



## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

DAVID Y. IGE  
GOVERNOR

MIKE MCCARTNEY  
DIRECTOR

CHUNG I. CHANG  
DEPUTY DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804  
Web site: [dbedt.hawaii.gov](http://dbedt.hawaii.gov)

Telephone: (808) 586-2355  
Fax: (808) 586-2377

Statement of  
**MIKE MCCARTNEY**  
Director

Department of Business, Economic Development and Tourism  
before the

**SENATE COMMITTEE ON WATER AND LAND**  
**SENATE COMMITTEE ON HOUSING**

Tuesday, June 23, 2020  
12:30 p.m.

State Capitol, Conference Room 225

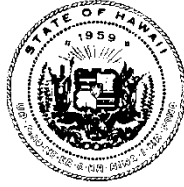
in consideration of  
**HB2297, HD1, Proposed SD1**  
**RELATING TO PUBLIC LANDS.**

Chairs Kahele and Chang, Vice Chairs Keith-Agaran and Kanuha, and Members of the Committees.

The Department of Business, Economic Development and Tourism (DBEDT) **strongly supports** HB2297, HD1, Proposed SD1, a bill that would exempt lands set aside to the HHFDC by Executive Order for purposes of affordable housing development from the statutory definition of "public lands." This exemption will help facilitate affordable housing development on State lands, including leasehold housing on land located within one-half mile of the Honolulu rail transit line.

Thank you for the opportunity to testify.

DAVID Y. IGE  
GOVERNOR



DENISE ISERI-MATSUBARA  
INTERIM EXECUTIVE DIRECTOR

**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
FAX: (808) 587-0600

IN REPLY REFER TO:

Statement of  
**DENISE ISERI-MATSUBARA**  
Hawaii Housing Finance and Development Corporation  
Before the

**SENATE COMMITTEE ON WATER AND LAND  
SENATE COMMITTEE ON HOUSING**

June 23, 2020 at 12:30 p.m.  
State Capitol, Room 225

In consideration of  
**H.B. 2297, H.D. 1, Proposed S.D. 1  
RELATING TO PUBLIC LANDS.**

The HHFDC **strongly supports** H.B. 2297, H.D. 1, Proposed S.D. 1, which amends the definition of "public lands" in Section 171-2, HRS, to include lands set aside by the Governor to HHFDC and lands leased to HHFDC from another State department or agency in the exemption.

Currently, only lands to which HHFDC holds title to in its corporate capacity are exempt from the definition of "public lands." This exemption will help streamline the development of affordable housing on State lands by minimizing the number of approvals from the Department of Land and Natural Resources as projects move forward from set-aside to the leasing, entitlement, financing, and development phases.

Thank you for the opportunity to provide written comments in support of the Proposed S.D. 1.



**HB2297 HD1**  
**RELATING TO PUBLIC LANDS**  
Senate Committee on Water and Land  
Senate Committee on Housing

June 23, 2020

12:30p.m.

Room 225

The Office of Hawaiian Affairs (OHA) **OPPOSES** HB2297 HD1, which would amend the Hawai‘i Revised Statutes (HRS) § 171-2 definition of “public lands,” and thereby remove certain procedural safeguards found in HRS Chapter 171 for public lands set aside from the Governor to the Hawai‘i Housing Finance and Development Corporation (HHFDC) “for the primary purpose of affordable housing.” OHA is appreciative of the opportunity to provide input on these important discussions, and, should the Committees choose to move forward this measure, **OHA respectfully urges the Committees to include amendments to (1) ensure that lease terms are reasonably set, to safeguard the claims of Native Hawaiians and the interests of the public in the disposition of our very limited public land base, and (2) equitably and appropriately reflect the interests of OHA and Department of Hawaiian Home Lands (DHHL) beneficiaries for the use of public and likely “ceded” and public land trust lands.**

First, OHA has significant concerns regarding the potential for this measure to substantially impair, if not effectively foreclose, Native Hawaiian claims to a potentially vast amount of “ceded” lands that may be leased for unreasonable, generations-long periods of time. Specifically, HB2297 HD1 contemplates a significant expansion of the public lands, including “ceded” lands, that could be leased under HHFDC’s very flexible and liberal land disposition authorities. Currently HHFDC can give out extremely long-term leases on the limited lands that HHFDC holds in fee; HHFDC may also lease or otherwise dispose of such lands for far less than fair market value, and without the auction or other requirements generally applicable to the disposition of public lands. **HB2297 HD1 would allow a potentially vast amount of additional public lands—which are overwhelmingly “ceded” lands to which Native Hawaiians maintain unrelinquished claims, and which are also largely public land trust lands held for the benefit of native Hawaiians and the general public—to also be leased or otherwise disposed of under HHFDC’s broad leasing and disposition authorities.** These lands are currently subject to various public transparency and accountability protections in HRS Chapter 171, including lease length limitations (i.e. maximum aggregate lease period of 65 years) and lease extension prohibitions; by allowing these lands to be exempted from HRS Chapter 171 and instead subjecting them only to HHFDC’s broad leasing and dispositions authorities, this measure may foreclose, for a century or more, opportunities for Native Hawaiians to fully and directly realize the benefits from lands to which they have specific legal and moral claims.

**Moreover, as OHA has highlighted numerous times in the past, extremely long-term, multi-generational leases on “ceded” lands can even create a sense of entitlement on the part of lessees that has led to, and may continue to lead to, the alienation of public and “ceded” lands.** Every year we see lessees attempt to change laws and policies to allow them to hold on to public lands, including “ceded” lands, for longer and longer periods. OHA strongly objects to the sale or alienation of “ceded” lands except in limited circumstances and has significant concerns over any proposal that may facilitate

the diminution of the “ceded” lands corpus. Accordingly, OHA cannot support a measure that may subject a significant amount of “ceded” lands to extremely long-term, century-long or longer leases.

Therefore, **OHA respectfully recommends reducing the lease term lengths applicable to the lands that may be set aside to HHFDC to a maximum of 75 years for affordable housing projects.**<sup>1</sup> OHA particularly recommends the following suggested language if there are no express benefits to Native Hawaiians in these housing projects.

By adding a new section amending subsections (c) through (e) of HRS § 201H-9, to read as follows:

SECTION -A. Section 201H-9, Hawai'i Revised Statutes, is amended by amending subsections (c) through (e) to read as follows

“ (c) [The]Subject to subsection (e), the corporation may lease or rent all or a portion of any housing project and establish and revise the rents or charges therefor. The corporation may sell, exchange, transfer, assign, or pledge any property, real or personal, or any interest therein to any person or government.

(d) The corporation may insure or provide for the insurance of its property or operations against risks as it deems advisable.

(e) Notwithstanding any law to the contrary, as it relates to the leasing of lands set aside by the governor to the corporation, no lease shall be for a longer term than seventy-five years, provided that the aggregate of the initial term and any extension shall in no event exceed seventy-five years, provided further that the lease is for the primary purpose of providing affordable housing.”

Second, to ensure that “ceded” and public land trust lands set aside and used by HHFDC and its lessees directly benefit Native Hawaiian beneficiaries of the “ceded” land trust and public land trusts, OHA urges the inclusion of language to set aside leasehold units for transfer to OHA and/or DHHL, such as that found in the amended ALOHA Homes measures proposed this session and last session. Given the maintained claims of Native Hawaiians in lands that may be developed and leased under this measure, the State’s fiduciary obligation to uphold the interests of Native Hawaiians in public land trust lands that may be developed under this measure, as well as the State’s responsibilities to DHHL and its native Hawaiian beneficiaries, OHA strongly believes that it would be both equitable and appropriate to ensure a percentage of leasehold units contemplated for sale under this measure to be transferred to OHA and/or DHHL.

**The unique and significant housing needs of Native Hawaiians make transfer of residential units to OHA or DHHL a particularly appropriate benefit to provide to Native Hawaiians from the use of “ceded” and public land trust lands. Native Hawaiians have significant and unique housing needs and are particularly affected by the ongoing lack of affordable housing. For example, data show that**

---

<sup>1</sup> OHA acknowledges concerns regarding the potential for kūpuna without family or resources and those with special physical and health needs to outlive a 75-year lease; OHA is open to further discussions regarding whether additional statutory lease extension language can accommodate such exigent circumstances.

Native Hawaiians are less likely to own a home,<sup>i</sup> Native Hawaiian households are also much more likely to be crowded with more than two persons sharing single bedrooms,<sup>ii</sup> or “doubled up,” with multigenerational or unrelated individuals living together in single households.<sup>iii</sup> Furthermore, Native Hawaiian households are twice as likely to have a ‘hidden homeless’ family member than all state households.<sup>iv</sup> Moreover, a growing number of Native Hawaiian households are disproportionately at risk of becoming homeless.<sup>v</sup> Notably, only 25% of the Native Hawaiian demand for housing is for units affordable for households making 140% AMI or more, and 56% of Native Hawaiian housing demand will be from households under 80% AMI.<sup>vi</sup> These data demonstrate the dire need for affordable housing among the Native Hawaiian and DHHL-beneficiary communities, and reflect the appropriateness of ensuring that at least some proportion of residential units be provided to OHA or DHHL in exchange for the vastly expanded use of lands to which Native Hawaiians maintain claims.

Accordingly, if the Committees choose to pass this measure, OHA offers for the Committees’ consideration the following amendment that would better ensure that OHA and/or DHHL beneficiaries are able to appropriately realize the benefits of HB2297 HD1:

By adding a new section, to read as follows:

SECTION -B. The Hawaii housing finance and development corporation shall transfer units within residential projects on state lands to the department of Hawaiian home lands or to the office of Hawaiian affairs, subject to the payment of reasonable remuneration, provided further that the corporation shall adopt rules pursuant to chapter 91 to determine the number of units or the percentage of units from such projects to be transferred to the department of Hawaiian home lands or to the Office of Hawaiian Affairs.

In response to potential concerns about fair housing laws, the proposed language above should not itself raise fair housing issues for HHFDC—it does not dictate or restrict how the units can be disposed of, including who would be eligible to occupy the units, or for what purposes. Those decisions can be made by OHA/DHHL if and when those units are transferred. If units were to be transferred to OHA, we would follow applicable laws, including fair housing laws. If units were to be transferred to DHHL, there is no reason why they would not do the same.

With regards to questions or concerns regarding applicability or inapplicability of the transfer requirement to particular residential projects, and the number or percentage of units to be transferred to OHA/DHHL, OHA notes its suggested language provides HHFDC with the flexibility it needs to ensure that its projects are successful. Accordingly, the specific transfer processes and criteria would be left to the discretion of HHFDC itself in its development of rules for such transfers. For example, HHFDC rules could provide for the transfer of a certain number of units from a project to OHA/DHHL, or alternatively allow one of every five projects to be dedicated solely for transfer to OHA/DHHL. Finally, even though OHA believes that any remuneration concerns could be easily determined by the HHFDC’s administrative rules, OHA notes its current suggested language – requiring the payment of reasonable remuneration for transferred units – would specifically address any potential remuneration concerns.

Mahalo piha for the opportunity to testify on this measure.

---

<sup>i</sup> See Office of Hawaiian Affairs, Native Hawaiian Homeownership Ho'okahua Waiwai Fact Sheet Vol. 2016, No. 1, page 3, available at <http://www.oha.org/wp-content/uploads/NH-Homeownership-Fact-Sheet-2016.pdf>. This figure includes 8,329 DHHL residential lease "owner-occupied" property units. DHHL Annual Report 2014, at 47, available at <https://dttl.hawaii.gov/wp-content/uploads/2011/11/DHHL-Annual-Report-2014-Web.pdf>. For non-DHHL properties, the Native Hawaiian homeownership rate is therefore 41.2%, 15.5 percentage points below the statewide rate.

<sup>ii</sup> 21.2% of Native Hawaiian households are crowded with more than two persons per bedroom versus 10.9% of other households in the state. SMS, Hawai'i Housing Planning Study, at 73 (2019), available at <https://dbedt.hawaii.gov/hhfdc/files/2020/01/FINAL-State-Hawaii-Housing-Planning-Study.pdf>.

<sup>iii</sup> 24.5% of Native Hawaiian households, compared to 9.0% of other households include more than two generations or unrelated individuals. *Id.*

<sup>iv</sup> 38% of Native Hawaiian households, compared to 19% of other households, reported having at least one person residing there because they had insufficient resources to buy or rent their own place. *Id.* at 74.

<sup>v</sup> 32% of Hawaiian households indicated that they would become homeless if they lost their primary source of income for more than two months. This figure is up nine percentage points from the 2016 study and compares to only 23% of non-Hawaiian households at similar risk. *Id.*

<sup>vi</sup> *Id.* at table 60.



**SENATE COMMITTEES ON WATER AND LAND, AND HOUSING**  
**State Capitol, Conference Room 225**  
**415 South Beretania Street**  
**12:30 PM**

**June 23, 2020**

RE: HOUSE BILL NO. 2297, HD 1, RELATING TO PUBLIC LANDS

Chairs Kahele and Chang, Vice Chairs Keith-Agaran and Kanuha, and members of the committees:

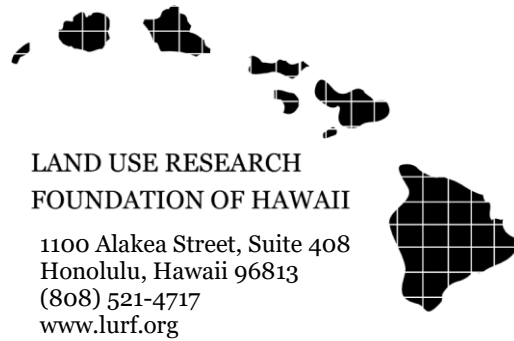
My name is Dwight Mitsunaga, 2020 President of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

**BIA-Hawaii is in strong support of H.B. 2297 H.D. 1**, which proposes to exempt lands set aside by the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC) from classification as “public land” subject to management by the Department of Land and Natural Resources.

We understand that Chapter 171, HRS already exempts lands that HHFDC holds title to from the definition of “public lands.” Exempting lands set aside to HHFDC would create more opportunities for HHFDC to develop affordable housing on state owned lands, without having to obtain approval from the Board of Land and Natural Resources for ministerial real estate transactions/approvals (i.e. consents, leases, sub-leases, etc.).

This year, the Legislature, and Governor Ige’s administration put forward a comprehensive package of bills to improve the quality of life for Hawaii’s middle-class families. A large part of the package attempted to address housing affordability by building more units at all price points on state-owned lands. This bill would remove some of the bureaucratic obstacles when developing more housing on state-owned lands.

We are in strong support of H.B. 2297 H.D. 1, and appreciate the opportunity to provide comments on the matter.



**LATE**

June 22, 2020

Senator Kaiali'i Kahele, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Water and Land

Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair  
Senate Committee on Housing

**Support of HB 2297, Proposed SD1 RELATING TO PUBLIC LANDS (Clarifies that lands set aside to the Hawaii housing finance and development corporation by the governor or leased to the corporation by other state departments and agencies are exempt from the definition of "public lands". Requires the Hawaii housing finance and development corporation to dispose of public lands pursuant to chapter 171, Hawaii Revised Statutes. Clarifies that lands set aside by the governor or leased to the Hawaii housing finance development corporation from other state agencies are subject to legislative approval prior to the sale or gift of those lands. [Proposed SD1])**

**WTL/HOU Hearing: Tuesday, June 23, 2020, 12:30 p.m., in Conf. Rm 225**

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and utility companies. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **strong support of HB 2297, Proposed SD1** and support of the Hawaii Housing Finance and Development Corporation (HHFDC). LURF members and other homebuilders work with HHFDC to increase the number of affordable housing units and housing for all income levels in Hawaii.

**HB 2277, Proposed SD1.** This measure clarifies that lands set aside to the Hawaii housing finance and development corporation by the governor or leased to the corporation by other state departments and agencies are exempt from the definition of "public lands". Requires the Hawaii housing finance and development corporation to dispose of public lands pursuant to chapter 171, Hawaii Revised Statutes. Clarifies that lands set aside by the governor or leased to the Hawaii housing finance development corporation from other state agencies are subject to legislative approval prior to the sale or gift of those lands.



**LURF's Position.** This bill clarifies that lands set aside to the HHFDC by a Governor's Executive Order (E.O.) for the primary purpose of affordable housing development are not "public lands" subject to the jurisdiction of the DLNR. If passed, this exemption will ensure clarity that HHFDC has jurisdiction over suitable state lands set aside to it by a Governor's E.O. and will streamline the development process for affordable housing by reducing the number of approvals required for projects located on state lands set aside to HHFDC.

For the reasons set forth above, LURF is **in support of HB 2297, Proposed SD1** and respectfully urges your favorable consideration of this bill.

DEMOCRATIC PARTY OF HAWAII  
HAWAIIAN AFFAIRS CAUCUS

TESTIMONY IN OPPOSITION TO  
HB2297, HD1, RELATING TO PUBLIC LANDS

Hearing, Tuesday, June 23, 2020, 12:30 p.m.

Senator Kaiali'i Kahele, Chair  
Senator Gilbert S. C. Keith-Agaran, Vice Chair  
Members, Committee on Water and Land

Senator Stanley Chang, Chair  
Senator Dru Mamo Kanuha, Vice Chair  
Members, Committee on Housing

Aloha,

The Executive Committee of the Hawaiian Affairs Caucus opposes HB2297, HD1 that would exempt lands set aside by the Governor to the Hawai'i Housing Finance and Development Corporation (HHFDC) for the primary purpose of developing affordable housing from classification as public land subject to DLNR management.

Clearly, this is a difficult decision since the measure pits the priority of increasing affordable housing against Native Hawaiian and public interest in protecting the Public Land Trust. In this regard, we support affordable housing, but cannot, as a body representing the best interests of Native Hawaiians, agree to exempting lands from the PLT.

A paper on the Public land Trust developed for the Native Hawaiian Law Training course for State Councils, Boards & Commissions presented by Ka Huli Ao Center for Excellence in Native Hawaiian Law best describes our reason for objection to this measure. It is quoted as follows:

“‘Āina or land is at the very core of Kānaka Maoli or Native Hawaiian culture. Indeed, Native Hawaiians trace their ancestry to the ‘Āina, to the natural forces of the world, and to kalo, the staple food of the Hawaiian people. All are related in a deep and profound way that is expressed in every aspect of Kānaka Maoli life. The public land trust embodies the spiritual and physical connection of the Native Hawaiian people to the land.

The State's fiduciary duty in relation to the former Government and Crown Lands of the Hawaiian Kingdom, now held by the State as the “public land trust,” is deeply rooted in Hawai'i law. As the Hawai'i Supreme Court has stated, State officials are obligated “to use reasonable skill and care in managing the public lands trust” and the State's conduct should be judged “by the most exacting fiduciary standards.” Thus, the State's well-established commitment to

reconciliation with the Native Hawaiian community includes the preservation of the trust lands to the greatest extent possible, until the unrelinquished claims of the Native Hawaiian community to the trust lands are resolved.”

Further, bills such as this that call for exemption from the Public Lands Trust erodes the Public Land Trust (PLT), lessens public oversight and input in the future use of these very limited lands, impairs Native Hawaiian claims to ceded lands that may be leased for unreasonable, generations-long period of time, places the trustees of the Trust in jeopardy for failing to act in the best interest of the Trust, and raises the question of whether those who lease the land will be subject to the 20% pro rata share of income due to OHA.

For all of the above reasons, please do not pass this measure.

Respectfully

Juanita Brown Kawamoto  
Chair

**Kūpuna for the Mo'opuna**  
*committed to the well-being of Hawai'i for the next generations to come*  
[kupuna4moopuna@gmail.com](mailto:kupuna4moopuna@gmail.com)

Senate Committee on Water and Land, Senator Kai Kahele, Chair  
Senate Committee on Housing, Senator Stanley Chang, Chair

Date: Tuesday, June 23, 2020

Time: 12:30 P.M.

Place: Room 225

**HB 2297 HD1 - RELATING TO PUBLIC LANDS. STRONG OPPOSITION**

**STOP LEGAL THIEVERY!**



Aloha Senators,

We, Kūpuna for the Mo'opuna, a concerned group of kūpuna Hawaiian homestead farmers from Pana'ewa, Hawai'i, committed to the well-being of Hawai'i for the next generations to come, submit this testimony in **STRONG OPPOSITION to HB 2297 HD1.**

HB 2297 HD1 is another attempt to legalize the grabbing – legal thievery – of public lands held in trust.

No transparency. No accountability. No to HB 2297 HD1.

**Please do not pass HB 2297 HD1.**



June 23, 2020

Senate Committees on Water and Land and Housing  
Tuesday, June 23, 2020, 12:30p  
Conference Room 2225

**LATE**

**HB2297, HD1 – Relating to Public Lands**

Aloha Committee Chairs, Vice-Chairs, and Members:

I am submitting testimony on behalf of Hawaiian Community Assets (HCA), the State's largest HUD-approved housing counseling agency, and Hawaii Community Lending (HCL), a Department of Treasury certified community development financial institution to **OPPOSE HB2297, HD1**.

HB2297, HD1 would amend the Hawaii Revised Statutes (HRS) § 171-2 definition of "public lands," and thereby remove certain procedural safeguards found in HRS Chapter 171 for public lands set aside from the Governor to the Hawaii Housing Finance and Development Corporation (HHFDC) "for the primary purpose of affordable housing."

Our organizations are opposed to this legislation as it would allow additional public lands to be leased without the public transparency and accountability protections currently in HRS Chapter 171.

We support the Office of Hawaiian Affairs' (OHA) recommendation to reduce the lease term lengths applicable to lands that may be set aside to HHFDC to a maximum of 75 years for affordable housing projects. This recommendation by OHA is consistent with agreements made by multiple stakeholders, including those represented in support and opposition testimony to this bill, made earlier this year when we had discussed another affordable housing bill – SB3104.

Mahalo for your time, leadership and consideration. Please contact me directly at 808.587.7653 or jeff@hawaiiancommunity.net should you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Jeff Gilbreath".

Jeff Gilbreath  
Director of Lending and Development

**HB-2297-HD-1**

Submitted on: 6/20/2020 5:48:04 PM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

**HB-2297-HD-1**

Submitted on: 6/21/2020 10:24:02 PM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Higbee	Individual	Oppose	No

## Comments:

Aloha, I strongly oppose HB2297. I don't like the state taking ceded(crown) lands and giving it to HHFDC. I don't believe the process should be faster for that. If anything, the state needs to focus on making the process faster at getting Hawaiians on the land. Look at Department of Hawaiian Homes!!!! So many people are dying on the list. Tens of thousands of people are dying on the list!!! 28,000 people are on the waitlist. It will take 200 years to clear that list at the rate the state is at. So many people are bound to die on the list.

I will not support HB 2297 to be passed the way it is is written. Instead, I recommend it be written by switching out HHFDC and putting DHHL instead. I have seen how the state tries to weasel their way and take strategically located ceded (crown) lands that is close to roads and water pipes, to have HHFDC build homes fast and more affordable because the county and state don't need to pay much for the infrastructure of roads, sewer, water, utilities, because everything is right there. Why not do the same for Hawaiian Homes???? How about swapping that strategically located ceded land for DHHL land to get Native Hawaiians on the land? It's a no brainer. But instead this bill will further displace Native Hawaiians because hardly any Native Hawaiians get to live at HHFDC built lands. Not when they have to compete with all the non Hawaiians! When the state gets DHHL homes built, Native Hawaiians have a 100% success rate.

Thank you for taking the time to read this testimony. I hope you will make the right decision and not pass this bill 2297. Because there has already been too much trauma done to Native Hawaiians. The state needs to stop the genocide. Mahalo.

**HB-2297-HD-1**

Submitted on: 6/22/2020 12:07:39 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rhonda	Individual	Oppose	No

Comments:



**HB-2297-HD-1**

Submitted on: 6/22/2020 9:09:23 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tina Taniguchi	Individual	Oppose	No

Comments:

No land should be exempt from rules or regulations that protect the land and people!  
Land that has been set aside as public lands or what was once crown lands should not  
ever be developed on.

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 6:53:50 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
David Shizuma	Individual	Oppose	No

Comments:

To whom it may concern,

I am submitting written testimony in STRONG OPPOSITION to HB2297.

This proposal to exempt lands transferred to the Hawaii Finance and Development Corporation from the 'public lands' classification could potentially be determined to be a breach of trust and lessen public oversight and input in the future use of these lands. Also, native Hawaiians have unrelinquished claims to about 1.8 million acres of the public lands trust which includes 'public lands'.

I understand that housing and housing prices in Hawaii are a concern, but the current strategy of building more affordable houses is not the solution. This mindset is why we are in a housing situation that keeps worsening. We need to rethink policies about out-of-state investors buying housing, otherwise our housing market will continue to be an issue as non-Hawaii residents continue to buy houses in Hawaii.

This bill is not the solution for housing, and is only a further breach of trust and harming native Hawaiian's rights to these lands.

Thank you for your time,

David Shizuma

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 7:21:04 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Phillip	Individual	Oppose	No

Comments:

In strong opposition.

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 8:12:52 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Steven Thomas	Individual	Oppose	No

Comments:

I oppose this bill because it is my kuleana to protect 'aina.

Respectfully,

Steven Thomas

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 8:44:45 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
LeeAnn	Individual	Oppose	No

Comments:

I STRONGLY OPPOSE THIS BILL!! How dare you so called leaders strip us yet again of our rights as natives. This is why we don't trust any of you!

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 9:12:20 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melvin Mcaulton	Individual	Oppose	No

**Comments:**

HOLD THE TRUCK !...every time we get a bill introduced, the State decides to play transparency politics with us. First of all, SAIKI ? Introduced by request of another party does not sit well with me ! Does that pertain to the fact that you introduced the bill under the radar ? of having to be paid off by that person ? or does that persons name just happen to be involved in the Development of that project ?

The legal wording in the Constitution of Hawai'i..cannot be repealed by any Government that is not from the Hawaiian Kingdom. 1. They are not the King or Queen of the Kingdom. 2. They are not the Heir of the Crown Lands. 3. All lands under the Hawaiian Kingdom are protected by the Hawaiian Constitution and cannot be amended for the purported use of monetary gain or sale. The departmental entity does not have jurisdiction over the rights of Crown lands (aka ceded land). Thus, cannot be transferred to another departmental entity from an agent of the land that is not the Heir of that land. (See) ; Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009).

Note : After the overthrow of the Hawaiian monarchy in 1893, Congress annexed the Territory of Hawaii pursuant to the Newlands Resolution, under which Hawaii ceded to the United States the "absolute fee" and ownership of all public, government, and crown lands. In 1959, But in Supreme Court, Sup.Ct., SCJ; No. 07-1372. Argued February 25, 2009—Decided March 31, 2009

\*\*\*\*\* Opinion of the Court \*\*\*\*\*

After the overthrow of the Hawaiian monarchy in 1893, Congress annexed the Territory of Hawaii pursuant to the Newlands Resolution, under which Hawaii ceded to the United States the "absolute fee" and ownership of all public, government, and crown lands. In 1959, the Admission Act made Hawaii a State, granting it "all the public lands ... held by the United States," §5(b), and requiring these lands, "together with the proceeds from [their] sale ... , [to] be held by [the] State as a public trust," §5(f). Hawaii state law also authorizes the State to use or sell the ceded lands, provided the proceeds are held in trust for Hawaiian citizens. In 1993, Congress' joint Apology Resolution "apologize[d]" for this country's role in overthrowing the Hawaiian monarchy, §1, and declared that nothing in the resolution was "intended to serve as a settlement of any claims against the United States," §3.

Court record concluded ;

The Apology Resolution did not strip Hawaii of its sovereign authority to alienate the lands the United States held in absolute fee and granted to the State upon its admission

to the Union. Pp. 7–12.

\*\*\*\*\*

Now, in its present era out of that, we find the annexation was never released or done, therefore, the resolution is null and void. 1959, was discriminating towards the Hawaiians, falsely claiming that Hawai'i was a State, we are not a State. We are a Territorial jurisdiction that is still under the Hawaiian Kingdom. No one took notice of this part of the "law". In actual fact, by the courts themselves had repealed the apology resolution because it lacked substantial bearing and authority of ceded aka Crown lands to the United States.

Wildman, is back !

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 9:22:30 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua kaina	Individual	Oppose	No

Comments:

I oppose this bill vehemently.



**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 9:38:57 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamalani Keliikuli	Individual	Oppose	No

Comments:

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 10:01:08 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tara Rojas	Individual	Oppose	No

Comments:

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 10:11:30 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Grabow	Individual	Oppose	No

Comments:

Please OPPOSE this bill because it trying to take ceded(Crown) Lands, and give it to HHFDC, which makes the path easier for HHFDC to get a hold of **Crown Lands** to build their homes.

They are taking land that is for Hawaiians (the beneficiaries of the aina), and giving land to settlers, basically.

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 10:16:49 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel Tachibana	Individual	Oppose	No

Comments:

I strongly oppose this bill. Please do not build on these lands.  
Mahalo,

Rachel Tachibana

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 10:26:40 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tanya K.D. Alana	Individual	Oppose	No

Comments:

I, along with my Ohana, STRONGLY OPPOSE HB2297. Hawai'i doesn't need any more development. We, the Hawaiian people are sick and tired of all this development!!! From a once self-sustaining nation to a now occupied fake state filled with pollution and concrete, all this development needs to STOP!!! Also, ALL THESE LANDS ARE NOT THE FAKE STATE OF HAWAI'I OR THE ILLEGAL LEGISLATURES LAND!!!! STOP STEALING THE LAND THAT WE HAVE LEFT FOR FOREIGN & AMERICAN DEVELOPMENT!!!!

**HB-2297-HD-1**

Submitted on: 6/23/2020 10:30:51 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne Kauhi	Individual	Oppose	No

Comments:

**LATE**

**HB-2297-HD-1**

Submitted on: 6/23/2020 11:30:13 AM

Testimony for WTL on 6/23/2020 12:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sina Pili	Individual	Oppose	No

Comments:

Aloha,

I oppose HB 2297. This is ceded lands intended for Native Hawaiians. Auwe! No good. Leave the ceded lands alone.