Beneficiary Consultation
Proposed Changes to DHHL Administrative Rules
Tonight’s Agenda

6:00 p.m. – Pule, Introductions & Purpose of Meeting
6:15 p.m. – Administrative Rule Amendments Process & Overview
  Genetic Testing
  Subsistence Ag Lots
  Transfer of Leases

7:00 p.m. – Break Out Groups
8:00 p.m. – Group Reports, Next Steps & Closing Remarks

For more information, visit dhhl.hawaii.gov/dhhlrules or email dhhl.rules@hawaiianhomelands.org
Rulemaking Process
What are Administrative Rules?

• Every State agency has administrative rules.
• Rules govern departmental operations.
• Rules make those operations public.

• DHHL’s rules are known as Title 10, Hawaii Administrative Rules.
Why Amend Administrative Rules?

- Improve service, programs, and operations.
- Rules should be consistent with State law.
- Best practice.
DHHL Rulemaking Process

18-24 months

Draft rules prepared by staff
HHC workshop
HHC approval to proceed
Beneficiary consultation
External review:
  • SBRRB*
  • LRB
  • AG
HHC approval of draft rules
Governor:
  public hearing request and approval
Public notice & hearing
DHHL consideration of public comments
HHC adopts final rules
External approval:
  • AG first, then
  • SBRRB* and
  • Governor
Filing and publication
We’ve only just begun…
Proposed Amendments
Housekeeping Amendments

• Changes to help the Department keep a “clean house:”
  – Grammar and formatting;
  – Updates;
  – Ease and efficiencies.
Housekeeping Amendments

- Physical addresses and contact information.
- New definitions.
- Duties of the chair.
- Rulemaking procedures.
- Approval for building plans.
- Fees and charges.
Genetic Testing
• New rule.

• What is the current application process?
  – Application form;
  – Genealogy records and documentation;
  – Qualification.
Background

• What if you wanted to submit DNA evidence today?
  – No.
Should genetic test results be accepted as part of the application and verification process for the Hawaiian Homes program?
Why Genetic Testing

• Yes. Because:
  – Genetic test results could help qualify more native Hawaiians.
  – There is a direct benefit to beneficiaries.

• Genetic testing does not affect how the Department reviews or qualifies an application.
Genetic Testing

• How would the new rule work?
  – Only tests to establish parent-child relationships;
  – After the standard process, applicant can choose testing as a last resort;
  – Applicant’s choice and expense;
  – “Degree of certainty” of the results.
Subsistence Ag
• Expansion of the ag program that would create a smaller ag lot.

• How do ag awards work today?
  – Typically large acreage, up to 40 acres maximum;
  – Must have a farm plan;
  – Must have 2/3 in active cultivation at all times;
  – Can request additional acreage.
Policy Question

Should the Department expand the agricultural program to create a smaller ag lot and promote self-sufficiency?
Why Subsistence Ag

• Yes. Because:
  – A lot of beneficiaries are interested in subsistence ag, or a rural lifestyle;
  – The ag list is the longest list on every island except O‘ahu;
  – It’s a more manageable way to start farming;
  – It can put more beneficiaries on the land.
• How would the new subsistence lot work?
  – An ag lot of 1.0 acre or less for subsistence use;
  – Lessee required to reside on the lot;
  – Lessee can raise crops and/or small livestock;
  – Rules stay the same for ag lots that are larger than 1.0 acres.
Transfer of Homestead Leases
• Would restrict the sale of vacant lots and undivided interests.

• How are vacant lots or undivided interests transferred now?
  – Give it away to another beneficiary;
  – Name a qualified successor;
  – Sell to another beneficiary.
Should the Department restrict the sale of leases to lots where a lessee has not made financial investment in its development?
Why Restrict the Sale of Leases

• Yes. Because:
  – The lessee is attempting to profit from only what the Department provided;
  – The lessee has not used or invested in a vacant lot or undeveloped lot as required by the lease;
  – The purpose of the Act is to rehabilitate native Hawaiians by returning them to the land.
Transfer of Homestead Leases

• How would the new rule change the sale of leases?
  – Applies only to “vacant lots” or “undeveloped lots” and “undivided interests;”
  – These types of leases would only be transferred by gift or succession;
  – No sale of vacant or undeveloped lots and undivided interests for profit.
Ground Rules
Ground Rules

• Be creative!
  – Work toward future solutions/aspirations.
• Conflict is ok as long as we are respectful of each other.
• Silence means agreement.
• Everyone gets a turn first, then repeats.
• Cell phones off or on silent.
  – Take all calls/texting outside.
Ground Rules

• You are personally responsible for:
  – Making sure everyone has equal opportunity to express their ideas;
  – Actively listening;
  – Keeping an open mind and maintaining a positive attitude;
  – Keep side conversations to a minimum.
Closing
Next Steps for DHHL

• Review and compile notes from today, as well as additional comments received by January 11, 2016;
• Consider suggested and possible changes;
• Prepare and submit a report for the Commission;
• Submit the proposed amendments to the Commission for approval to move forward with the public hearing process.
Next Steps for You

• Think about today’s discussion;
• Talk to family, friends, neighbors;
• Submit comments by January 11, 2016;
• Check out meeting schedule on pages 3-4 of your packet;
• Keep checking the website for updates http://dhhl.hawaii.gov/DHHLRules.
How to Submit Comments

- Green sheets.
- Email: dhhl.rules@hawaiianhomelands.org
- Mail:
  Department of Hawaiian Home Lands
  DHHL Administrative Rules
  P.O. Box 1879
  Honolulu, HI 96805
- Online feedback form:
  http://dhhl.hawaii.gov/DHHLRules