program

- Framed “affordable,” but most projects not income limited
- Context: 80% AMI Family of Four
  - *Maui*: \$364,400 (\$68,880)
  - *Hawaii*: \$313,600 (\$59,280)
  - *Honolulu*: \$442,700 (\$83,680)
  - *Kauai*: \$361,000 (\$68,240)

Development Partnership Highlights (past 5 years)

- Partners include government, nonprofit, and for-profit entities
- Partnerships for:
  - *Turn key* (e.g. \$213-\$324K)
  - *Packaged homes* (e.g. \$300-500K)
  - *Self-help* (e.g. \$90-200K)
  - *Rent with option to purchase* (e.g. \$75-90K)

DHHL Looking Ahead

- Accessory Dwelling Units (ADUs) - DHHL supports generally
- Policy issues unique to Hawaiian Home Lands - who determines NHQ? Allow on all homesteads, or only some? What county rules (if any) should be complied with? Who will enforce?
- Other issues: What financing is available?
- DHHL administrative rules for ADUs under development

DHHL Looking Ahead

Honolulu: Condominium Development as Option?

- O'ahu - condos may be a future residential homesteading option, highest demand for residential homesteads
- DHHL objective: new housing alternatives in urban Honolulu for HHCA beneficiaries
- Kalawahine v. DHHL – DHHL must adopt admin rules for DCCRs, which govern common expenses and other rules that owners must abide by
- Note: HHCA § 207.5 authorizes DHHL to develop **single and multifamily units** for housing native Hawaiians
- DHHL Properties in Urban Honolulu
  - *Most land in Papakōlea – but slope problems*
  - *Shafter Flats (~ 13 acres) – most leases expire 2021*
  - *Kapālama (5 acres)*
  - *Bowl-o-Drome – in environmental review process, planning for redevelopment*

SOVEREIGN COUNCILS OF THE HAWAIIAN HOMELANDS ASSEMBLY (SCHHA) PRESENTATION - SUMMARY

SCHHA

- Statewide Homestead Coalition, 1987 (~30 homestead associations)
- Partnerships: CNHA, HCA, Homestead CDC & Housing Authority (HCDC)
- HCDC
  - 5 member Board – SCHHA mokupuni representation
  - Non-profit developer specializing on homesteads
  - Job creating projects
  - Priority: Affordable housing crisis
- Projects
  - Housing: Nanakuli rental project, Kanehili & Anahola single family homes, Tiny Homes & ADU pilot (future projects: Mailli rentals, statewide multi-family rentals)
  - Economic Development: Market & certified kitchen, working class farmers program, farmers market, enterprise center, campground, solar facility

SCHHA Federal Advocacy

- 2000 NAHASDA Title VIII Amendment
  - Added native Hawaiians to Federal Indian Housing Program
  - Named DHHL in the absence of a Homestead Housing Authority (HHA)
  - Only Native group where NAHASDA funds flow to a State Govt
  - Homestead Associations are ready to be recipients
- HHCA Federal Rules (2016)
  - First-ever federal HHCA rules for land exchanges & HHCA amendments; includes specific definition for homestead associations

SCHHA Recommendations to Advance Solutions on Homesteads

- Establish Homestead Housing CDFI Fund at HHFDC
- Establish Homestead Capacity CDFI Fund at HHFDC
- Improve Legislative Engagement of the HHCA
  - *Convene annual briefing to hear directly from Homestead Associations*
  - *Convene annual briefing to hear directly from DHHL on Waitlist*
  - *Introduce legislation to give more independence to Hawaiian Homes Commission*
  - *Introduce clarifying legislation on homestead foreclosures*
- Support directing NAHASDA funds to Homestead community instead of to DHHL
  - *Brings parity with other natives nationally*
  - *NAHASDA \$\$ can then be leveraged with private capital*
  - *DHHL can focus on land awards and not be a housing agency*

OHA MOVING FORWARD

Moving Forward

- Further advocate for advancement of the purposes of the HHCA to benefit OHA beneficiaries
- Identify opportunities to better collaborate with housing & homesteading advocates and advocate organizations
- Look at ways to advance OHA's 2012 commitment to "work collaboratively [with DHHL] to establish goals, projects and programs that serve mutual native Hawaiian beneficiaries"

OHA Past Advocacy Support

- Allocation of OHA Funding - \$3 million for 30 years to DHHL to support DHHL housing development program activities.
- State GF Allocation (A&O) – Support for DHHL budget (also Nelson)
- Support for reauthorization and funding of the Native Hawaiian housing programs.
- Reduced blood quantum for successors
- Hawai'i Island Working Group – insurance & financing
- CWRM Seat for HHC Chair
- DHHL Independent Legal Counsel Authority
- Lāna'i representation on HHC
- Indigenous Architecture on subsistence agricultural lots
- County acceptance of certain DHHL sewer systems

OHA Advocacy: Moving Forward

PP Advocacy Priorities:

- Build PP Staff Capacity
- Identify Opportunities to Advocate for Policies that
  - *Support improved economic development options for nHs (e.g. mercantile & commercial leases)*
  - *Provide housing for lower AMI nHs (e.g. unimproved lots)*
  - *Facilitate development of ADUs and 'ohana units (e.g. interpretation of existing policies & estab of new policies such as admin rules)*
- Coordinate with Compliance as necessary

D.C. Bureau Priorities:

- Reauthorization of the Native Hawaiian Housing Block Grant and 184A Home Loan Guarantee Program.
- Continued funding for the NHHBG and 184A programs.

Accessory Dwelling Units (ADUs)

- HHCA § 208(5) allows lessee to rent, with DHHL approval, to native Hawaiians or Hawaiians either within a lessee's existing home or in separate residential dwelling unit on premises
- DHHL rules already allows
  - *1 residence & addtl dwelling units on subsistence agricultural homesteads (3 acres) w/approval. Structures must comply w/county code, unless DHHL exempts*
  - *Workers' quarters: 1 residence and 1 workers' quarters on ag homesteads larger than 3 acres, and all pastoral homesteads. HHC approval required.*
- Residential: DHHL supports, but
  - *Drafting Admin Rules – will likely not allow until pau*
  - *HHCA § 208(5) – legal question on whether ADUs can be rented to native Hawaiians and Hawaiians*
  - *Interplay between DHHL & county on requirements complicated - DHHL likely to require compliance with certain county regulations*

nH Mercantile & Commercial Leases

- HHCA section 204(2)
  - *authorizes DHHL to dispose of lands not required for homestead leasing (residential, agr, pastoral) to the public & native Hawaiians, on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands (chapter 171);*
  - *expressly authorizes DHHL to negotiate with nHs or an organization/association owned or controlled by nHs for commercial, industrial, or other business purposes in accordance with ch 171, prior to negotiations with the general public*
- HHCA section 207(c)(1)(B) - authorizes DHHL "to grant licenses for lots within a district in which lands are leased under the provisions of this section, for: . . . (B) Theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by native Hawaiians or by organizations formed and controlled by native Hawaiians)."