

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**

91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i

Tuesday, February 21, 2017 at 9:30 a.m. to be continued, if necessary, on

Wednesday, February 22, 2017, at 9:00 a.m.

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov), by Saturday, February 18, 2017.*

**I. ORDER OF BUSINESS**

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes for November 2015, December 2015

**II. ITEMS FOR DECISION MAKING**

**A. PUBLIC TESTIMONY ON AGENDIZED ITEMS**

**B. CONSENT AGENDA**

Homestead Services Division

- D-2 Ratification of Loan Approvals (see exhibit)
- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Commission Designation of Successors to Application Rights – Public Notice 2015 – **HEATHERLYNN P. BERG**
- D-8 Cancellation of Deceased Applicants from Waiting List Public Notice 2015 (see exhibit)
- D-9 Cancellation of Deceased Applicant with No Eligible Successors from Waiting List – **RYAN M. CULLEN**
- D-10 Ratification of Designations of Successors to leasehold Interest and Designation of Persons to Receive Net Proceeds (see exhibit)
- D-11 Approval of Assignment of Leasehold Interest (see exhibit)
- D-12 Approval of Amendment of Leasehold Interest (see exhibit)
- D-13 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-14 Set Aside of Prior Designation of Successor to Lease No. 3805, Lot No. 63, Nanakuli, Oahu – **CORALENE N. KAAI**
- D-15 Request to Schedule Contested Case Hearing – Authorization to Proceed to Public Notice Under Section 205, HHCA, Due to Nonresponsive Designated Successor(s) (see exhibit)
- D-17 Request to Approve Third Party Agreement – **GARY K. KANIHO**
- D-18 Request to Schedule Contested Case Hearing for Lease Violations (see exhibit)

**C. REGULAR AGENDA**

Office of the Chairman

- C-3 Adoption of Amendments to Title 10 Hawaii Administrative Rules

Homestead Services Division

- D-16 Approval of the Assignment of a Tenant-In-Common Leasehold Interest –  
**SANDRALYNN H. NAEA**, Lease No. 3159, Lot No. 13-A Waimanalo, Oahu

Land Development Division

- E-1 Rescission of Homestead Lease Award and Reinstatement of Application – Laiopua Undivided Interest – Ella M. K. McComber  
E-2 Rescission of Homestead Lease Awards and Reinstatement of Applications – East Kapolei II B & C Undivided Interest - Charlene M. K. Kelesoma and Henry DeCosta Jr.  
E-3 Rescission of Homestead Lease Award and Reinstatement of Application – East Kapolei I Undivided Interest – Lizastarlene K. M. Pestana,  
E-4 Approval of Various Lease Awards (see exhibit)

**III. EXECUTIVE SESSION** (discussion to be held during lunch break)

The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Update on Nelson Case - Richard Nelson, III et al., v HHC, Civil No. 07-1-1663

**IV. ITEMS FOR INFORMATION/DISCUSSION**

**A. GENERAL AGENDA**

Requests to Address the Commission

- J-1 Emily Naeole – Maku'u Farmers Association  
J-2 Momi Cruz-Losano – Kahua Ola Hou  
J-3 Avery Choy – Princess Kahanu Estates  
J-4 Princess Lehuanani Kamaewakainakalomomona – Waitlist

**B. WORKSHOPS**

Planning Division

- G-1 Legislative Updates 2017

Office of the Chairman

- C-1 Update on DHHL Workplan

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**

91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i  
Wednesday, February 22, 2017, at 9:00 a.m.

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Public Testimony on Agendized Items

**II. ITEMS FOR INFORMATION/DISCUSSION**

**A. REGULAR AGENDA**

Homestead Services Division

D-1 HSD Status Reports

Exhibits:

- A - Homestead Lease and Application Totals and Monthly Activity Reports
- B – Delinquency Report

**B. WORKSHOPS**

Office of the Chairman

C-2 Proposed Kūhiō Award Program – Securing Successorship for Wait List Beneficiaries

Planning Office

G-2 Presentation of Proposed Honokoa Fence Project by Kailapa Community Association and The Kohala Mountain Watershed Partnership, Kawaihae, Hawaii

**IV. EXECUTIVE SESSION** (discussion to be held during lunch break)

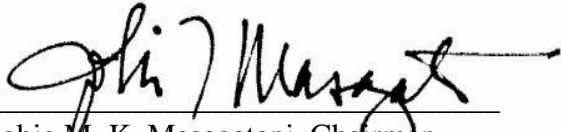
The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities on these matters.

- 1. Update on issues related to Sandwich Isles Communications.

**V. ANNOUNCEMENTS AND ADJOURNMENT**

- 1. Next Meeting –March 20 & 21, 2017, Hale Pono‘i, DHHL Kapolei
- 2. Adjournment

*Note: Contested Case Hearings begin at 1:00 p.m.*



Jobie M. K. Masagatani, Chairman  
Hawaiian Homes Commission

COMMISSION MEMBERS

Doreen N. Canto, Maui  
Kathleen P. Chin, Kauaʻi  
Gene Ross K. Davis, Molokaʻi  
Wallace A. Ishibashi, East Hawaiʻi

David B. Kaʻapu, West Hawaiʻi  
Michael P. Kahikina, Oʻahu  
William K. Richardson, Oʻahu  
Wren Wescoatt, Oʻahu

No community meetings scheduled for January and February 2017.  
Next community meeting is scheduled for Monday, March 20, 2017, in Waimānalo, Oʻahu.

Special Accommodations (such as Sign Language Interpreter, large print, taped material) can be provided, if requested, at least five (5) working days before the scheduled meeting on the respective island by calling Kuʻuwehi Hiraishi, at the **Information & Community Relations Office**, on Oahu, (808) 620-9590.

**ITEM D-2 EXHIBIT**  
RATIFICATION OF LOAN APPROVALS

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
JUARIO, Helene K.	5778	Hoolehua, Molokai
NAKAAHIKI, Caroline	4680	Anahola, Kauai
NAKAAHIKI, Kyle K., Sr.	4680	Anahola, Kauai

**ITEM D-3 EXHIBIT**  
APPROVAL OF CONSENT TO MORTGAGE

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ASINSIN, Melonie Sue	4507	Nanakuli, Oahu
BUSTILLOS, Joseph H.	12270	Waiehu 4, Maui
CACHOLA, Benedict L. S.	6261	Panaewa, Hawaii
CHOY FOO, Ron K.	11228	Kumuhau, Oahu
COCKETT, Gordon, Jr.	10102	Waiehu 3, Maui
DEAN, Sheila Ann K.	7542	Waiohuli, Maui
DUVAUCHELLE, Eloise	7929	Hoolehua, Molokai
DUVAUCHELLE, Joshua I.	12030	Kaupea, Oahu
ENOKA, Maylene K.	8788	Waimanalo, Oahu
FUKUMITSU, Winstanley M.	4821	Kawaihae, Hawaii
GOO, Edwin A.	8461	Princess Kahanu Estates, Oahu
HAMAI, Shoichi, Jr.	7630	Waiohuli, Maui
HANOHANO, Emil S.	8549	Princess Kahanu Estates, Oahu
HULATON, Jeserie M.	8642	Nanakuli, Oahu
HUSSEY-ABRIL, Cassandra L.	9236	Kaniohale, Hawaii
KAHAKELII, Faith K.	8933	Waianae, Oahu
KAHUMOKU, Sally M.	8333	Princess Kahanu Estates, Oahu
KEAMO, Heather	11300	Kaumana, Hawaii
KINCAID, James I.	1994	Kewalo, Oahu
KIPAPA, George K. .K.	8772	Waimanalo, Oahu
KNELL, Annette M. F.	5326	Waianae, Oahu
LOW, Rose P.	7893	Anahola, Kauai
NAWELI, Roberta K.	5579	Lualualei, Oahu
NIZO, Ruth N.L.	4670	Kekaha, Kauai
NORMAN, Donnette L.	3083	Keaukaha, Hawaii
REINHARDT, Reginald S.	10839	Laiopua, Hawaii
SOUZA-ROY, Garla K.	11274	Kumuhau, Oahu
TOM, Lizzie P. K.	9866	Maluohai, Oahu
WATSON, Mary K.	5944	Waiehu, Maui

**ITEM D-4 EXHIBIT**

**APPROVAL OF STREAMLINE REFINANCE OF LOANS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
KAMEALOHA, Verna K.	5535	Waianae Kai, Oahu
KUIEE, Winette K.U.	4479	Waianae, Oahu

**ITEM D-5 EXHIBIT**

**APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AH LOO, Pralet Judy	7898	Anahola, Kauai
KAHANAOI, Karen	9528	Waiehu Kou II, Maui
KAMAHELE, William C.	5083	Keaukaha, Hawaii
LANE, Robertha D.I.	8240	Waiakea, Hawaii
MILLS, Kristi A.	5115	Panaewa, Hawaii

**ITEM D-6 EXHIBIT**

**HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS**

<b>APPLICANT</b>	<b>AREA</b>
AKANA, Alexander Y.S.C.	Hawaii IW Agr
CHANG, Julian T.C.	Maui IW Res
DAVIS, George K.	Oahu IW Res to Molokai IW Res
DUDOIT, Johnny R.	Hawaii IW Res
GILBERT, Lono E.	Hawaii IW Agr
GOMEZ, Harrison J.	Oahu IW Res
JARDINE, Kaleb M.	Maui IW Agr to Kauai IW Agr
JARDINE, Kaleb M.	Maui IW Res to Kauai IW Res
KEKOA, Robert L., Jr.	Oahu IW Res
KIMURA, Taytum T.K.	Maui IW Res to Kauai IW Res
LIBRANDO, Gregorio	Maui IW Res to Hawaii IW Res
PAHIA, Milton F.	Maui IW Agr to Oahu IW Agr
RICHARDSON, Marla R.K.	Hawaii IW Pas
SALE, Michael Jr. Richard, II	Oahu IW Res
SAMSON, Odetta K.	Maui IW Agr
SHISHIDO, Melissah A.	Oahu IW Agr to Maui IW Agr
SHISHIDO, Melissah A.	Oahu IW Res to Maui IW Res
STEVENS, Kathleen K.	Maui IW Res

\* IW = Islandwide

**ITEM D-8 EXHIBIT**

**CANCELLATION OF DECEASED APPLICANTS FROM WAITING LIST PUBLIC NOTICE 2015**

<b>APPLICANT</b>	<b>AREA</b>
AKANA, Lily M. (KAINOA)	Hawaii IW Res
BERG, Verdel N. (HOOPAI)	Maui IW Pas
CAMPBELL, Hazel (NAKI)	Hawaii IW Agr

**ITEM D-8 EXHIBIT** (continued)

CANCELLATION OF DECEASED APPLICANTS FROM WAITING LIST PUBLIC NOTICE 2015

<b>APPLICANT</b>	<b>AREA</b>
ENOS, Wilford K., Jr.	Oahu IW Res
ENOS, Wilford K., Jr.	Maui IW Agr
GASPAR, Eva T.L. (ORNELLAS)	Hawaii IW Res
KAIWI, Mikela	Kauai IW Agr
KAULIA, Dennis Julian	Hawaii IW Agr
KINIMAKA, Ruth M. (BLAKE)	Maui IW Agr
KUAMOO, William J.M., Sr.	Hawaii IW Res
LEE, Herbert	Hawaii IW Agr
LOANDO, Marilyn (TINA)	Hawaii IW Agr
LOANDO, Marilyn (TINA)	Hawaii IW Res
MARTIN, George W.	Hawaii IW Agr
MARTIN, George W.	Hawaii IW Res
NAKANELUA, Paul H., Jr.	Maui IW Agr
OLSEN, Maria (GOMES)	Maui IW Agr
REYES, John K.	Kauai IW Pas
ROCHA, Faith M. (CACHOLA)	Hawaii IW Agr
TUFI, Elizabeth M.	Hawaii IW Agr
WALLACE, Geraldine U.	Maui IW Agr

\* IW = Islandwide

**ITEM D-10 EXHIBIT**

RATIFICATION OF DESIGNATIONS OF SUCCESSORS TO LEASEHOLD INTEREST AND  
DESIGNATION OF PERSONS TO RECEIVE NET PROCEEDS

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
CABELLERO-SPENCER, Marie K. L.	9649	Waiakea, Hawaii
HOOPAI, Kenneth Kalei	4144	Paukukalo, Maui
KAPAKU, Richmond H.	5937	Waiehu Kou, Maui
KAWAI, Larry N., Jr.	7735	Waiohuli, Maui
KEKAWA, James K.	11899	Nanakuli, Oahu
LEWIS, Pearl L.	4393	Nanakuli, Oahu
NELSON, Lorena K.	6288	Keaukaha, Hawaii
PALEKA, Robert	4013	Hoolehua, Molokai
PETERS, Garrett K.	4902	Kuhio Village, Hawaii
PETERS, Garrett K.	6908	Puukapu, Hawaii

**ITEM D-11 EXHIBIT**

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AH LOY, Henrietta H.	3216	Hoolehua, Molokai
AIONA, Patrick G.	10941	Piihonua, Hawaii
BANNISTER, Harlan J.	8933	Waianae, Oahu
COOK, Patricia M.	9500	Waiehu Kou II, Maui
CORPUZ, Lydell L.	513	Hoolehua, Molokai
DELUNA, Benito K., Jr.	513	Hoolehua, Molokai

**ITEM D-11 EXHIBIT** (continued)  
APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
HALAMA, Bernard K., Jr.	8334	PKE, Oahu
JOHNSON, Mary Ellen W. K.	3666	Waimanalo, Oahu
JUDD, Norrie L. K.	11170	Panaewa, Hawaii
KAIKALA, Lorraine J.	3659	Nanakuli, Oahu
KAM, Mason	9584	Kalawahine, Oahu
KEALAKAI, Duke U.	2033	Kewalo, Oahu
MIYAHIRA, Eva	10279	Waiohuli Maui
NEEDS, Gloria L.	3942	Waimanalo, Oahu
VELASCO, Joetta Mae N.	670	Waimanalo, Oahu
VICKERS, Liana K. M. O.	7458	Waiohuli, Maui
BRAINE, Albert H.	11280	Waimanalo, Oahu
KAMELAMELA, Josaiah K.	12373	Kapolei, Oahu
SOUZA, Eric M.	10448	Waiohuli, Maui
KAIKAINA, Minnette C. H.	7011	Makuu, Hawaii
KAIPO-CACAL, Geraldine K.	6314	Keaukaha, Hawaii
CACAL, Jennifer A.	6314	Keaukaha, Hawaii
KANOHO, Sherilyn V.	5483	Anahola, Kauai
KIHM, Leinaala M.	12811	Puukapu, Hawaii

**ITEM D-12 EXHIBIT**  
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
ELENEKE-PA, Alene K.	4123	Waimanalo, Oahu
HOOPAI, Kenneth Kalei	4144	Paukukalo, Maui
KAAHANUI, Irene M.	115A	Hoolehua, Molokai
KAHIHIKOLO, Edward R. K.	3943	Waimanalo, Oahu
KAIKALA, Lorraine J.	3659	Nanakuli, Oahu
KAWAI, Larry Noa, Jr.	7735	Waiohuli, Maui
KEALAKAI, Duke U.	2033	Kewalo, Oahu
MCDUGALL, Patricia W.	3822	Nanakuli, Oahu
NEEDS, Gloria L.	3942	Waimanalo, Oahu
PALEKA, Robert	4013	Hoolehua, Molokai
VELASCO, Joetta Mae N.	670	Waimanalo, Oahu

**ITEM D-13 EXHIBIT**  
APPROVAL TO ISSUE NON-EXCLUSIVE LICENSES FOR ROOFTOP PHOTOVOLTAIC SYSTEMS  
FOR CERTAIN LESSEES

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
CALPITO, Gemini W.	11573	Kanehili, Oahu
PADEKEN-PASIGAN, Arlett	11774	Kanehili, Oahu
RABANES, Chris K.	6772	Waianae, Oahu
VICTORINO, Frances Y. I.	8717	Waianae, Oahu

**ITEM D-15 EXHIBIT**

**REQUEST TO SCHEDULE CONTESTED CASE HEARINGS – AUTHORIZATION TO PROCEED TO  
PUBLIC NOTICE UNDER SECTION 209, HHCA, DUE TO NONRESPONSIVE DESIGNATED  
SUCCESSORS(S)**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
COBURN, Monica	4133	Waimanalo, Oahu
FOSTER, Douglas K.	5263	Waianae, Oahu
FOSTER, Kehaunani	5263	Waianae, Oahu
FOSTER, Shannon K.	4733	Waianae, Oahu
KEAHILILAU, Alfred	5086	Waiakea, Hawaii
KEY, Taisen R.	4536	Nanakuli, Oahu
KEY, Thomas M. III	4536	Nanakuli, Oahu
KINIMAKA, Mark C.	4632	Kalawahine, Oahu
LONO, Mitchell Wayne K.	5327	Waianae, Oahu
MUALEM, Muluea	5176	Maluohai, Oahu
POOUAHI, Lana	5091Z	Waianae, Oahu

**ITEM D-18 EXHIBIT**

**REQUEST TO SCHEDULE CONTESTED CASE HEARING – LEASE VIOLATIONS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AH LOY, Marva Lee	2674-A	Puukapu, Hawaii
BERTELMANN, Diedre	8041	Puukapu, Hawaii
KAINOA, Godfrey K.	7232	Kawaihae, Hawaii

**ITEM E-1 EXHIBIT**

**APPROVAL OF VARIOUS LEASE AWARDS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
Anuenue, Jon	12776	Kapolei, Oahu
Baker, Mei Lan M.	12777	Kapolei, Oahu
Foki, Lisa U.	12778	Kapolei, Oahu
Iese, Cresencia	12779	Kapolei, Oahu
Kaleikini, Melvin K.	12780	Kapolei, Oahu
Kapihe, Lehua K. H.	12781	Kapolei, Oahu
Kauwelo Schall, Rochelle K.	12782	Kapolei, Oahu
Kawaauhau, Gaylynn K.	12783	Kapolei, Oahu
Kelesoma, Charlene M.K.	12784	Kapolei, Oahu
Maave, Gail D.	12724	Waianae, Oahu
McKeague, Guy B.	12785	Kapolei, Oahu
Payton, June K.	12786	Kapolei, Oahu
Pestana, LizaStarlene K.M.	12787	Kapolei, Oahu
Ruth, Alma Mary H.	12788	Kapolei, Oahu
Smith, Ohelo K.	12789	Kapolei, Oahu
Woolsey, Doris K.	12790	Kapolei, Oahu
Zamora, Eustaquio K.	12791	Kapolei, Oahu

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 21 & 22, 2017  
KAPOLEI, HAWAII

C-ITEMS  
**OFFICE OF THE CHAIRMAN**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 21& 22, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Rules Officer  
William Aila Jr., Deputy Director

SUBJECT:

C-1 Update on DHHL Workplan  
C-2 Kuhio Award Leases

*THESE SUBMITTAL ITEMS WILL BE DISTRIBUTED UNDER SEPARATE COVER*

ITEM NO. C-1, C-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Hokulei Lindsey, Administrative Rules Officer  
Office of the Chairman  
SUBJECT: Proposed Kuhio Award Program—Securing Successorship  
for Wait List Beneficiaries



RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

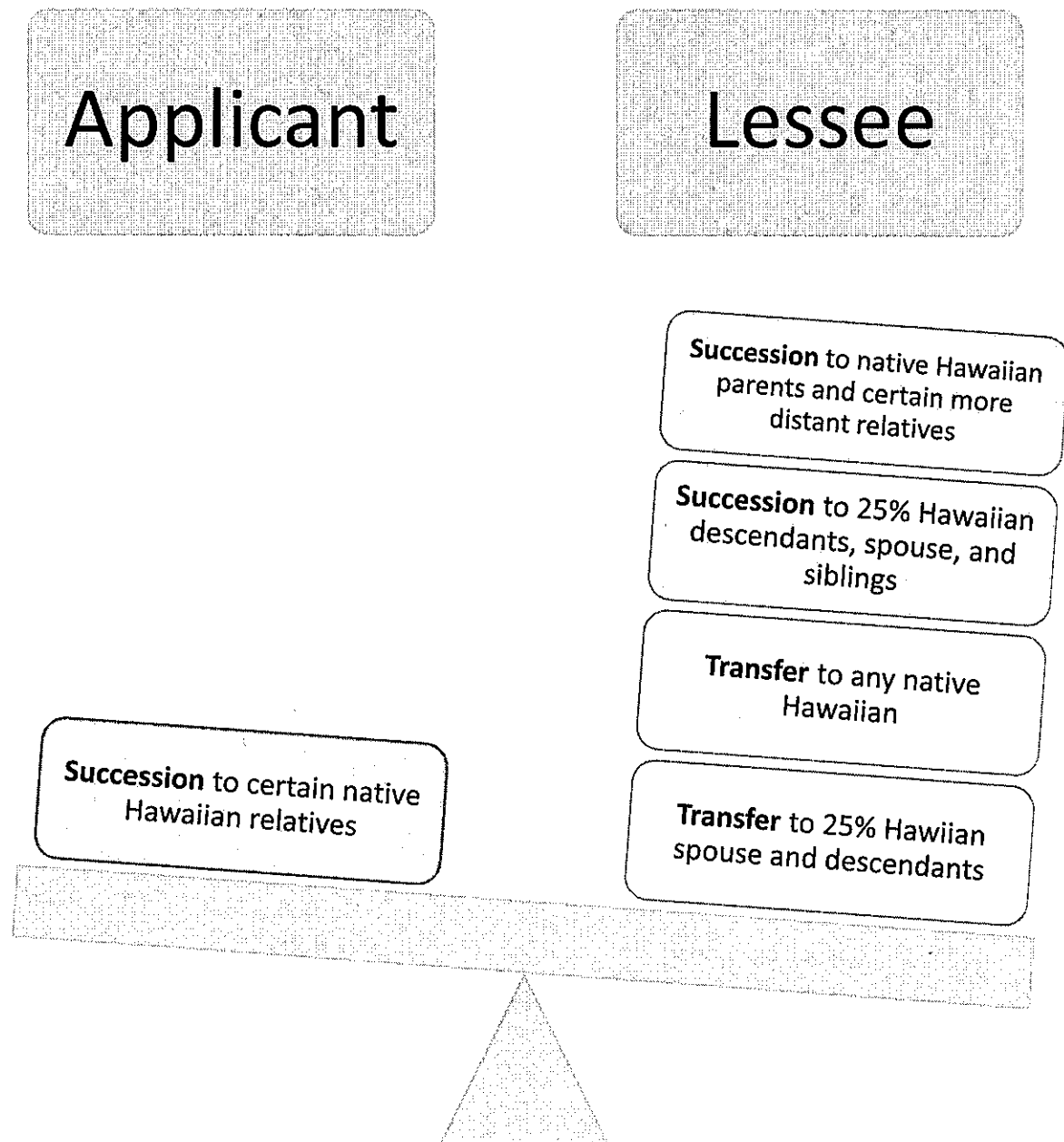
The Department of Hawaiian Home Lands has been researching a potential lease award, preliminarily being called the Kuhio Award. The Kuhio Award concept came from one question: how can a wait list beneficiary's interest to provide opportunities under the Hawaiian Homes Commission Act for their family be protected when that beneficiary does not have native Hawaiian qualified family and development processes for DHHL cannot keep pace with beneficiary need?

The DHHL currently has two types of beneficiaries: those on the land and those on the wait list. Although the people who comprise these two groups are qualified and as such are equally beneficiaries of the Trust, there is disparity that can impact a wait list beneficiary's ability to pass a homestead to their family. Unlike a lessee, an applicant cannot designate a successor who is one-quarter Hawaiian nor can an applicant make a transfer during his or her lifetime.<sup>1</sup>

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<sup>1</sup> Section 208 the Hawaiian Homes Commission Act provides that a lessee can transfer to a native Hawaiian or at least one-quarter Hawaiian spouse, child, or grandchild, and continues further that a one-quarter Hawaiian successor or transferee can transfer the leasehold interest to a sibling who is at least one-quarter Hawaiian. Section 209 provides that a lessee can name successors who are (1) at least one-quarter Hawaiian spouse, child, grandchild, or sibling; or (2) native Hawaiian parent, surviving spouse of the children, surviving spouse of siblings, or nieces or nephews. By administrative rule section 10-3-8, application rights can only be

Below is a visual comparison of applicant and lessee succession and transfer rights:



The Kuhio Award would provide the opportunity for a wait list beneficiary to plan for their family through succession and transfer rights equal to those of a lessee. The immediate

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transferred by succession upon the applicant's death to one of the following native Hawaiian relatives: spouse, child, grandchild, parent, sibling, surviving spouse of a sibling, or niece or nephew.

meaning for applicants would be that they could rest assured knowing they could choose to preserve their opportunities for homesteading and rehabilitation as a beneficiary of the Trust for a child, grandchild, or other family member who is at least one-quarter Hawaiian.

The differences in succession rights between beneficiaries on the land and those on the wait list stems from the interplay between the HHCA and administrative rule. Section 208 of the HHCA sets forth the criteria for a lease award: "the original lessee shall be a native Hawaiian, not less than eighteen years of age." The wait list is an administratively created mechanism to bring order to qualified applicants. Administrative rule section 10-3-8 provides the list of possible successors to applications.<sup>2</sup> The list of designates that exists today is identical to the possible designates available to a lessee except for the one-quarter Hawaiian options available to a lessee. The other inequity is the ability to transfer.

The source of the problem can be stated in terms of beneficiary demand and the ability to timely develop and acquire homesteadable lands in desired areas. The slow progress has created a situation where, according to the 2014 Applicant Report, the median age of wait list beneficiaries is 57 years old and 31% of applicants are over 65 years old.<sup>3</sup> In 2013, the median age of first time homebuyers in Hawai'i was 38 years old and repeat buyers was 48 years old.<sup>4</sup> A large portion of the wait list, therefore, is likely past the point in life where they are interested in entering into a 30-year mortgage. Many within this substantial segment are more likely wanting to secure the opportunity for children or grandchildren, many of whom may be less than one-half Hawaiian.

The Kuhio Award would make this succession possible. The Kuhio Award is a paper lease that the Department would make available to everyone on the wait list. A beneficiary who accepts the Kuhio Award would be converted from an applicant to

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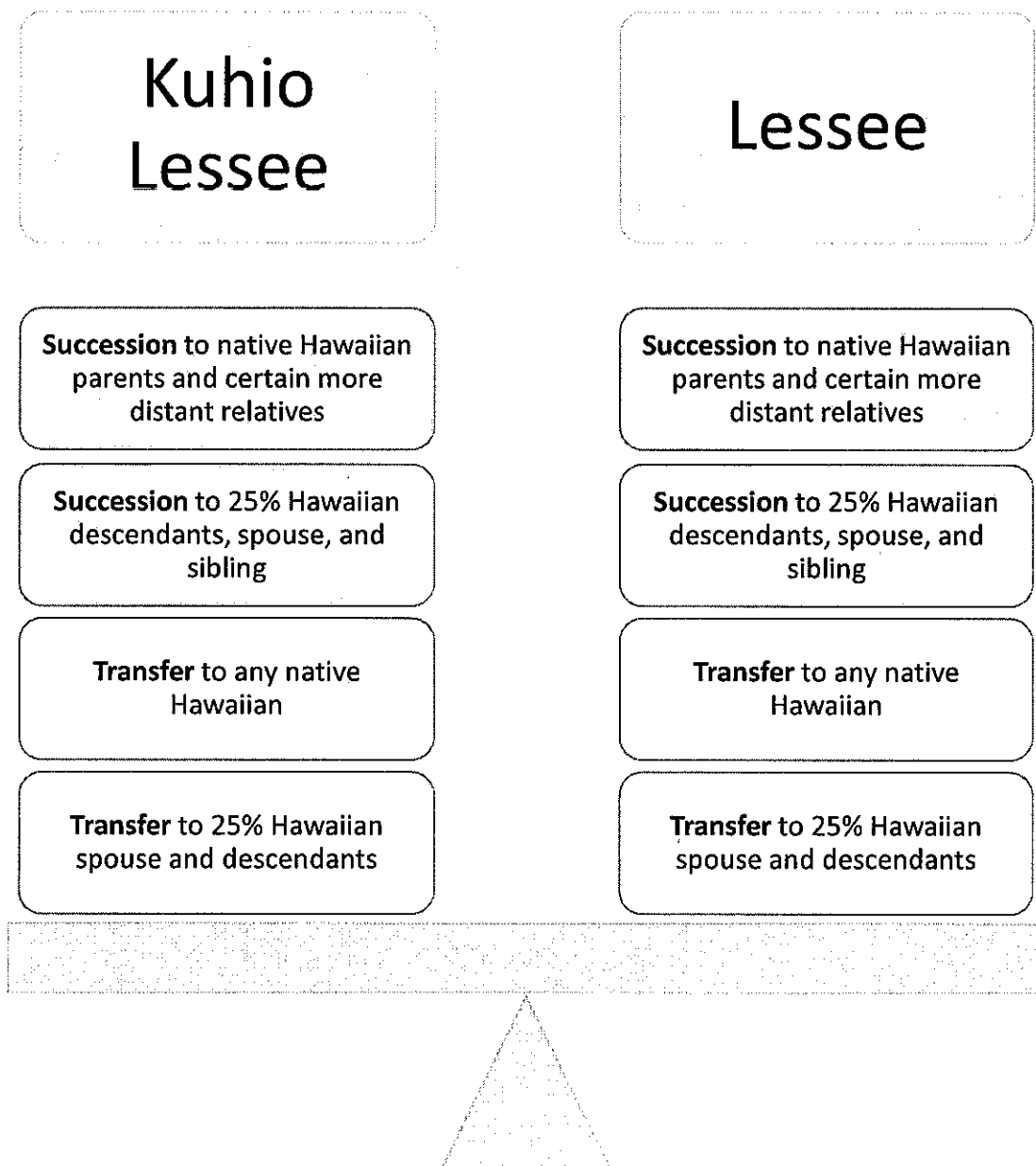
<sup>2</sup> In 1977, the DHHL had Rules and Regulations in place that provided the application would transfer to the spouse if the spouse was qualified, or a "qualified child" could be named if the spouse did not qualify. In 1981, section 10-3-8 promulgated that regulation into the new Hawaii Administrative Rules format. In 1998, the section was amended to its present content.

<sup>3</sup> DHHL Beneficiaries Study Applicant Report, pg. 11, prepared by SMS (Feb. 2015).

<sup>4</sup> National Association of Realtors, Median Age of Home Buyers 2003-2013, Economist Outlook Blog, <http://economistsoutlook.blogs.realtor.org/2014/09/23/interactive-median-age-of-home-buyers-2003-2013>.

a lessee thereby securing succession of a homestead to their descendants who are at least one-quarter Hawaiian. While this award would not necessarily get beneficiaries on to the land faster, it would ensure that, in the long run, more beneficiary families would have the opportunity to homestead under the HHCA.

For those beneficiaries on the wait list that decide to accept a Kuhio Award, their ability to name successors and transfer would be identical to those of a lessee:



Operationally, several hurdles exist for the DHHL including adequate staffing and organizational structure, data management capacity, and customer service and communication capacity. The consideration from this stand point is that if everyone on the wait list accepted the award, there would be an increase of 27,000 lessees; the Department could be servicing 37,000 or more lessees as compared to the current 10,000 lessees. Even if not everyone on the wait list accepted the Kuhio Award, given the median age of the wait list, it is likely there would be a substantial increase in lessees. Programmatically, there is a potential need for expansion of Department sponsored services, training opportunities, and funding availability.

RECOMMENDATION:


None. For information only.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer   
Office of the Chairman

SUBJECT: Adoption of the Proposed Amendments to Title 10,  
Hawaii Administrative Rules

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt the proposed amendments to Title 10, Hawaii Administrative Rules and approve proceeding with promulgation.

DISCUSSION:

Beginning in 2015, the Department of Hawaiian Home Lands began its process for administrative rulemaking. The chart below contains a summary of important actions taken by the Hawaiian Homes Commission and the Department in that process.

July 20, 2015	Approval of rulemaking process Informational workshop on proposed topics
August 6, 2015	Approval to proceed to BC (deferred)
September 9, 2015	Approval to proceed to BC
Nov.-Dec. 2015	Statewide Beneficiary Consultation
March 21, 2016	For information-Presentation of BC Report
April 11, 2016	Acceptance of BC Report
May 23, 2016	Approval of recommended amendments and to proceed with rulemaking under HRS Ch. 91 (partial approval)
June 20, 2016	Approval of recommended amendments to §10-3-26 (subsistence ag) and to proceed with rulemaking under HRS Ch. 91
November 21, 2016	Designation of presiding officers for public hearings under HRS Ch. 91
December 5 & 6, 2016	Statewide public hearings
January 23, 2017	For information-Update of amendments to Title 10, Hawaii Administrative Rules

As noted in the update last month, staff is recommending one change to the proposal for clarification based on comments received during the public hearings process. The oral comment, as recorded in staff notes of the public hearing was, "section 10-3-26 regarding when a residence on agricultural or pastoral lot is required. This section is missing the surrender of their residential lease if they want a subsistence lease. For those with more than 3 acres, they have to surrender their lease--this should also apply to those with less than 3 acres. You can have only 1 residence." The specific subsection referenced in the comment is §10-3-26(d), which reads in relevant part,

"A lessee possessing a residential lot lease may construct a residence on the lessee's agricultural lot of more than three acres or pastoral lot" provided that the lessee surrenders or transfers the resident lot lease.

The point raised is worth clarifying. Staff recommends deleting "of more than three acres" so that the subsection reads:

"A lessee possessing a residential lot lease may construct a residence on the lessee's agricultural lot or pastoral lot" provided that the lessee surrenders or transfers the resident lot lease.

The complete proposal as recommended for adoption by the HHC is attached in Ramseyer and Standard formats.

RECOMMENDATION:

DHHL staff respectfully requests approval of the motion as stated above.

DEPARTMENT OF HAWAIIAN HOME LANDS  
Amendments to Chapters 10-1, 10-2, 10-3, and 10-5  
Hawaii Administrative Rules  
\_\_\_\_\_, 2017

1. Section 10-1-2, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) Information about the department, submittals, or requests may be obtained from:

- (1) The main office, P.O. Box 1879, Honolulu, Hawaii 96805, [~~twelfth and twentieth floors, 1099 Alakea Street Honolulu, Hawaii;~~] 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707; or
  - (2) Neighbor island district offices as follows:
    - (A) West Hawaii: P.O. Box 125, Kamuela, Hawaii 96743; 64-756 Mamalahoa Highway, Kamuela, Hawaii 96743;
    - (B) East Hawaii: 160 Baker Avenue, Hilo, Hawaii 96720;
    - (C) Kauai: 3060 Eiwa Street, Room 203, Lihue, Kauai 96766;
    - (D) Maui: [~~Puuone Plaza, Room C-206, 1063 East Main Street,~~] 655 Kaumualii Street, Suite 1, Wailuku, Maui 96793; or
    - (E) Molokai: P.O. Box [~~198, Hooilehua, Hawaii 96729 Puukapele Street, Hooilehua, Molokai 96729.~~] 2009, Kaunakakai, Hawaii 96748; 600 Maunaloa Highway, Suite D-1, Kaunakakai, Hawaii 96848."
- [Eff 7/30/81 am and comp 10/26/98;  
am ] (Auth: HHC Act §222)  
(Imp: HRS §91-2)

2. Section 10-1-2, Hawaii Administrative Rules, is amended by amending subsection (c) to read as follows:

"(c) Unless otherwise provided by law, all information contained in any document or other papers filed with the commission pursuant to the requirements of law~~[7]~~ or rule or order of the commission shall be available for inspection; provided that no written complaint or charges filed against an applicant or the holder of a lease or license shall be open to inspection unless and until the commission has ordered that the matter be set for hearing and a notice of hearing has been issued to the person against whom a complaint or charge has been filed." [Eff 7/30/81 am and comp 10/26/98; am ] (Auth: HHC Act \$222) (Imp: HRS \$91-2)

3. Section 10-1-4, Hawaii Administrative Rules, is amended to read as follows:

"§10-1-4 Terms. Unless otherwise specifically stated, the meaning of terms used in [~~Title 10~~] this title shall have the same meaning as provided by law." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act \$222) (Imp: HHC Act)

4. Section 10-1-5, Hawaii Administrative Rules, is amended to read as follows:

"§10-1-5 Definitions. As used in this title, unless the context clearly provides otherwise:

"Act" means the Hawaiian Homes Commission Act of 1920, as amended~~[7]~~.

"Advisory council" means the park advisory council established in section 10-4-34 for the purpose of advising the department on rules, practices, and activities on or affecting parks on Hawaiian home lands~~[7]~~.

"Agency" means an agency of the federal, state, or county government~~[7]~~.

"Appraisal" means the process of estimating value[+].

"Authorized representative" means any person permitted by the commission to act on its behalf including the chairman and the chairman's designee[+].

"Available lands" means public lands designated as available lands under section 203 of the act[+].

"Camper" means any person who remains or intends to remain at a park on Hawaiian home lands in order to use the park for overnight accommodations[+].

"Camping" means the use and occupation of any park on Hawaiian home lands on which at least one person remains or intends to remain overnight[+].

"Chairman" means the chairman of the commission[+].

"Commission" means the Hawaiian homes commission[+].

"Complainant" means the person or agency upon whose complaint a proceeding is instituted[+].

"Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for hearing before the commission, and shall include but not be limited to proceedings involving the denial or cancellation of homestead leases issued by the department, and loan or tax delinquencies[+].

"Deferred status" means the status of an applicant in which the applicant will not be considered for an award, but will retain one's position on the waiting list[+].

"Department" means the department of Hawaiian home lands[+].

"Government records" has the same meaning as defined in chapter 92F, HRS[+].

"Hawaiian" means any descendant of the races inhabiting the Hawaiian islands previous to 1778.

"Hawaiian home lands" means all lands given the status of Hawaiian home lands under section 204 of the act[+].

"Hearing officer" means a person appointed by the commission or chairman at the request of the

commission, authorized and qualified to hold a hearing for the purpose of taking evidence and making recommended decisions in any contested case[+].

"Homesteader" means the holder or successor thereto of a lease which may be of the following classes issued under section 207 of the act:

- (1) Residential or residence lot lease;
- (2) Pastoral or pastoral lot lease; and
- (3) Agricultural or agricultural lot lease[+].

"HRS" means the Hawaii [revised statutes,] Revised Statutes, as amended[+].

"Lessee" has the same meaning as homesteader[+].

"Munitions and explosives of concern (MEC)" means specific categories of military munitions that may pose unique explosives safety risks such as UXO; "discarded military munitions" as defined in 10 U.S.C. 2710(e)(2); or munitions constituents present in high enough concentrations to pose an explosive hazard.

"Munitions constituents" means any materials originating from UXO, discarded military munitions, or other military munitions, including explosive and nonexplosive materials, and emission, degradation, or breakdown elements of such ordinance or munitions.

"Native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian islands previous to 1778[+].

"Party" means each person or agency named or admitted as such, or properly seeking and entitled as a matter of right to be admitted as such in a proceeding.

"Person" includes any individual, partnership, corporation, association, or public or private organization of any character other than an agency[+].

"Petitioner" means any interested person who in an individual or representative capacity requests:

- (1) A hearing as authorized by statute, law, or these rules;
- (2) A declaratory ruling;
- (3) Applicability of a departmental rule or order; or
- (4) Adoption, amendment, or repeal of any departmental rule[+].

"Picnic" means use of a park on Hawaiian home lands that does not include overnight accommodation[+].

"Presiding officer" means the person conducting a hearing and may be the chairman or a duly appointed representative[+].

"Priority and preference for award of leases" means the department's lease award process from 1963 to 1977 that awards leases, according to ranking, to applicants in one of three priority groups categorized under the priority ranking system and defined as follows: Priority I includes applicants and their spouses and children who are one hundred per cent Hawaiian; Priority II includes applicants and their spouses and children who are no less than fifty per cent Hawaiian; and Priority III includes only applicants who are no less than fifty per cent Hawaiian.

"Public lands" has the same meaning as defined in chapter 171, HRS[+].

"Respondent" means the party in a contested case against whom an order to show cause has been issued by the commission on its own initiative or a notice of hearing has been issued on the basis of a complaint filed with the commission[+].

"Rule" means a statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure or practice requirements of the department[+].

"Rulemaking procedure" means any formal action to adopt, amend, or repeal any rule of the department[;].

"State" means the State of Hawaii[+and].

"Successor" means a qualified person designated by an applicant or lessee to succeed to the applicant's application rights or the lessee's lease.

"Tract" means any tract of Hawaiian home lands leased, as authorized by section 207 of the act.

"Undeveloped lot" means a lot that is raw land for which there has not been substantial improvements suitable for the type of award.

"Vacant lot" means a lot that the department has prepared for development either fully or partially but lacks vertical improvement appropriate for the type of award.

"Unexploded ordnance (UXO)" means military munitions that:

- (1) Have been primed, fused, armed, or otherwise prepared for action;
- (2) Have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel or material; and
- (3) Remain unexploded, whether by malfunction, design, or any other cause.

"UXO lands" means certain Hawaiian home lands which have been categorized as formerly used defense sites and may contain MEC." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222)  
(Imp: HHC Act)

5. Section 10-1-7, Hawaii Administrative Rules, is amended to read as follows:

"§10-1-7 Severability. If any section, sentence, clause, or phrase of [Title 10 be] this title is for any reason held by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portion of this title." [Eff 7/30/81; am 2/3/83; am and comp 10/26/98; am ] (Auth: HHC Act §222)  
(Imp: HRS §91-2)

6. Section 10-2-1, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-1 Office. The office of the commission is at [Honolulu,] Kapolei, Hawaii. All communications to the commission shall be addressed to the Hawaiian homes commission, as provided in section 10-1-2(a)(1)." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §202)

7. Section 10-2-16, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-16 Delegation of duties to chairman. (a) It is the desire of the commission that functions and duties, administrative in nature, be delegated to the chairman and duties requiring the exercise of ~~[judgement]~~ judgment or discretion continue to reside with the commission.

(b) The commission shall be deemed to have delegated to the chairman duties, powers, and authority as may be lawful or proper for the performance of functions vested in the commission, including the following:

- (1) To appoint special committees and prescribe their powers and duties;
- (2) To preside over all meetings of the commission;
- (3) To approve and sign all vouchers, and to approve the assignment of funds to be received;
- (4) To approve leaves of absence;
- (5) To approve plans for construction of homes and improvements;
- (6) To screen matters referred to the chairman by staff and to select those of sufficient importance to place on the agenda for consideration by the commission; ~~[and]~~
- (7) To sign commission resolutions, licenses, leases, and contracts approved by the commission~~[-]~~;
- (8) To schedule contested case hearings; and
- (9) To approve the designation of successors.

(c) Subject to ~~[the provisions of]~~ section 10-2-17, the chairman may:

- (1) Grant loans from any loan fund;
- ~~[(2) Approve the designation of successors;~~
- ~~(3)]~~ (2) Accept surrenders of homestead leases; and
- ~~[(4)]~~ (3) Approve, in regards to general leases, plans, assignments, subleases, and mortgages.

(d) The chairman or a designee may approve and sign contracts [~~under \$25,000~~] for specific projects which are included in the commission's prior approved budget." [Eff 7/30/81; am 11/17/84; am and comp 10/26/98; am ] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

8. Section 10-2-31, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-31 Office. The main office of the department is at [~~Honolulu,~~] Kapolei, Hawaii. All communications to the department shall be addressed as provided in section 10-1-2(a)(1)." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

9. Section 10-2-33, Hawaii Administrative Rules, is amended to read as follows:

"§10-2-33 Personnel. (a) All personnel on the department's staff are under the direction of and are responsible to the chairman. The chairman, subject to law and civil service rules, shall select and discharge personnel for the department's staff. The commission shall be informed of all changes in staff personnel.

(b) All personnel shall strive for quality customer service that is beneficiary oriented, and in that pursuit may conduct operations pursuant to section 5-7.5, HRS." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HHC Act §222; HRS §91-2) (Imp: HRS §26-38)

10. Section 10-3-2, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-2 Qualifications of applicants. [~~(a)~~] Applicants for residential, agricultural, or pastoral lot leases shall provide the department with documented proof that the applicant is:

(1) At least eighteen years of age; and

(2) A native Hawaiian.

~~[(b) In addition to the qualifications required in subsection (a), a person applying for an agricultural or pastoral lease may be required to comply with section 10-3-24 before a lease award for an agricultural or pastoral lot can be made.]~~" [Eff 7/30/81; am 1/20/86; am ] (Auth: HHC Act §222; HRS §91-2) (Imp. HHC Act §207)

11. Chapter 10-3, Hawaii Administrative Rules, is amended by adding a new section 10-3-2.1 to read as follows:

"§10-3-2.1 Documentation. (a) Applicants shall provide the department with birth certificates or certifications issued by the department of health, or responsible government agency if the record is an out-of-state or foreign birth record. Out-of-state and foreign birth records shall be accompanied by a notarized affidavit from at least one named parent attesting to knowledge of the facts contained in the birth record and the veracity and accuracy of the contents of the record, as required by the department.

(b) If qualifications cannot be determined by birth records, the department may consider the following secondary documents:

- (1) Certified marriage certificates;
- (2) Certified death certificates;
- (3) Family history charts and documents such as marriage, divorce, and death records from the State of Hawaii Archives, state courts, public libraries or United States Census records;
- (4) Official baptismal records or other church documents identifying the race of applicant or applicant's ancestors;
- (5) Official records from the files of military services, schools, or hospitals;
- (6) Employment records;
- (7) Written statement from a physician knowledgeable of the facts or, in the case of a relative's death, a written

statement from the mortuary which handled the burial;

- (8) Newspaper clippings from Obituaries and Vital Statistics sections; and
- (9) Other documents as may be requested by the department." [Eff \_\_\_\_\_] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

12. Chapter 10-3, Hawaii Administrative Rules, is amended by adding a new section 10-3-2.2 to read as follows:

"§10-3-2.2 Genetic tests. (a) "Genetic test" or "'ohana test" means the testing of inherited or genetic characteristics (genetic markers) for the purpose of establishing biological parentage.

(b) If after submittal and processing of documentation described in section 10-3-2.1, there remains uncertainty regarding the applicant's biological parentage because, for example, the appropriate space on the applicant's birth certificate is blank or the listed parent is not the biological parent, the applicant may choose to obtain genetic testing to establish maternity or paternity. The following types of relationship testing shall be accepted:

- (1) Parent-child testing. The testing utilized must have a power of exclusion greater than ninety-nine per cent and a minimum combined paternity or maternity index of five hundred to one.
- (2) Maternal or paternal lineage evaluation.
  - (i) Maternal lineage evaluation. If the alleged biological mother is deceased or unavailable, testing of the alleged mother's living sibling may be accepted as long as they share the same biological mother. Testing utilized must demonstrate shared mitochondria; or

(ii) Paternal lineage evaluation. If the alleged biological father is deceased or unavailable and the applicant is genetically male, testing of the alleged father's living brother may be accepted as long as they share the same biological father. Testing utilized must demonstrate shared Y chromosome.

(3) Avuncular testing. If the alleged biological parent is deceased or unavailable and maternal or paternal lineage evaluation is not applicable, testing of the alleged parent's living full sibling may be accepted. The testing utilized must have a likelihood ratio of no less than 50.0.

If the alleged biological parent is deceased, the applicant shall submit the death certificate. If the alleged biological parent is unavailable, the applicant shall submit an affidavit establishing the reason for the alleged biological parent's unavailability, such as the person being incarcerated, homeless, or having no known location or contact information. To add to the accuracy of the analysis, where the applicant has a known, living biological parent, that person shall also participate in the testing. The department shall accept only notarized and certified genetic test results with proper chain of custody directly from a relationship testing facility nationally accredited by the American Association of Blood Banks (AABB). All costs of testing and any related expenses shall be borne by the applicant.

(c) Documentation submitted directly to the department from the testing facility shall include the original laboratory-certified and notarized genetic test results and chain of custody documents reflecting an acceptable and reliable chain of custody. Applicant shall submit an affidavit from the alleged parent or alleged parent's sibling setting forth facts establishing a reasonable possibility of parentage by the alleged parent.

(d) Genetic testing is entirely voluntary and is not required by the department. Undergoing genetic testing does not guarantee acceptance of the application.

(e) The department shall treat genetic test results as information related to medical history, diagnosis, condition, treatment, or evaluation protected under section 92F-14(b)(1), HRS. The department shall not disclose genetic test results to third parties without the prior written consent of those tested.

(f) A determination regarding parentage by the department is not intended to have evidentiary effect for purposes other than those of the department."

[Eff ] (Auth: HHC Act §222; HRS §91-2)  
(Imp: HHC Act §207)

13. Section 10-3-3, Hawaii Administrative Rules, is repealed.

~~["§10-3-3 Application processing. (a) Applications shall be dated and signed by the applicant and by an authorized department representative. The department shall acknowledge in writing receipt of all properly completed applications. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly. Completed applications shall be time stamped, and if accepted, assigned a numerical designation, and filed in the order of receipt. Additions, corrections, or deletions may be made only with the approval of the applicant and the chairman or the chairman's designee. A copy of the application shall be given to the applicant. Except as otherwise provided in this chapter, a numerical designation shall not be reassigned to any other person.~~

~~(b) Within thirty days after the submission and filing of the completed application and all such other documents as the department shall require of the applicants, and any investigation the department shall require of the applicants, and any investigation the~~

~~department may conduct, the chairman or chairman's designee shall make a determination as to whether the applicant qualifies as an applicant. The determination shall be based upon the application form, birth, marriage, and death certificates, such other documents as the department may require the applicant to produce, and any investigation the department may conduct. An applicant who disagrees with any action taken by the department shall have thirty days from receipt of written notice of such action within which to petition the department for appearance before the next regular meeting of the commission concerning the action taken on the application."~~ [Eff 7/30/81; am 10/26/98;  
R ] (Auth: HHC Act §222) (Imp: HHC Act §207)]

14. Chapter 10-3, Hawaii Administrative Rules, is amended by adding a new section 10-3-3.1 to read as follows:

"§10-3-3.1 Application processing. (a) Applications are processed in multiple stages, each with a different purpose and effect, as follows:

- (1) Receipt. Applications shall be date and time stamped upon receipt by the department. This first date and time stamp shall be used only to certify receipt by the department. An applicant may submit an application by any method acceptable as provided by the instructions on the application form.
- (2) Completion. An application is complete when the application form has been filled in, signed by the applicant and notarized as required, and, following initial review by the department, it appears as though sufficient documentation has been provided to substantiate that the applicant meets or does not meet the Hawaiian home lands program qualifications. A complete application shall be date and time stamped a second time. This second date and time

stamp shall be used to determine order on the waiting list should the application ultimately be accepted. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly.

- (3) Acceptance. Upon completion, the department shall review and investigate an application to verify documentation and determine whether the applicant is qualified. The determination shall be based upon the application form and birth certificates, as well as any secondary documents, and additional documentation as may be submitted to the department for verification and qualification. If the department determines, based upon the application form and documentation provided, that the applicant is qualified, the application shall be accepted and signed by an authorized department representative. An accepted application shall be assigned a numerical designation and filed in order of completion, as determined by the second date and time stamp. The department shall notify the applicant in writing of the acceptance and provide the applicant with a copy of the accepted application. If the department determines that there is reasonable uncertainty regarding an application, the department shall request additional documentation in writing. The department shall, within thirty business days after the application is deemed complete, make an acceptance determination or give notice to the applicant of an extended determination date of thirty business days and the reason or reasons therefor. Failure to render a decision within a thirty day period, as may be extended, shall not result in automatic determination or acceptance by the department.

(b) The department shall maintain written communication with the applicant regarding the status of the application and any time extensions.

(c) An applicant who disagrees with the determination by the department shall have thirty business days from the postmark or e-mail time stamp on the written notice of the determination within which to contest the determination."

[Eff \_\_\_\_\_] (Auth: HHC Act §222) (Imp: HHC Act §207)

Historical note: §10-3-3.1 is based substantially upon §10-3-3. [Eff 7/30/81; am 10/26/98;  
R \_\_\_\_\_]

15. Section 10-3-6, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) The department shall maintain area waiting lists until the lists are exhausted. Applicants on a waiting list for any area will be placed on the respective island-wide residential lot, agricultural lot, or pastoral lot waiting list according to the date ~~[of application.]~~ and time stamp described in section 10-3-3.1(a)(2). Applicants on a waiting list for an area will be considered first for award of any lots in the area. Applicants on the island-wide waiting list shall be considered for award according to the date ~~[of application.]~~ and time stamp described in section 10-3-3.1(a)(2)." [Eff 7/30/81; am and comp 10/26/98; am \_\_\_\_\_] (Auth: HHC Act §222) (Imp: HHC Act §207)

16. Section 10-3-8, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-8 Transfer of application rights. (a) An applicant may designate an individual relative who is at least eighteen years of age and a native Hawaiian from among the following to succeed to the applicant's application rights upon the death of the applicant:

- (1) Husband or wife;
- (2) Child;
- (3) Grandchild;
- (4) Father or mother;
- (5) Widow or widower of a child;
- (6) Brother or sister;
- (7) Widow or widower of a brother or a sister;  
or
- (8) Niece or nephew.

To the extent possible, applicants shall designate a successor at the time that the application is filed at the department; provided that the designation shall be filed in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed filed. An applicant may change the designation of successor at any time; provided that the applicant shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed. The department shall determine whether a designated successor is qualified to be an applicant for a Hawaiian home lands lease. A designated successor shall be required to provide proof to the department that the individual is at least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

(b) If an applicant dies without designating a successor as provided in subsection (a), the commission may designate a successor applicant from only the following relatives of the applicant who are at least eighteen years of age, native Hawaiian, and who made a request to succeed to the application rights as provided in subsection (d):

- (1) Husband or wife; or
- (2) If no husband or wife requests, then a child; or
- (3) If no husband, wife, or child requests, then a grandchild; or
- (4) If no husband, wife, child, or grandchild requests, then from among the following relatives of the applicant who are native

Hawaiian and at least eighteen years of age: father and mother, widows or widowers of the children, brothers and sisters, widows or widowers of brothers and sisters, or nieces and nephews.

Any individual who requests to succeed to the decedent's application rights shall provide proof to the department that the individual is at least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

(c) Once every calendar year, the department shall publish a notice setting forth a list of the names of all applicants whom the department has reason to believe have died without designating a successor and whose names do not appear in a list previously published by the department. The notice shall also state briefly that individuals requesting to succeed to the application shall submit a request within the deadline established in subsection (d). The notice shall be published in a newspaper of general circulation in the State, once in each of two successive weeks.

(d) Requests for succession to application rights shall be made to the department in writing not later than one hundred eighty days after the date of the last publication of the applicant's name; otherwise, the application will be canceled and the applicant's name shall be removed from the respective waiting list or lists, as the case may be. The commission, for good cause, may extend the time beyond one hundred eighty days in which requests for succession to an application may be made.

(e) The department shall determine whether an individual is qualified to succeed to the applicant's application not later than three hundred sixty five days following the one hundred eighty days after the date of the last publication of the applicant's name. The department shall submit a recommendation to the commission regarding the designation of a successor. If an individual who has requested to succeed to an application disagrees with the commission's designation of a successor, the individual may request

a contested case hearing as provided in section 10-5-31. The department, for good cause, may extend the time beyond three hundred sixty five days in which it is to determine whether an individual is qualified to succeed to an application.

(f) An alleged qualified relative of an applicant may obtain genetic testing under section 10-3-2.2 to aid in establishing qualification as a successor to application rights. [Eff 7/30/81; am 8/1/85; am and comp 10/26/98; am ]  
(Auth: HHC Act §222) (Imp: HHC Act §207)

17. Section 10-3-10, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) An applicant for a homestead lease shall notify the department, in writing~~[7]~~ or electronically, of any change in address within ~~[fifteen]~~ thirty calendar days of such change. If the applicant fails to notify the department and the department receives mail returned undeliverable as addressed with an official change of address label from the United States post office, the department shall attempt to reach the applicant at that new address. Whenever the department initiates action to award leases, all applicants whose addresses are not current and who cannot be contacted by mail shall be placed on deferred status." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §207)

18. Section 10-3-24, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-24 Agricultural and pastoral leases. (a) When agricultural or pastoral lots become available for award, the applicant shall be contacted in accordance with section 10-3-7.

(b) The department shall notify applicants of the date, time, and place of lot selection. The

department shall defer applicants who fail to appear or select.

(c) [~~Not later than three months following lot selection,~~] Except for agricultural awards of not more than three acres and UXO lands, the applicant shall submit a plan for the development of the lot[.] no later than three months following lot selection. The plan shall include but not be limited to:

- (1) Crops to be grown or livestock to be raised;
- (2) Estimated expenses;
- (3) Estimated gross income;
- (4) Method of financing;
- (5) Market plan;
- (6) Timetable for operation;
- (7) Purpose of farm - subsistence, supplemental, commercial, or otherwise; and
- (8) Other assistance needed in terms of:
  - (A) Labor, number of individuals, tasks to be performed; and
  - (B) Technical assistance.

(d) Decision for award of agricultural lots of more than three acres and pastoral lots shall be based upon:

- (1) Review and acceptance of the plan's feasibility; and
- (2) Evaluation of the general knowledge and experience of the applicant or the experienced individual who will assist in the development of the lot. That general knowledge or experience or combination thereof may include but not be limited to the following:
  - (A) Member of the Hawaii young farmer association or a future farmer of America graduate with two years of training with farming projects;
  - (B) Satisfactory vocational agriculture course in high school;
  - (C) Satisfactory completion of an agricultural curriculum at a university or community college leading to a

bachelor of science or an associate degree in agriculture;

- (D) One year full-time work experience on a farm or ranch;
- (E) Completion of study at classes conducted by the University of Hawaii extension service; or
- (F) Persons who have had at least two years of experience as part-time farmers or ranchers.

(e) For agricultural awards of not more than three acres, lot size shall be determined in accordance with the current island plan as approved by the commission and lot quality factors such as topography, natural resource availability, and soil quality.

[(e)] (f) In recognition of the shortage of available lands on the island of Oahu in relation to available lands in the State, an award of an agricultural lot on Oahu shall be made to applicants who are residing on the island of Oahu at time of application; provided further that a lessee of an agricultural lot on Oahu shall not be allowed to hold any other homestead lease." [Eff 7/30/81; am 2/3/83; am 8/1/85; am and comp 10/26/98; am ]  
(Auth: HHC Act §222) (Imp: HHC Act §207)

19. Section 10-3-25, Hawaii Administrative Rules, is amended by amending subsection (a) to read as follows:

"(a) A lessee of an agricultural or pastoral lot may ~~apply~~ make a written request for additional acreage of the same class." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222)  
(Imp: HHC Act §207)

20. Chapter 10-3-26, Hawaii Administrative Rules, is amended and new subsection (b) is added to read as follows:

"§10-3-26 [~~Residence permitted on agricultural and pastoral lot.~~] Residence on agricultural and on pastoral lots, when. (a) Upon award of an agricultural or pastoral lot, the applicant shall reside on the island on which the leasehold is located[-] or move to that island within three years.

(b) A lessee of an agricultural lot of not more than three acres shall within three years:

(1) Reside and cultivate subsistence agriculture on the lot. Additional dwelling units shall be subject to department approval and infrastructure capacity. Residential and additional dwelling units shall be subject to the following:

(A) The residence or any additional dwelling units shall be built to county code; or

(B) The residence or any additional dwelling units may be exempted from county codes by the department provided that:

(i) The plans for any non-conforming portion or portions are submitted to the department for approval;

(ii) Any non-conforming portion or portions are certified as meeting industry standards for health and safety by a subject matter appropriate State of Hawaii licensed structural engineer or architect; and

(iii) The units are in compliance with applicable laws and regulations including but not limited to environmental compliance, water, clean water, wastewater, and catchment,

provided further that the department shall not be held liable for any risk, loss, damage, or injury of any kind associated with undisclosed, unpermitted, or dwelling units exempted

from conformance with county codes under this section.

(C) Non-conforming and unpermitted dwellings and improvements that have not been exempted as provided above shall not be appraised for valuation by the department and shall not be included in the calculation of net proceeds pursuant to section 209 of the Act; or

(2) Actively cultivate food crops or raise small livestock or both for subsistence agriculture purposes.

~~[(b)]~~ (c) [Residences] Subject to subsection (d), one residence shall be permitted on agricultural lots of more than three acres or on pastoral lots.

~~[Only one residence shall be permitted per lessee on Hawaiian home lands.]~~ In addition, a workers'

quarters may be permitted per lessee on agricultural lots of more than three acres and pastoral lots

subject to the following conditions:

- (1) The lessee has actively cultivated or developed at least two-thirds of the agricultural or pastoral tracts at all times;
- (2) The lessee shall submit a plan justifying the construction of a workers' quarters including but not limited to production processes and projections, number of workers and labor requirements, jobs to be performed, site and plot plan, house construction plans, and benefits accrued by the addition of a workers' quarters;
- (3) Approval by the commission;
- (4) Conformance to all state and county zoning and building requirements;
- (5) Adequate infrastructure, i.e., water, power, etc., shall be available to service the workers' quarters;
- (6) The lessee shall finance the construction of the workers' quarters and the department

shall not loan or guarantee funds for construction of workers' quarters;

- (7) Removal of workers' quarters and related access and utility improvements at the expense of the lessee upon cancellation or surrender of agricultural or pastoral leases;
- (8) Upon transfer of agricultural or pastoral leases with workers' quarters, the transferee must justify the continued use of the workers' quarters, otherwise, removal of the workers' quarters and related access and utility improvements will be required at the expense of the transferor;
- (9) Not more than one workers' quarters shall be allowed per lessee, notwithstanding the size of the lot or lots, or the number of leases; and
- (10) Workers' quarters shall not be allowed for subsistence farming operations.

~~[(e)]~~ (d) A lessee possessing a residential lot lease may construct a residence on the lessee's agricultural lot or pastoral lot provided that the lessee complies with the following conditions:

- (1) The lessee makes prior arrangements to surrender or transfer the resident lot lease upon the completion of construction of the residence on the lessee's agricultural or pastoral lot. Should it be feasible, the lessee may relocate the present house;
- (2) The lessee is financially able to assume the cost of relocation or construction of the new residence plus any related expenses necessary to maintain the agricultural or pastoral lot. The department may assist the ~~[lessee]~~ lessee under sections 10-3-41 to 10-3-52; and
- (3) In the event the lessee surrenders the residence lot lease, the net proceeds thereof shall be first credited to any loan granted by the department for the construction of a home on the agricultural

or pastoral lot; and all other conditions imposed by this section and section 10-3-34.

~~[(d)]~~ (e) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities, except as it may determine in the planned development of its lands.

~~[(e)]~~ (f) Upon cancellation or surrender of the agricultural or pastoral lot, the lessee shall relinquish the entire leasehold interest including the residence.

~~[(f)]~~ (g) Subdivision and transfer of a portion of an agricultural lot lease of more than one acre or pastoral lot lease may be permitted upon commission approval for the remaining term of the lease to any individual who qualifies under the act, subject to the following conditions:

- (1) Upon such transfer, each resultant subdivided lot meets department criteria for designation as agricultural or pastoral and available infrastructure capacity;
- (2) ~~[The department shall not be obliged to]~~ The lessee or transferee shall finance the construction of a residence on any transferred portion;
- (3) Plans for all residences to be constructed on transferred portions of leases shall be submitted to and approved by the department before construction thereof;
- (4) ~~[The department shall not be obliged to]~~ The lessee or transferee shall pay for any costs incurred in the processing and obtaining of the subdivision;
- (5) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities except as it may determine in the planned development of its lands; and
- (6) A farm plan may be required ~~[by]~~ of transferees for all transfers involving the

subdivided agricultural lots of more than three acres or pastoral lots. Where required, the farm plan shall be submitted to, reviewed and accepted by the department." [Eff 7/30/81; am 9/24/83; am 11/17/84; am and comp 10/26/98; am ]

21. Section 10-3-33, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-33 Commercial activities. Except as may be otherwise provided, no homestead leasehold or portion thereof shall be used for commercial activities of such a nature as to constitute a nuisance~~[-]~~ or threat to health, safety, and environment." [Eff 7/30/81; am 2/3/83; comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §208)

22. Section 10-3-34, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-34 Building requirements. No building structure or improvement may be constructed on the premises without written approval from the ~~[commission-]~~ department. Such an approval shall be considered only after submission of a plan as to design, materials, and probable value and use of the structure to be built on the leasehold. Building structures or improvements shall meet building and zoning codes and other ordinances and regulations of the respective counties except as otherwise provided by the ~~[commission-]~~ department." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §208)

23. Section 10-3-36, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-36 Transfer of homestead leases. (a) A lessee, with the written approval of the commission,

may transfer the leasehold to any individual who is [~~a native Hawaiian and is~~] at least eighteen years old[~~-~~]  
and

(1) A native Hawaiian; or

(2) At least one-quarter Hawaiian and a spouse,  
civil union partner, child, grandchild,  
brother or sister of the lessee,

provided that leases for vacant or undeveloped lots  
and undivided interests, or any interest therein,  
shall not be sold but may be transferred for no  
consideration or by succession.

(b) Lease transfers to qualified relatives of a  
lessee or to beneficiaries on a waitlist shall have  
priority for processing over transfers to  
beneficiaries not on a waitlist.

(c) The transferee shall immediately occupy the  
residence lot or use or cultivate the agricultural,  
pastoral, or kuleana lot. Failure to occupy or use  
the lot within sixty days from date of transfer shall  
constitute grounds for cancellation of the lease.

(d) A transferee may own an interest in non-  
Hawaiian home lands real property, regardless of  
degree of ownership." [Eff 7/30/81; am 2/3/83; am  
9/24/83; am and comp 10/26/98; am ]  
(Auth: HHC Act §222) (Imp: HHC Act §208)

24. Section 10-3-38, Hawaii Administrative  
Rules, is amended to read as follows:

"§10-3-38 Subdivision and transfer of a portion  
of residential lot leasehold. A lessee of a  
residential lot, with the approval of the commission,  
may subdivide and transfer a portion of the lot for  
the remaining term of the lease to any individual who  
is a native Hawaiian and is at least eighteen years  
old; provided that after the transfer, each lot  
conforms to county zoning standards. The department  
shall not be required to finance the construction of  
the house on the transferred portion. Plans for  
construction of the house shall be subject to the  
approval of the [~~chairman-~~] department. The  
department shall not be required to pay for any costs

incurred in the processing and obtaining of the subdivision." [Eff 7/30/81; am 1/20/86; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §208)

25. Section 10-3-39, Hawaii Administrative Rules, is amended by amending subsection (b) to read as follows:

"(b) Except as otherwise provided in the lease, the department may require a lessee of an agricultural lot of more than three acres or pastoral lot to have under development, cultivation, or use at least two-thirds of the useable acreage at all times." [Eff 7/30/81; am 1/20/86; comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §208)

26. Section 10-3-39, Hawaii Administrative Rules, is amended by amending subsection (d) to read as follows:

"(d) A lessee shall provide the department with a current mailing address and such other information as the department may require. The department shall be notified of a change of address in accordance with section 10-3-10(a)." [Eff 7/30/81; am 1/20/86; comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §208)

27. Section 10-3-61, Hawaii Administrative Rules, is amended to read as follows:

"§10-3-61 Designation of successor. (a) As provided in section 209 of the act and in this section, the lessee shall designate the relative or relatives to whom the lessee directs the interest in the tract to vest upon the lessee's death from among the following relatives:

- (1) Husband, wife, children, or grandchildren who are at least one-quarter Hawaiian; or

- (2) Father, mother, widows or widowers of the children, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews who are native Hawaiian.

A lessee may designate a successor or successors at the time of execution of the lease; provided that the lessee shall file the designation in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed filed. A lessee may change the designation of successor or successors at any time; provided that the lessee shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed.

The lessee or designated successor shall provide documentation to establish eligibility of the designated successor and the department shall determine whether a designated successor is qualified to be a lessee of Hawaiian home lands.

(b) An alleged qualified relative of a lessee may obtain genetic testing under section 10-3-2.2 to aid in establishing qualification as a successor to the lease." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §209)

28. Section 10-3-76, Hawaii Administrative Rules, is amended to read as follows:

~~"§10-3-76 Fees and charges. [(a) All charges shall be paid before withdrawal of stock, or proper guarantee of such payments shall be made.~~

~~-(b) Pasture fee charges for animals that die shall be paid up to the date the animals died.~~

~~-(c) Pasture fees shall be:~~

~~(1) \$5 per month per head, billed quarterly; and~~

~~(2) \$6 for dehorning, etc., per calf.~~

~~-(d) The fees shall be subject to increase when, in the determination of the department, the increase is necessary to cover the cost of operating and~~

~~maintaining the community pasture. The department shall establish for any pasture such fees as shall be necessary to operate and maintain the pasture.~~

~~(e) Cattle purchases from outside districts shall be blood tested and all cattle shall be treated in accordance with good animal husbandry practices before entering the pasture. Proof that cattle have been blood tested and treated shall be required.~~

~~(f) The department shall assess the following fees for scaling services:~~

~~(1) Lessees:~~

~~(A) \$2 pick up towed trailers; and~~

~~(B) \$0.25 per head truck loads.~~

~~(2) Non-lessees:~~

~~(A) \$4 pick up towed trailers; and~~

~~(B) \$0.50 per head truck loads.~~

~~(g) For trucking, the department shall assess a fee of \$6 per head for hauling cattle from community pasture to home or slaughterhouse. Hauling made by the department shall be made only by the department driver. Hauling services by the department shall be made only when a satisfactory hauling truck is available. At the time of hauling, the lessee shall be present to identify and designate in writing the cattle to be removed.~~

~~(h) Except as the commission may otherwise provide, the rental fee for the use of a meeting room or hall shall be \$50 per day or fraction thereof. As used in this section, a day shall mean a twenty-four hour period beginning at noon one day and ending at noon the next succeeding day.]~~

(a) The department shall assess fees for scaling services commensurate with local industry standard except that lessees may pay a reduced fee.

(b) To recover costs, the department may establish rental fees and service charges for the use of meeting rooms or halls, park facilities, and resource management areas subject to approval by the commission.

(1) Fees and charges for use of meeting rooms or halls, and park facilities shall be based on:

- (A) Actual operating costs including utilities, maintenance and repair, custodial services, and security; and
  - (B) Current capital costs, provided that recognized homestead community associations may use meeting rooms or halls, and park facilities to conduct association business for a rental fee of \$50 per twenty-four hours or fraction thereof, and a discounted fee schedule may be set for lessees. The department shall have priority use of department meeting rooms or halls even over prior existing reservations with at least fourteen calendar days notice.
- (2) As applied to resource management areas, a resource management plan shall be developed in consultation with beneficiaries to:
  - (A) Identify resource management area issues, concerns, and opportunities;
  - (B) Identify management actions to address resource management area issues, concerns and opportunities;
  - (C) Identify capital or operational costs or both to implement management actions;
  - (D) Calculate needed fees or service charges, or both, based on estimated capital or operational costs, or both, of identified management actions.

The department shall monitor the area to determine whether the management actions have been successful under the management plan. Future management prescriptions including re-evaluation of a fee schedule shall be based on evaluations of whether management actions have been successful.

- (c) Patrons who have outstanding accounts, have provided false information when applying to use department facilities, or have previously misused the department's property, grounds, or facilities may be denied use of department facilities and resource management areas.

[(i)] (d) Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge.

(e) Fees and charges shall be revised when necessary and approved by the commission during the odd year of the fiscal biennium." [Eff 7/30/81; am 2/3/83; am 11/17/84; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §211)

29. Section 10-5-1, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-1 Scope of rules. This chapter governs practice and procedure before the commission and department pursuant to the act and ~~[the Hawaii administrative procedure act.]~~ chapter 91, HRS. These rules shall be construed to effect a just and speedy determination of every proceeding." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

30. Section 10-5-2, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-2 Commission procedures. The commission ~~[may],~~ on its own motion or ~~[upon the]~~ on petition of any interested person or agency, may hold proceedings as it deems necessary for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation of its rules. ~~[For such purposes, it]~~ It may subpoena witnesses and require the production of evidence. ~~[Procedures to be followed by the commission shall, unless]~~ Unless specifically prescribed in these rules or by ~~[the Hawaii administrative procedures act, be such as in the opinion of]~~ chapter 91, HRS, the commission shall follow procedures that, in its opinion, will best serve the purposes of ~~[such]~~ the proceedings." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

31. Section 10-5-3, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-3 Suspension, waiver of rules. Any person or agency may submit a signed request that any rule contained in this chapter not be applied ~~[and the]~~. The commission or the hearing officer before whom the matter is presented[, upon such request] may suspend or waive [such a] the particular rule or rules to prevent the hardship [in any particular instance.] identified and described in the submitted request."  
[Eff 7/30/81; comp 10/26/98; am ]  
(Auth: HRS §91-2) (Imp: HRS §91-2)

32. Section 10-5-4, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-4 Appearances before the commission. (a) Any individual or agency ~~[or designated representative thereof]~~ may appear, in person or by designated representative, before the commission or hearing officer in any proceeding, unless otherwise provided in subsection (c).

(b) When a person acting as a representative appears in person or signs a paper before the commission or hearing officer, the appearance or signature shall constitute a representation to the commission or hearing officer that, under the provisions of these rules or applicable law, the individual is authorized and qualified to act as a representative.

(c) No person who has been associated with the commission or department as a member, officer, employee, or counsel shall represent ~~[in any manner,]~~ any party in connection with any proceeding or matter which was handled or passed upon by that person while associated in any capacity with the commission.

(d) No person who has been associated with the commission or department as a member, officer, employee, or counsel shall represent ~~[in any manner,]~~ any party in connection with any proceeding or matter

which was pending before the commission or hearing officer at the time of the association with the commission unless the person shall first have obtained the commission's written consent upon a verified showing that the person did not give personal consideration to the proceeding or matter as to which consent is sought or gained particular knowledge of the facts thereof during the association with the commission.

(e) No person appearing before the commission or hearing officer in any proceeding or matter shall [~~in relation thereto~~] knowingly accept assistance from any person who would be precluded by this section from appearing before the commission or hearing officer in [~~such~~] that proceeding or matter." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

33. Section 10-5-5, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-5 Filing of documents. (a) [~~Any document or other papers~~] Documents or papers required or permitted to be filed with the commission in any proceeding or matter shall be filed [with the department.] at the office of the commission in Kapolei, Hawaii. [Such document or paper] Documents or papers may be sent by mail addressed to the Hawaiian homes commission as described in section 10-1-2(a)(1), or hand carried to the [department] commission office within the time limit for [such] filing. The date [on which the papers are actually received] of receipt by the commission secretary shall be [deemed to be] the date of filing.

(b) [~~Any document or other papers~~] Documents or papers filed with the commission shall be plainly legible[~~-~~] and shall be signed by the party or a designated representative.

(c) [~~All documents or other papers must be signed by the party or a designated representative filing the same.~~] The signature of the person signing [~~the~~] a filed document or paper shall represent that,

to the best of the individual's knowledge, information, and belief, every statement contained in the instrument is true and that no statements are misleading, and that the document is not interposed for delay.

(d) [Unless] A party filing a document or paper shall file the original and nine copies, unless otherwise specifically [provided] directed by a particular rule or order of the commission[~~, an original and nine copies of all papers shall be filed~~]. A party may file an additional copy to be time stamped by the commission, and mailed back to the filing party via a self-addressed stamped envelope.

(e) The initial document filed by any person in any proceeding shall state on the first page the name, mailing address, and telephone number of the person or persons who may be served with any documents filed in the proceeding.

(f) The commission may develop and authorize the use of internet-based or other electronic filing procedures for the filing of documents." [Eff 7/30/81; am and comp 10/26/98; am ]  
(Auth: HRS §91-2) (Imp: HRS §91-2)

34. Section 10-5-6, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-6 Docket. The ~~[department]~~ commission shall assign a number to each proceeding and maintain a docket of all proceedings." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

35. Section 10-5-7, Hawaii Administrative Rules, is amended and new subsection (a) is added to read as follows:

"§10-5-7 Time computation. (a) ~~[In computing any period of time prescribed or allowed by these rules, order of the commission, or any applicable law, the day of the act, event, or default, after which the designated period of time is to run, shall not be~~

~~included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal State holiday in the State in which event the period runs until the next day which is neither a Saturday, Sunday, or holiday. Intermediate Saturdays, Sundays, and holidays shall not be included in a computation when the period of time prescribed or allowed is ten days or less. A half holiday shall be considered as other days and not as a holiday.]~~ Computation of time shall be as established by section 1-29, HRS.

(b) ~~[Upon]~~ On written request~~[7]~~ clearly showing good cause, additional time ~~[will]~~ may be granted to take actions or to file documents ~~[or other papers]~~ required or allowed by these rules ~~[where good cause is clearly shown]."~~ [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §§1-29, 91-2)

36. Section 10-5-8, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-8 Amendments, dismissal of documents. ~~[If any document or other paper filed in a proceeding are not in substantial conformity with these rules as to the contents thereof, or are otherwise insufficient, the]~~ The commission or hearing officer, on its own motion~~[7]~~ or on motion of any party, may strike, ~~[or]~~ dismiss, or require ~~[the document, or require its amendment.]~~ amendments of any filed document that is not in substantial compliance with these rules or is otherwise insufficient. If amended, the document shall be effective as of the [day] date of the original filing." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

37. Section 10-5-9, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-9 Document retention. ~~[All documents]~~ Documents filed with or presented to the commission may be retained in the files of the commission.

~~[However, the]~~ The commission may permit ~~[withdrawal]~~  
replacement of original documents ~~[upon submission of]~~  
with properly authenticated copies ~~[to replace such]~~  
documents]." [Eff 7/30/81; am and comp 10/26/98;  
am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

38. Section 10-5-10, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-10 Commission decisions. All final orders, opinions, or rulings entered by the commission in a proceeding and rules adopted by the commission as a result of a contested case hearing shall be released for general publication. Copies of ~~[such]~~ published materials shall be available for public inspection in the department office or may be obtained upon a signed request and payment of fees imposed by law." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-12)

39. Section 10-5-12, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-12 Substitution of parties. ~~[Upon]~~ On motion and for good cause shown, the commission may order substitution of parties, except that, in the case of death of a party, substitution may be ordered without the filing of a motion." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

40. Section 10-5-13, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-13 Consolidations. The commission, ~~[upon its own initiation]~~ on its own motion or ~~[upon motion,]~~ on motion of any party, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties, or issues which involve the same parties or issues which are the same or closely related if it finds that ~~[such]~~

consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business, promote justice and will not unduly delay the proceedings." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

41. Section 10-5-21, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-21 Rule change petitions, procedures.

(a) Any person or agency may petition the commission for the adoption, amendment, or repeal of any rule. The petition shall set forth the text of any proposed rule or amendment desired or specify the rule, the repeal of which is desired and state concisely the nature of petitioner's interest in the subject matter and the reasons for seeking the change. ~~[No petition which does not conform to the requirements will be considered by the commission.]~~ A petition that is not in substantial compliance with these rules or is otherwise insufficient shall not be considered by the commission.

(b) Petitions for rulemaking shall become matters of public record upon filing. The commission shall ~~[within thirty days following the filing of the petition,]~~ either deny the petition in writing or initiate public rulemaking procedures ~~[.]~~ as soon as practicable. No other public hearing, oral arguments, or other form of proceeding shall be held as a result of ~~[any such]~~ the petition. Where the commission determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceeding, the procedures to be followed shall be as set forth in this chapter. Where the commission determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition for rulemaking fails in material respect to comply with the requirements of these rules, the commission shall deny the petition and the petitioner will be so notified, together with the grounds for ~~[such]~~ denial. The provisions of this

section shall not operate to prevent the commission, on its own motion, from acting on any matter disclosed in any petition." [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-6)

42. Section 10-5-22, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-22 Proposed rulemaking notice. (a) When, pursuant to a petition or upon its own motion, the commission proposes to adopt, amend, or repeal a rule, the commission shall publish a notice of proposed rulemaking at least once in a newspaper of general circulation in the State~~[-]~~ and in each county affected by the rule. Notice shall also be made available on the website of the department. All rulemaking notices shall be issued at least thirty days before the date set for public hearing.

(b) The proposed rulemaking notice shall include:

- (1) A statement of the topic of the proposed rule adoption, amendment, or repeal or a general description of the subjects involved; ~~[and]~~
- (2) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be e-mailed or mailed to any interested person who requests a copy~~[-]~~ and pays in advance for the copy and the postage, together with a description of where and how the requests may be made;
- (3) A statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be viewed in person; and
- (4) The date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal. ~~[The notice shall be mailed to all persons or agencies]~~

~~who have made timely written requests for advance notice of the commission's rulemaking proceedings, and given at least once statewide.]~~

(c) The notice shall be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings. Proposed rule adoption, amendment, or repeal shall also be posted on the Internet as provided in section 91-2.6, HRS.

~~[-(c)]~~ (d) Copies of the proposed adoption, amendment, or repeal of a rule shall be sent at least thirty days before the date set for public hearing as follows:

- (1) Five copies to each district office;
- ~~[-(2)]~~ ~~Fifteen copies to the state library, main branch, for distribution to selected libraries as suggested by the department;~~
- ~~-(3)]~~ (2) Two copies to each registered and recognized homestead association; and
- ~~[-(4)]~~ (3) Five copies to the main office identified in ~~[\$10-1-2(a)(1)-]~~ section 10-1-2. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-1) (Imp: HRS §91-2)

43. Section 10-5-23, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-23 Hearing conduct. (a) [The public hearing shall be presided over by the chairman or, in the absence of the chairman, by another member designated by the commission.] The chairman or the chairman's designee shall preside over the public hearing. The hearing shall be conducted [in such a way as to afford to] to allow interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to

take all other actions necessary for the orderly conduct of the hearing.

~~[(b) Each such hearing shall be held at the time and place set in the notice of hearing, but may at such time and place be continued by the chairman from day to day or adjourned to a later date or to a different place without notice other than the announcement thereof at the hearing.]~~

~~[(e)]~~ (b) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in ~~[such]~~ the order ~~[as]~~ prescribed by the presiding officer ~~[shall prescribe]~~. Persons testifying shall be limited to fifteen minutes. Whenever time permits, the presiding officer may allow additional time upon request. After all persons who have requested to appear before the commission hearing have testified, any person whose request for additional time has been granted may present ~~[such]~~ additional relevant testimony.

~~[(d)]~~ (c) Submission of evidence shall include the following:

- (1) Before giving testimony, every witness shall state his or her name, address, and any representative capacities in which the witness serves and shall give other information respecting appearance as the presiding officer may request. The presiding officer shall confine the evidence presented to the questions before the hearing and may receive evidence whether or not the evidence would be admissible in a court of law; and
- (2) Every witness shall be subject to questioning by the presiding officer or members of the commission~~[7]~~ present, but cross-examination by private persons shall not be permitted unless expressly permitted by the presiding officer.

~~[(e)]~~ (d) All interested persons or agencies shall be afforded an opportunity to submit data, views or arguments which, in the opinion of the presiding officer, are relevant to the matters specified in the notice of the hearing. In addition, or alternatively, persons or agencies may ~~[also]~~ file with the commission signed, written protests, comments, or recommendations in support of or in opposition to the proposed rulemaking. The period for filing written protest, comments, or recommendations may be extended beyond the hearing date by the presiding officer for good cause.

~~[(f)]~~ (e) Unless otherwise specifically ordered by the commission or the presiding officer, testimony given at the public hearing shall not be reported verbatim. All supporting written statements, maps, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, ten copies of the exhibits shall be submitted." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-3)

44. Chapter 10-5, Hawaii Administrative Rules, is amended by adding a new section 10-5-23.1 to read as follows:

"§10-5-23.1 Time and place. Each hearing shall be held at the time and place set in the notice of hearing, but, at that time and place may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing."

[Eff ] (Auth: HRS §91-2) (Imp: HRS §91-3)

Historical note: §10-3-23.1 is based substantially upon §10-3-23(b). [Eff 7/30/81; am and comp 10/26/98; am ]

45. Section 10-5-25, Hawaii Administrative Rules, is amended to read as follows:

"§10-5-25 Emergency rulemaking. Subject to chapter 91, HRS, and, notwithstanding the foregoing rules, if the commission finds that an imminent peril to public health, safety, or morals requires issuance, amendment, or repeal of a rule upon less than ~~[twenty]~~ thirty days notice of hearing, and states in writing its reason for ~~[such]~~ the finding, it may proceed without prior notice or hearing ~~[upon such]~~ on abbreviated notice and hearing as it finds practicable to adopt an emergency rule which will be effective for a period not longer than one hundred twenty days without renewal." [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-3)

46. Chapter 10-5, Hawaii Administrative Rules, is amended by adding a new section 10-5-26 to read as follows:

"§10-5-26 Governor's approval. The adoption, amendment, or repeal of any rule by the commission is subject to the approval of the governor." [Eff ] (Auth: HRS §91-2) (Imp: HRS §91-3)

47. Material, except source notes, to be repealed is bracketed. New material is underscored.

48. Additions to update source notes to reflect these amendments are underscored.

49. These amendments to chapters 10-1, 10-2, 10-3, and 10-5, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised

Statutes, which were adopted on [ ],  
and filed with the Office of the Lieutenant Governor.

JOBIE M. K. MASAGATANI, Chairman  
Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General



DEPARTMENT OF HAWAIIAN HOME LANDS

Amendments to Chapters 10-1, 10-2, 10-3, and 10-5

[ ]

SUMMARY

1. §§10-1-2(a) and (c), 10-1-4, 10-1-5, and 10-1-7 are amended.
2. §§10-2-1, 10-2-16, 10-2-31, and 10-2-33 are amended.
3. §10-3-2 is amended.
4. New §§10-3-2.1 and 10-3-2.2 are added.
5. §10-3-3 is repealed.
6. New §10-3-3.1 is added.
7. §10-3-6(a) is amended.
8. §10-3-8 is amended.
9. §10-3-10(a) is amended.
10. §10-3-24 is amended.
11. §10-3-25(a) is amended.
12. §§10-3-26, 10-3-33, 10-3-34, 10-3-36, and 10-3-38 are amended.
13. §10-3-39(b) and (d) is amended.
14. §§10-3-61 and 10-3-76 are amended.
15. §§10-5-1 to 10-5-10, 10-5-12, 10-5-13, and 10-5-21 to 10-5-23 are amended.

16. New §10-5-23.1 is added.

17. §10-5-25 is amended.

18. New §10-5-26 is added

\$10-1-2 Information. (a) Information about the department, submittals, or requests may be obtained from:

- (1) The main office, P.O. Box 1879, Honolulu, Hawaii 96805, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707; or
- (2) Neighbor island district offices as follows:
  - (A) West Hawaii: P.O. Box 125, Kamuela, Hawaii 96743; 64-756 Mamalahoa Highway, Kamuela, Hawaii 96743;
  - (B) East Hawaii: 160 Baker Avenue, Hilo, Hawaii 96720;
  - (C) Kauai: 3060 Eiwa Street, Room 203, Lihue, Kauai 96766;
  - (D) Maui: 655 Kaunualii Street, Suite 1, Wailuku, Maui 96793; or
  - (E) Molokai: P.O. Box 2009, Kaunakakai, Hawaii 96748; 600 Maunaloa Highway, Suite D-1, Kaunakakai, Hawaii 96848.

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(c) Unless otherwise provided by law, all information contained in any document or other papers filed with the commission pursuant to the requirements of law or rule or order of the commission shall be available for inspection; provided that no written complaint or charges filed against an applicant or the holder of a lease or license shall be open to inspection unless and until the commission has ordered that the matter be set for hearing and a notice of hearing has been issued to the person against whom a complaint or charge has been filed. [Eff 7/30/81 am and comp 10/26/98; am ] (Auth: HHC Act \$222) (Imp: HRS \$91-2)

§10-1-4 Terms. Unless otherwise specifically stated, the meaning of terms used in this title shall have the same meaning as provided by law. [Eff 7/30/81; am and comp 10/26/98; am ]  
(Auth: HHC Act §222) (Imp: HHC Act)

\$10-1-5 Definitions. As used in this title, unless the context clearly provides otherwise:

"Act" means the Hawaiian Homes Commission Act of 1920, as amended.

"Advisory council" means the park advisory council established in section 10-4-34 for the purpose of advising the department on rules, practices, and activities on or affecting parks on Hawaiian home lands.

"Agency" means an agency of the federal, state, or county government.

"Appraisal" means the process of estimating value.

"Authorized representative" means any person permitted by the commission to act on its behalf including the chairman and the chairman's designee.

"Available lands" means public lands designated as available lands under section 203 of the act.

"Camper" means any person who remains or intends to remain at a park on Hawaiian home lands in order to use the park for overnight accommodations.

"Camping" means the use and occupation of any park on Hawaiian home lands on which at least one person remains or intends to remain overnight.

"Chairman" means the chairman of the commission.

"Commission" means the Hawaiian homes commission.

"Complainant" means the person or agency upon whose complaint a proceeding is instituted.

"Contested case" means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for hearing before the commission, and shall include but not be limited to proceedings involving the denial or cancellation of homestead leases issued by the department, and loan or tax delinquencies.

"Deferred status" means the status of an applicant in which the applicant will not be considered for an award, but will retain one's position on the waiting list.

"Department" means the department of Hawaiian home lands.

"Government records" has the same meaning as defined in chapter 92F, HRS.

"Hawaiian" means any descendant of the races inhabiting the Hawaiian islands previous to 1778.

"Hawaiian home lands" means all lands given the status of Hawaiian home lands under section 204 of the act.

"Hearing officer" means a person appointed by the commission or chairman at the request of the commission, authorized and qualified to hold a hearing for the purpose of taking evidence and making recommended decisions in any contested case.

"Homesteader" means the holder or successor thereto of a lease which may be of the following classes issued under section 207 of the act:

- (1) Residential or residence lot lease;
- (2) Pastoral or pastoral lot lease; and
- (3) Agricultural or agricultural lot lease.

"HRS" means the Hawaii Revised Statutes, as amended.

"Lessee" has the same meaning as homesteader.

"Munitions and explosives of concern (MEC)" means specific categories of military munitions that may pose unique explosives safety risks such as UXO; "discarded military munitions" as defined in 10 U.S.C. 2710(e)(2); or munitions constituents present in high enough concentrations to pose an explosive hazard.

"Munitions constituents" means any materials originating from UXO, discarded military munitions, or other military munitions, including explosive and nonexplosive materials, and emission, degradation, or breakdown elements of such ordinance or munitions.

"Native Hawaiian" means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian islands previous to 1778.

"Party" means each person or agency named or admitted as such, or properly seeking and entitled as a matter of right to be admitted as such in a proceeding.

"Person" includes any individual, partnership, corporation, association, or public or private organization of any character other than an agency.

"Petitioner" means any interested person who in an individual or representative capacity requests:

- (1) A hearing as authorized by statute, law, or these rules;
- (2) A declaratory ruling;
- (3) Applicability of a departmental rule or order; or
- (4) Adoption, amendment, or repeal of any departmental rule.

"Picnic" means use of a park on Hawaiian home lands that does not include overnight accommodation.

"Presiding officer" means the person conducting a hearing and may be the chairman or a duly appointed representative.

"Priority and preference for award of leases" means the department's lease award process from 1963 to 1977 that awards leases, according to ranking, to applicants in one of three priority groups categorized under the priority ranking system and defined as follows: Priority I includes applicants and their spouses and children who are one hundred per cent Hawaiian; Priority II includes applicants and their spouses and children who are no less than fifty per cent Hawaiian; and Priority III includes only applicants who are no less than fifty per cent Hawaiian.

"Public lands" has the same meaning as defined in chapter 171, HRS.

"Respondent" means the party in a contested case against whom an order to show cause has been issued by the commission on its own initiative or a notice of hearing has been issued on the basis of a complaint filed with the commission.

"Rule" means a statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure or practice requirements of the department.

"Rulemaking procedure" means any formal action to adopt, amend, or repeal any rule of the department.

"State" means the State of Hawaii.

"Successor" means a qualified person designated by an applicant or lessee to succeed to the applicant's application rights or the lessee's lease.

"Tract" means any tract of Hawaiian home lands leased, as authorized by section 207 of the act.

"Undeveloped lot" means a lot that is raw land for which there has not been substantial improvements suitable for the type of award.

"Vacant lot" means a lot that the department has prepared for development either fully or partially but lacks vertical improvement appropriate for the type of award.

"Unexploded ordnance (UXO)" means military munitions that:

- (1) Have been primed, fused, armed, or otherwise prepared for action;
- (2) Have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel or material; and
- (3) Remain unexploded, whether by malfunction, design, or any other cause.

"UXO lands" means certain Hawaiian home lands which have been categorized as formerly used defense sites and may contain MEC. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222)  
(Imp: HHC Act)

§10-1-7 Severability. If any section, sentence, clause, or phrase of this title is for any reason held by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portion of this title. [Eff 7/30/81; am 2/3/83; am and comp 10/26/98; am ]  
(Auth: HHC Act §222) (Imp: HRS §91-2)

§10-2-1 Office. The office of the commission is at Kapolei, Hawaii. All communications to the commission shall be addressed to the Hawaiian homes commission, as provided in section 10-1-2(a)(1). [Eff 7/30/81; comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §202)

\$10-2-16 Delegation of duties to chairman. (a)

It is the desire of the commission that functions and duties, administrative in nature, be delegated to the chairman and duties requiring the exercise of judgment or discretion continue to reside with the commission.

(b) The commission shall be deemed to have delegated to the chairman duties, powers, and authority as may be lawful or proper for the performance of functions vested in the commission, including the following:

- (1) To appoint special committees and prescribe their powers and duties;
  - (2) To preside over all meetings of the commission;
  - (3) To approve and sign all vouchers, and to approve the assignment of funds to be received;
  - (4) To approve leaves of absence;
  - (5) To approve plans for construction of homes and improvements;
  - (6) To screen matters referred to the chairman by staff and to select those of sufficient importance to place on the agenda for consideration by the commission;
  - (7) To sign commission resolutions, licenses, leases, and contracts approved by the commission;
  - (8) To schedule contested case hearings; and
  - (9) To approve the designation of successors.
- (c) Subject to section 10-2-17, the chairman

may:

- (1) Grant loans from any loan fund;
- (2) Accept surrenders of homestead leases; and
- (3) Approve, in regards to general leases, plans, assignments, subleases, and mortgages.

(d) The chairman or a designee may approve and sign contracts for specific projects which are included in the commission's prior approved budget.

[Eff 7/30/81; am 11/17/84; am and comp 10/26/98;

am ] (Auth: HHC Act §222; HRS §91-2)

(Imp: HHC Act §202)

§10-2-31 Office. The main office of the department is at Kapolei, Hawaii. All communications to the department shall be addressed as provided in section 10-1-2(a)(1). [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §202)

§10-2-33 Personnel. (a) All personnel on the department's staff are under the direction of and are responsible to the chairman. The chairman, subject to law and civil service rules, shall select and discharge personnel for the department's staff. The commission shall be informed of all changes in staff personnel.

(b) All personnel shall strive for quality customer service that is beneficiary oriented, and in that pursuit may conduct operations pursuant to section 5-7.5, HRS. [Eff 7/30/81; comp 10/26/98; am ] (Auth: HHC Act §222; HRS §91-2)  
(Imp: HRS §26-38)

§10-3-2 Qualifications of applicants.

Applicants for residential, agricultural, or pastoral lot leases shall provide the department with documented proof that the applicant is:

- (1) At least eighteen years of age; and
- (2) A native Hawaiian. [Eff 7/30/81; am  
1/20/86; am ] (Auth: HHC Act  
§222; HRS §91-2) (Imp. HHC Act §207)

\$10-3-2.1 Documentation. (a) Applicants shall provide the department with birth certificates or certifications issued by the department of health, or responsible government agency if the record is an out-of-state or foreign birth record. Out-of-state and foreign birth records shall be accompanied by a notarized affidavit from at least one named parent attesting to knowledge of the facts contained in the birth record and the veracity and accuracy of the contents of the record, as required by the department.

(b) If qualifications cannot be determined by birth records, the department may consider the following secondary documents:

- (1) Certified marriage certificates;
- (2) Certified death certificates;
- (3) Family history charts and documents such as marriage, divorce, and death records from the State of Hawaii Archives, state courts, public libraries or United States Census records;
- (4) Official baptismal records or other church documents identifying the race of applicant or applicant's ancestors;
- (5) Official records from the files of military services, schools, or hospitals;
- (6) Employment records;
- (7) Written statement from a physician knowledgeable of the facts or, in the case of a relative's death, a written statement from the mortuary which handled the burial;
- (8) Newspaper clippings from Obituaries and Vital Statistics sections; and
- (9) Other documents as may be requested by the department. [Eff \_\_\_\_\_] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

S10-3-2.2 Genetic tests. (a) "Genetic test" or "'ohana test" means the testing of inherited or genetic characteristics (genetic markers) for the purpose of establishing biological parentage.

(b) If after submittal and processing of documentation described in section 10-3-2.1, there remains uncertainty regarding the applicant's biological parentage because, for example, the appropriate space on the applicant's birth certificate is blank or the listed parent is not the biological parent, the applicant may choose to obtain genetic testing to establish maternity or paternity. The following types of relationship testing shall be accepted:

- (1) Parent-child testing. The testing utilized must have a power of exclusion greater than ninety-nine per cent and a minimum combined paternity or maternity index of five hundred to one.
- (2) Maternal or paternal lineage evaluation.
  - (i) Maternal lineage evaluation. If the alleged biological mother is deceased or unavailable, testing of the alleged mother's living sibling may be accepted as long as they share the same biological mother. Testing utilized must demonstrate shared mitochondria; or
  - (ii) Paternal lineage evaluation. If the alleged biological father is deceased or unavailable and the applicant is genetically male, testing of the alleged father's living brother may be accepted as long as they share the same biological father. Testing utilized must demonstrate shared Y chromosome.
- (3) Avuncular testing. If the alleged biological parent is deceased or unavailable and maternal or paternal lineage evaluation is not applicable, testing of the alleged parent's living full sibling may be

accepted. The testing utilized must have likelihood ratio of no less than 50.0.

If the alleged biological parent is deceased, the applicant shall submit the death certificate. If the alleged biological parent is unavailable, the applicant shall submit an affidavit establishing the reason for the alleged biological parent's unavailability, such as the person being incarcerated, homeless, or having no known location or contact information. To add to the accuracy of the analysis, where the applicant has a known, living biological parent, that person shall also participate in the testing. The department shall accept only notarized and certified genetic test results with proper chain of custody directly from a relationship testing facility nationally accredited by the American Association of Blood Banks (AABB). All costs of testing and any related expenses shall be borne by the applicant.

(c) Documentation submitted directly to the department from the testing facility shall include the original laboratory-certified and notarized genetic test results and chain of custody documents reflecting an acceptable and reliable chain of custody. Applicant shall submit an affidavit from the alleged parent or alleged parent's sibling setting forth facts establishing a reasonable possibility of parentage by the alleged parent.

(d) Genetic testing is entirely voluntary and is not required by the department. Undergoing genetic testing does not guarantee acceptance of the application.

(e) The department shall treat genetic test results as information related to medical history, diagnosis, condition, treatment, or evaluation protected under section 92F-14(b)(1), HRS. The department shall not disclose genetic test results to third parties without the prior written consent of those tested.

(f) A determination regarding parentage by the department is not intended to have evidentiary effect for purposes other than those of the department.

[Eff : ] (Auth: HHC Act §222; HRS §91-2)  
(Imp: HHC Act §207)

\$10-3-3

\$10-3-3 REPEALED [R ]

§10-3-3.1 Application processing. (a)

Applications are processed in multiple stages, each with a different purpose and effect, as follows:

- (1) Receipt. Applications shall be date and time stamped upon receipt by the department. This first date and time stamp shall be used only to certify receipt by the department. An applicant may submit an application by any method acceptable as provided by the instructions on the application form.
- (2) Completion. An application is complete when the application form has been filled in, signed by the applicant and notarized as required, and, following initial review by the department, it appears as though sufficient documentation has been provided to substantiate that the applicant meets or does not meet the Hawaiian home lands program qualifications. A complete application shall be date and time stamped a second time. This second date and time stamp shall be used to determine order on the waiting list should the application ultimately be accepted. An incomplete application shall be returned to the applicant with instructions necessary to complete the application properly.
- (3) Acceptance. Upon completion, the department shall review and investigate an application to verify documentation and determine whether the applicant is qualified. The determination shall be based upon the application form and birth certificates, as well as any secondary documents, and additional documentation as may be submitted to the department for verification and qualification. If the department determines, based upon the application form and documentation provided, that the applicant is qualified, the application shall be accepted and signed by an authorized department representative. An

accepted application shall be assigned a numerical designation and filed in order of completion, as determined by the second date and time stamp. The department shall notify the applicant in writing of the acceptance and provide the applicant with a copy of the accepted application. If the department determines that there is reasonable uncertainty regarding an application, the department shall request additional documentation in writing. The department shall, within thirty business days after the application is deemed complete, make an acceptance determination or give notice to the applicant of an extended determination date of thirty business days and the reason or reasons therefor. Failure to render a decision within a thirty day period, as may be extended, shall not result in automatic determination or acceptance by the department.

(b) The department shall maintain written communication with the applicant regarding the status of the application and any time extensions.

(c) An applicant who disagrees with the determination by the department shall have thirty business days from the postmark or e-mail time stamp on the written notice of the determination within which to contest the determination.

[Eff ] (Auth: HHC Act §222) (Imp: HHC Act §207)

Historical note: §10-3-3.1 is based substantially upon §10-3-3. [Eff 7/30/81; am 10/26/98;  
R ]

\$10-3-6 Island-wide waiting lists. (a) The department shall maintain area waiting lists until the lists are exhausted. Applicants on a waiting list for any area will be placed on the respective island-wide residential lot, agricultural lot, or pastoral lot waiting list according to the date and time stamp described in section 10-3-3.1(a)(2). Applicants on a waiting list for an area will be considered first for award of any lots in the area. Applicants on the island-wide waiting list shall be considered for award according to the date and time stamp described in section 10-3-3.1(a)(2).

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[Eff 7/30/81; am and comp 10/26/98;  
am ] (Auth: HHC Act §222) (Imp: HHC Act  
§207)

\$10-3-8 Transfer of application rights. (a) An applicant may designate an individual relative who is at least eighteen years of age and a native Hawaiian from among the following to succeed to the applicant's application rights upon the death of the applicant:

- (1) Husband or wife;
- (2) Child;
- (3) Grandchild;
- (4) Father or mother;
- (5) Widow or widower of a child;
- (6) Brother or sister;
- (7) Widow or widower of a brother or a sister;  
or
- (8) Niece or nephew.

To the extent possible, applicants shall designate a successor at the time that the application is filed at the department; provided that the designation shall be filed in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed filed. An applicant may change the designation of successor at any time; provided that the applicant shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed. The department shall determine whether a designated successor is qualified to be an applicant for a Hawaiian home lands lease. A designated successor shall be required to provide proof to the department that the individual is at least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

(b) If an applicant dies without designating a successor as provided in subsection (a), the commission may designate a successor applicant from only the following relatives of the applicant who are at least eighteen years of age, native Hawaiian, and who made a request to succeed to the application rights as provided in subsection (d):

- (1) Husband or wife; or
- (2) If no husband or wife requests, then a child; or

- (3) If no husband, wife, or child requests, then a grandchild; or
- (4) If no husband, wife, child, or grandchild requests, then from among the following relatives of the applicant who are native Hawaiian and at least eighteen years of age: father and mother, widows or widowers of the children, brothers and sisters, widows or widowers of brothers and sisters, or nieces and nephews.

Any individual who requests to succeed to the decedent's application rights shall provide proof to the department that the individual is at least eighteen years of age, a native Hawaiian, and a relative as identified in this subsection.

(c) Once every calendar year, the department shall publish a notice setting forth a list of the names of all applicants whom the department has reason to believe have died without designating a successor and whose names do not appear in a list previously published by the department. The notice shall also state briefly that individuals requesting to succeed to the application shall submit a request within the deadline established in subsection (d). The notice shall be published in a newspaper of general circulation in the State, once in each of two successive weeks.

(d) Requests for succession to application rights shall be made to the department in writing not later than one hundred eighty days after the date of the last publication of the applicant's name; otherwise, the application will be canceled and the applicant's name shall be removed from the respective waiting list or lists, as the case may be. The commission, for good cause, may extend the time beyond one hundred eighty days in which requests for succession to an application may be made.

(e) The department shall determine whether an individual is qualified to succeed to the applicant's application not later than three hundred sixty five days following the one hundred eighty days after the date of the last publication of the applicant's name.

The department shall submit a recommendation to the commission regarding the designation of a successor. If an individual who has requested to succeed to an application disagrees with the commission's designation of a successor, the individual may request a contested case hearing as provided in section 10-5-31. The department, for good cause, may extend the time beyond three hundred sixty five days in which it is to determine whether an individual is qualified to succeed to an application.

(f) An alleged qualified relative of an applicant may obtain genetic testing under section 10-3-2.2 to aid in establishing qualification as a successor to application rights. [Eff 7/30/81; am 8/1/85; am and comp 10/26/98; am ]  
(Auth: HHC Act §222) (Imp: HHC Act §207)

\$10-3-10 Requirement for current information;  
placement on deferred status. (a) An applicant for a  
homestead lease shall notify the department, in  
writing or electronically, of any change in address  
within thirty calendar days of such change. If the  
applicant fails to notify the department and the  
department receives mail returned undeliverable as  
addressed with an official change of address label  
from the United States post office, the department  
shall attempt to reach the applicant at that new  
address. Whenever the department initiates action to  
award leases, all applicants whose addresses are not  
current and who cannot be contacted by mail shall be  
placed on deferred status.

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[Eff 7/30/81; am and comp 10/26/98;  
am ] (Auth: HHC Act §222) (Imp: HHC Act  
§207)

\$10-3-24 Agricultural and pastoral leases. (a) When agricultural or pastoral lots become available for award, the applicant shall be contacted in accordance with section 10-3-7.

(b) The department shall notify applicants of the date, time, and place of lot selection. The department shall defer applicants who fail to appear or select.

(c) Except for agricultural awards of not more than three acres and UXO lands, the applicant shall submit a plan for the development of the lot no later than three months following lot selection. The plan shall include but not be limited to:

- (1) Crops to be grown or livestock to be raised;
- (2) Estimated expenses;
- (3) Estimated gross income;
- (4) Method of financing;
- (5) Market plan;
- (6) Timetable for operation;
- (7) Purpose of farm - subsistence, supplemental, commercial, or otherwise; and
- (8) Other assistance needed in terms of:
  - (A) Labor, number of individuals, tasks to be performed; and
  - (B) Technical assistance.

(d) Decision for award of agricultural lots of more than three acres and pastoral lots shall be based upon:

- (1) Review and acceptance of the plan's feasibility; and
- (2) Evaluation of the general knowledge and experience of the applicant or the experienced individual who will assist in the development of the lot. That general knowledge or experience or combination thereof may include but not be limited to the following:
  - (A) Member of the Hawaii young farmer association or a future farmer of America graduate with two years of training with farming projects;

- (B) Satisfactory vocational agriculture course in high school;
- (C) Satisfactory completion of an agricultural curriculum at a university or community college leading to a bachelor of science or an associate degree in agriculture;
- (D) One year full-time work experience on a farm or ranch;
- (E) Completion of study at classes conducted by the University of Hawaii extension service; or
- (F) Persons who have had at least two years of experience as part-time farmers or ranchers.

(e) For agricultural awards of not more than three, lot size shall be determined in accordance with the current island plan as approved by the commission and lot quality factors such as topography, natural resource availability, and soil quality.

(f) In recognition of the shortage of available lands on the island of Oahu in relation to available lands in the State, an award of an agricultural lot on Oahu shall be made to applicants who are residing on the island of Oahu at time of application; provided further that a lessee of an agricultural lot on Oahu shall not be allowed to hold any other homestead lease. [Eff 7/30/81; am 2/3/83; am 8/1/85; am and comp 10/26/98; am ] (Auth: HHC Act \$222) (Imp: HHC Act \$207)

\$10-3-25 Award of additional acreage. (a) A lessee of an agricultural or pastoral lot may make a written request for additional acreage of the same class.

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[Eff 7/30/81; am and comp 10/26/98;  
am ] (Auth: HHC Act §222) (Imp: HHC Act  
§207)

§10-3-26 Residence on agricultural and on pastoral lots, when. (a) Upon award of an agricultural or pastoral lot, the applicant shall reside on the island on which the leasehold is located or move to that island within three years.

(b) A lessee of an agricultural lot of not more than three acres shall within three years:

(1) Reside and cultivate subsistence agriculture on the lot. Additional dwelling units shall be subject to department approval and infrastructure capacity. Residential and additional dwelling units shall be subject to the following:

(A) The residence or any additional dwelling units shall be built to county code; or

(B) The residence or any additional dwelling units may be exempted from county codes by the department provided that:

(i) The plans for any non-conforming portion or portions are submitted to the department for approval;

(ii) Any non-conforming portion or portions are certified as meeting industry standards for health and safety by a subject matter appropriate State of Hawaii licensed structural engineer or architect; and

(iii) The units are in compliance with applicable laws and regulations including but not limited to environmental compliance, water, clean water, wastewater, and catchment,

provided further that the department shall not be held liable for any risk, loss, damage, or injury of any kind associated with undisclosed, unpermitted, or dwelling units exempted

from conformance with county codes under this section.

- (C) Non-conforming and unpermitted dwellings and improvements that have not been exempted as provided above shall not be appraised for valuation by the department and shall not be included in the calculation of net proceeds pursuant to section 209 of the Act; or

- (2) Actively cultivate food crops or raise small livestock or both for subsistence agriculture purposes.

(c) Subject to subsection (d), one residence shall be permitted on agricultural lots of more than three acres or on pastoral lots. In addition, a workers' quarters may be permitted per lessee on agricultural lots of more than three acres and pastoral lots subject to the following conditions:

- (1) The lessee has actively cultivated or developed at least two-thirds of the agricultural or pastoral tracts at all times;
- (2) The lessee shall submit a plan justifying the construction of a workers' quarters including but not limited to production processes and projections, number of workers and labor requirements, jobs to be performed, site and plot plan, house construction plans, and benefits accrued by the addition of a workers' quarters;
- (3) Approval by the commission;
- (4) Conformance to all state and county zoning and building requirements;
- (5) Adequate infrastructure, i.e., water, power, etc., shall be available to service the workers' quarters;
- (6) The lessee shall finance the construction of the workers' quarters and the department shall not loan or guarantee funds for construction of workers' quarters;

- (7) Removal of workers' quarters and related access and utility improvements at the expense of the lessee upon cancellation or surrender of agricultural or pastoral leases;
- (8) Upon transfer of agricultural or pastoral leases with workers' quarters, the transferee must justify the continued use of the workers' quarters, otherwise, removal of the workers' quarters and related access and utility improvements will be required at the expense of the transferor;
- (9) Not more than one workers' quarters shall be allowed per lessee, notwithstanding the size of the lot or lots, or the number of leases; and
- (10) Workers' quarters shall not be allowed for subsistence farming operations.

(d) A lessee possessing a residential lot lease may construct a residence on the lessee's agricultural lot or pastoral lot provided that the lessee complies with the following conditions:

- (1) The lessee makes prior arrangements to surrender or transfer the resident lot lease upon the completion of construction of the residence on the lessee's agricultural or pastoral lot. Should it be feasible, the lessee may relocate the present house;
- (2) The lessee is financially able to assume the cost of relocation or construction of the new residence plus any related expenses necessary to maintain the agricultural or pastoral lot. The department may assist the lessee under sections 10-3-41 to 10-3-52; and
- (3) In the event the lessee surrenders the residence lot lease, the net proceeds thereof shall be first credited to any loan granted by the department for the construction of a home on the agricultural

or pastoral lot; and all other conditions imposed by this section and section 10-3-34.

(e) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities, except as it may determine in the planned development of its lands.

(f) Upon cancellation or surrender of the agricultural or pastoral lot, the lessee shall relinquish the entire leasehold interest including the residence.

(g) Subdivision and transfer of a portion of an agricultural lot lease of more than one acre or pastoral lot lease may be permitted upon commission approval for the remaining term of the lease to any individual who qualifies under the act, subject to the following conditions:

- (1) Upon such transfer, each resultant subdivided lot meets department criteria for designation as agricultural or pastoral and available infrastructure capacity;
- (2) The lessee or transferee shall finance the construction of a residence on any transferred portion;
- (3) Plans for all residences to be constructed on transferred portions of leases shall be submitted to and approved by the department before construction thereof;
- (4) The lessee or transferee shall pay for any costs incurred in the processing and obtaining of the subdivision;
- (5) The department shall not be liable for expenses incurred by the lessee for amenities brought to the lot. The department shall not provide nor be required to provide any amenities except as it may determine in the planned development of its lands; and
- (6) A farm plan may be required of transferees for all transfers involving the subdivided agricultural lots of more than three acres or pastoral lots. Where required, the farm

plan shall be submitted to, reviewed and  
accepted by the department. [Eff 7/30/81;  
am 9/24/83; am 11/17/84; am and comp  
10/26/98; am ]

\$10-3-33 Commercial activities. Except as may  
be otherwise provided, no homestead leasehold or  
portion thereof shall be used for commercial  
activities of such a nature as to constitute a  
nuisance or threat to health, safety, and environment.  
[Eff 7/30/81; am 2/3/83; comp 10/26/98;  
am ] (Auth: HHC Act §222) (Imp: HHC Act  
§208)

\$10-3-34 Building requirements. No building structure or improvement may be constructed on the premises without written approval from the department. Such an approval shall be considered only after submission of a plan as to design, materials, and probable value and use of the structure to be built on the leasehold. Building structures or improvements shall meet building and zoning codes and other ordinances and regulations of the respective counties except as otherwise provided by the department. [Eff 7/30/81; am and comp 10/26/98; am ]  
(Auth: HHC Act \$222) (Imp: HHC Act \$208)

\$10-3-36 Transfer of homestead leases. (a) A lessee, with the written approval of the commission, may transfer the leasehold to any individual who is at least eighteen years old and

(1) A native Hawaiian; or

(2) At least one-quarter Hawaiian and a spouse, civil union partner, child, grandchild, brother or sister of the lessee,

provided that leases for vacant or undeveloped lots and undivided interests, or any interest therein, shall not be sold but may be transferred for no consideration or by succession.

(b) Lease transfers to qualified relatives of a lessee or to beneficiaries on a waitlist shall have priority for processing over transfers to beneficiaries not on a waitlist.

(c) The transferee shall immediately occupy the residence lot or use or cultivate the agricultural, pastoral, or kuleana lot. Failure to occupy or use the lot within sixty days from date of transfer shall constitute grounds for cancellation of the lease.

(d) A transferee may own an interest in non-Hawaiian home lands real property, regardless of degree of ownership. [Eff 7/30/81; am 2/3/83; am 9/24/83; am and comp 10/26/98; am ]

(Auth: HHC Act \$222) (Imp: HHC Act \$208)

\$10-3-38 Subdivision and transfer of a portion of residential lot leasehold. A lessee of a residential lot, with the approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is a native Hawaiian and is at least eighteen years old; provided that after the transfer, each lot conforms to county zoning standards. The department shall not be required to finance the construction of the house on the transferred portion. Plans for construction of the house shall be subject to the approval of the department. The department shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision. [Eff 7/30/81; am 1/20/86; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §208)

\$10-3-39 Occupancy and other requirements. \*\*\*

(b) Except as otherwise provided in the lease, the department may require a lessee of an agricultural lot of more than three acres or pastoral lot to have under development, cultivation, or use at least two-thirds of the useable acreage at all times.

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(d) A lessee shall provide the department with a current mailing address and such other information as the department may require. The department shall be notified of a change of address in accordance with section 10-3-10(a). [Eff 7/30/81; am 1/20/86; comp 10/26/98; am ] (Auth: HHC Act §222)  
(Imp: HHC Act §208)

\$10-3-61 Designation of successor. (a) As provided in section 209 of the act and in this section, the lessee shall designate the relative or relatives to whom the lessee directs the interest in the tract to vest upon the lessee's death from among the following relatives:

- (1) Husband, wife, children, or grandchildren who are at least one-quarter Hawaiian; or
- (2) Father, mother, widows or widowers of the children, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews who are native Hawaiian.

A lessee may designate a successor or successors at the time of execution of the lease; provided that the lessee shall file the designation in writing at the department and the department shall acknowledge the designation in order for the designation to be deemed filed. A lessee may change the designation of successor or successors at any time; provided that the lessee shall file the change of designation in writing at the department and the department shall acknowledge the change of designation in order for the change of designation to be deemed filed.

The lessee or designated successor shall provide documentation to establish eligibility of the designated successor and the department shall determine whether a designated successor is qualified to be a lessee of Hawaiian home lands.

(b) An alleged qualified relative of a lessee may obtain genetic testing under section 10-3-2.2 to aid in establishing qualification as a successor to the lease. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HHC Act \$222) (Imp: HHC Act \$209)

§10-3-76 Fees and charges. (a) The department shall assess fees for scaling services commensurate with local industry standard except that lessees may pay a reduced fee.

(b) To recover costs, the department may establish rental fees and service charges for the use of meeting rooms or halls, park facilities, and resource management areas subject to approval by the commission.

- (1) Fees and charges for use of meeting rooms or halls, and park facilities shall be based on:
  - (A) Actual operating costs including utilities, maintenance and repair, custodial services, and security; and
  - (B) Current capital costs, provided that recognized homestead community associations may use meeting rooms or halls, and park facilities to conduct association business for a rental fee of \$50 per twenty-four hours or fraction thereof, and a discounted fee schedule may be set for lessees. The department shall have priority use of department meeting rooms or halls even over prior existing reservations with at least fourteen calendar days notice.
- (2) As applied to resource management areas, a resource management plan shall be developed in consultation with beneficiaries to:
  - (A) Identify resource management area issues, concerns, and opportunities;
  - (B) Identify management actions to address resource management area issues, concerns and opportunities;
  - (C) Identify capital or operational costs or both to implement management actions;
  - (D) Calculate needed fees or service charges, or both, based on estimated capital or operational costs, or both, of identified management actions.

The department shall monitor the area to determine whether the management actions have been successful under the management plan. Future management prescriptions including re-evaluation of a fee schedule shall be based on evaluations of whether management actions have been successful.

(c) Patrons who have outstanding accounts, have provided false information when applying to use department facilities, or have previously misused the department's property, grounds, or facilities may be denied use of department facilities and resource management areas.

(d) Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge.

(e) Fees and charges shall be revised when necessary and approved by the commission during the odd year of the fiscal biennium. [Eff 7/30/81; am 2/3/83; am 11/17/84; am and comp 10/26/98; am ] (Auth: HHC Act §222) (Imp: HHC Act §211)

\$10-5-1 Scope of rules. This chapter governs practice and procedure before the commission and department pursuant to the act and chapter 91, HRS. These rules shall be construed to effect a just and speedy determination of every proceeding. [Eff 7/30/81; am and comp 10/26/98; am ]  
(Auth: HRS §91-2) (Imp: HRS §91-2)

§10-5-2 Commission procedures. The commission, on its own motion or on petition of any interested person or agency, may hold proceedings as it deems necessary for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation of its rules. It may subpoena witnesses and require the production of evidence. Unless specifically prescribed in these rules or by chapter 91, HRS, the commission shall follow procedures that, in its opinion, will best serve the purposes of the proceedings. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

§10-5-3 Suspension, waiver of rules. Any person or agency may submit a signed request that any rule contained in this chapter not be applied. The commission or the hearing officer before whom the matter is presented may suspend or waive the particular rule or rules to prevent the hardship identified and described in the submitted request.  
[Eff 7/30/81; comp 10/26/98; am ]  
(Auth: HRS §91-2) (Imp: HRS §91-2)

\$10-5-4 Appearances before the commission. (a) Any individual or agency may appear, in person or by designated representative, before the commission or hearing officer in any proceeding, unless otherwise provided in subsection (c).

(b) When a person acting as a representative appears in person or signs a paper before the commission or hearing officer, the appearance or signature shall constitute a representation to the commission or hearing officer that, under the provisions of these rules or applicable law, the individual is authorized and qualified to act as a representative.

(c) No person who has been associated with the commission or department as a member, officer, employee, or counsel shall represent any party in connection with any proceeding or matter which was handled or passed upon by that person while associated in any capacity with the commission.

(d) No person who has been associated with the commission or department as a member, officer, employee, or counsel shall represent any party in connection with any proceeding or matter which was pending before the commission or hearing officer at the time of the association with the commission unless the person shall first have obtained the commission's written consent upon a verified showing that the person did not give personal consideration to the proceeding or matter as to which consent is sought or gained particular knowledge of the facts thereof during the association with the commission.

(e) No person appearing before the commission or hearing officer in any proceeding or matter shall knowingly accept assistance from any person who would be precluded by this section from appearing before the commission or hearing officer in that proceeding or matter. [Eff 7/30/81; am and comp 10/26/98;  
am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

\$10-5-5 Filing of documents. (a) Documents or papers required or permitted to be filed with the commission in any proceeding or matter shall be filed at the office of the commission in Kapolei, Hawaii. Documents or papers may be sent by mail addressed to the Hawaiian homes commission as described in section 10-1-2(a)(1), or hand carried to the commission office within the time limit for filing. The date of receipt by the commission secretary shall be the date of filing.

(b) Documents or papers filed with the commission shall be plainly legible and shall be signed by the party or a designated representative.

(c) The signature of the person signing a filed document or paper shall represent that, to the best of the individual's knowledge, information, and belief, every statement contained in the instrument is true and that no statements are misleading, and that the document is not interposed for delay.

(d) A party filing a document or paper shall file the original and nine copies, unless otherwise specifically directed by a particular rule or order of the commission. A party may file an additional copy to be time stamped by the commission, and mailed back to the filing party via a self-addressed stamped envelope.

(e) The initial document filed by any person in any proceeding shall state on the first page the name, mailing address, and telephone number of the person or persons who may be served with any documents filed in the proceeding.

(f) The commission may develop and authorize the use of internet-based or other electronic filing procedures for the filing of documents. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

\$10-5-6 Docket. The commission shall assign a number to each proceeding and maintain a docket of all proceedings. [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

\$10-5-7 Time computation. (a) Computation of time shall be as established by section 1-29, HRS.

(b) On written request clearly showing good cause, additional time may be granted to take actions or to file documents required or allowed by these rules. [Eff 7/30/81; am and comp 10/26/98; am. ] (Auth: HRS §91-2) (Imp: HRS §§1-29, 91-2)

\$10-5-8 Amendments, dismissal of documents. The commission or hearing officer, on its own motion or on motion of any party, may strike dismiss, or require amendments of any filed document that is not in substantial compliance with these rules or is otherwise insufficient. If amended, the document shall be effective as of the date of the original filing. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

\$10-5-9 Document retention. Documents filed with or presented to the commission may be retained in the files of the commission. The commission may permit replacement of original documents with properly authenticated copies. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

§10-5-10 Commission decisions. All final orders, opinions, or rulings entered by the commission in a proceeding and rules adopted by the commission as a result of a contested case hearing shall be released for general publication. Copies of published materials shall be available for public inspection in the department office or may be obtained upon a signed request and payment of fees imposed by law. [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §§91-2, 91-12)

§10-5-12 Substitution of parties. On motion and for good cause shown, the commission may order substitution of parties, except that, in the case of death of a party, substitution may be ordered without the filing of a motion. [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

§10-5-13 Consolidations. The commission, on its own motion or on motion of any party, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties, or issues which involve the same parties or issues which are the same or closely related if it finds that consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business, promote justice and will not unduly delay the proceedings. [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-2)

\$10-5-21 Rule change petitions, procedures. (a)

Any person or agency may petition the commission for the adoption, amendment, or repeal of any rule. The petition shall set forth the text of any proposed rule or amendment desired or specify the rule, the repeal of which is desired and state concisely the nature of petitioner's interest in the subject matter and the reasons for seeking the change. A petition that is not in substantial compliance with these rules or is otherwise insufficient shall not be considered by the commission.

(b) Petitions for rulemaking shall become matters of public record upon filing. The commission shall either deny the petition in writing or initiate public rulemaking procedures as soon as practicable. No other public hearing, oral arguments, or other form of proceeding shall be held as a result of the petition. Where the commission determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceeding, the procedures to be followed shall be as set forth in this chapter. Where the commission determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition for rulemaking fails in material respect to comply with the requirements of these rules, the commission shall deny the petition and the petitioner will be so notified, together with the grounds for denial. The provisions of this section shall not operate to prevent the commission, on its own motion, from acting on any matter disclosed in any petition. [Eff 7/30/81; comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-6)

\$10-5-22 Proposed rulemaking notice. (a) When, pursuant to a petition or upon its own motion, the commission proposes to adopt, amend, or repeal a rule, the commission shall publish a notice of proposed rulemaking at least once in a newspaper of general circulation in the State and in each county affected by the rule. Notice shall also be made available on the website of the department. All rulemaking notices shall be issued at least thirty days before the date set for public hearing.

(b) The proposed rulemaking notice shall include:

- (1) A statement of the topic of the proposed rule adoption, amendment, or repeal or a general description of the subjects involved;
- (2) A statement that a copy of the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed will be e-mailed or mailed to any interested person who requests a copy and pays in advance for the copy and the postage, together with a description of where and how the requests may be made;
- (3) A statement of when, where, and during what times the proposed rule to be adopted, the proposed rule amendment, or the rule proposed to be repealed may be viewed in person; and
- (4) The date, time, and place where the public hearing will be held and where interested persons may be heard on the proposed rule adoption, amendment, or repeal.

(c) The notice shall be mailed to all persons or agencies who have made timely written requests for advance notice of the commission's rulemaking proceedings. Proposed rule adoption, amendment, or repeal shall also be posted on the Internet as provided in section 91-2.6, HRS.

(d) Copies of the proposed adoption, amendment, or repeal of a rule shall be sent at least thirty days before the date set for public hearing as follows:

- (1) Five copies to each district office;
- (2) Two copies to each registered and recognized homestead association; and
- (3) Five copies to the main office identified in section 10-1-2. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-1)  
(Imp: HRS §91-2)

\$10-5-23 Hearing conduct. (a) The chairman or the chairman's designee shall preside over the public hearing. The hearing shall be conducted to allow interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions necessary for the orderly conduct of the hearing.

(b) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in the order prescribed by the presiding officer. Persons testifying shall be limited to fifteen minutes. Whenever time permits, the presiding officer may allow additional time upon request. After all persons who have requested to appear before the commission hearing have testified, any person whose request for additional time has been granted may present additional relevant testimony.

(c) Submission of evidence shall include the following:

- (1) Before giving testimony, every witness shall state his or her name, address, and any representative capacities in which the witness serves and shall give other information respecting appearance as the presiding officer may request. The presiding officer shall confine the evidence presented to the questions before the hearing and may receive evidence whether or not the evidence would be admissible in a court of law; and
- (2) Every witness shall be subject to questioning by the presiding officer or members of the commission present, but cross-examination by private persons shall not be permitted unless expressly permitted by the presiding officer.

(d) All interested persons or agencies shall be afforded an opportunity to submit data, views or arguments which, in the opinion of the presiding officer, are relevant to the matters specified in the notice of the hearing. In addition, or alternatively, persons or agencies may file with the commission signed, written protests, comments, or recommendations in support of or in opposition to the proposed rulemaking. The period for filing written protest, comments, or recommendations may be extended beyond the hearing date by the presiding officer for good cause.

(e) Unless otherwise specifically ordered by the commission or the presiding officer, testimony given at the public hearing shall not be reported verbatim. All supporting written statements, maps, charts, tabulations, or similar data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, ten copies of the exhibits shall be submitted. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-3)

§10-5-23.1 Time and place. Each hearing shall be held at the time and place set in the notice of hearing, but, at that time and place may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

[Eff ] (Auth: HRS §91-2) (Imp: HRS §91-3)

Historical note: §10-3-23.1 is based substantially upon §10-3-23(b). [Eff 7/30/81; am and comp 10/26/98; am ]

\$10-5-25 Emergency rulemaking. Subject to chapter 91, HRS, and, notwithstanding the foregoing rules, if the commission finds that an imminent peril to public health, safety, or morals requires issuance, amendment, or repeal of a rule upon less than thirty days notice of hearing, and states in writing its reason for the finding, it may proceed without prior notice or hearing on abbreviated notice and hearing as it finds practicable to adopt an emergency rule which will be effective for a period not longer than one hundred twenty days without renewal. [Eff 7/30/81; am and comp 10/26/98; am ] (Auth: HRS §91-2) (Imp: HRS §91-3)

§10-5-26 Governor's approval. The adoption, amendment, or repeal of any rule by the commission is subject to the approval of the governor.  
[Eff ] (Auth: HRS §91-2) (Imp: HRS §91-3)

DEPARTMENT OF HAWAIIAN HOME LANDS

Amendments to chapters 10-1, 10-2, 10-3, and 10-5, Hawaii Administrative Rules, on the Summary page dated [ ], were adopted on [ ], following public hearings held on [ ] and [ ], after public notice was given in the Honolulu Star-Advertiser, the Hawaii Tribune-Herald, West Hawaii Today, the Maui News, and the Garden Island News on [ ].

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

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JOBIE M. K. MASAGATANI  
Chairman  
Hawaiian Homes Commission

APPROVED AS TO FORM:

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Deputy Attorney General

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DAVID Y. IGE  
Governor  
State of Hawaii

Date:

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Filed


DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 21 & 22, 2017  
KAPOLEI, HAWAII

D-ITEMS  
**HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
From: Dean T. Oshiro, Acting HSD Administrator   
SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

Exhibit A: Homestead Lease & Application Totals  
and Monthly Activity Reports  
Exhibit B: Delinquency Report

February 21, 2017

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through January 31, 2017

	As of 12/31/16	Add	Cancel	As of 1/31/17
Residential	8,310	5	0	8,315
Agricultural	1,099	1	0	1,100
Pastoral	410	0	0	410
<b>Total</b>	<b>9,819</b>	<b>6</b>	<b>0</b>	<b>9,825</b>

The number of Converted Undivided Interest Lessees represents an increase of 396 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 12/31/16	Converted	Rescinded/ Surrendered/ Cancelled	As of 1/31/17
Undivided	936	0	0	936

Balance as of 1/31/2017

Awarded	1,434
Relocated to UNDV	7
Rescinded	102
Surrendered	5
Cancelled	2
Converted	396
Balance to Convert	936

Lease Report For the Month Ending December 31, 2016

	----- RESIDENCE -----				----- AGRICULTURE -----				----- PASTURE -----				----- TOTAL LEASES -----			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
<b>OAHU</b>																
Hoolimalima	3	4	0	7	0	0	0	0	0	0	0	0	0	4	0	7
Kalawahine	92	0	0	92	0	0	0	0	0	0	0	0	92	0	0	92
Kanehili	351	0	0	351	0	0	0	0	0	0	0	0	351	0	0	351
Kapolei	269	0	0	269	0	0	0	0	0	0	0	0	269	0	0	269
Kaupea	326	0	0	326	0	0	0	0	0	0	0	0	326	0	0	326
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	250	0	0	250	0	0	0	0	0	0	0	0	250	0	0	250
Kumuhau	52	0	0	52	0	0	0	0	0	0	0	0	52	0	0	52
Lualualei	149	0	0	149	31	0	0	31	0	0	0	0	180	0	0	180
Malu'ohai	156	0	0	156	0	0	0	0	0	0	0	0	156	0	0	156
Nanakuli	1,051	0	0	1,051	0	0	0	0	0	0	0	0	1,051	0	0	1,051
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Waianae	420	0	0	420	11	0	0	11	0	0	0	0	431	0	0	431
Waimanalo	744	0	0	744	2	0	0	2	0	0	0	0	746	0	0	746
<b>TOTAL</b>	<b>4,217</b>	<b>4</b>	<b>0</b>	<b>4,221</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>60</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,222</b>	<b>4</b>	<b>0</b>	<b>4,281</b>
<b>MAUI</b>																
Hikina	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	65	0	0	65	0	0	0	0	65	0	0	65
Lealii	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	180	0	0	180	0	0	0	0	0	0	0	0	180	0	0	180
Waiehu 1	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39
Waiehu 2	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109
Waiehu 3	114	0	0	114	0	0	0	0	0	0	0	0	114	0	0	114
Waiehu 4	98	0	0	98	0	0	0	0	0	0	0	0	98	0	0	98
Waiohuli	594	0	0	594	0	0	0	0	0	0	0	0	594	0	0	594
<b>TOTAL</b>	<b>1,268</b>	<b>0</b>	<b>0</b>	<b>1,268</b>	<b>65</b>	<b>0</b>	<b>0</b>	<b>65</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>1,408</b>	<b>0</b>	<b>0</b>	<b>1,408</b>
<b>EAST HAWAII</b>																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamapa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaumana	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
Keaukaha	472	0	0	472	0	0	0	0	0	0	0	0	472	0	0	472
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makua	0	0	0	0	123	0	0	123	0	0	0	0	123	0	0	123
Panawea	0	0	0	0	263	1	0	264	0	0	0	0	263	1	0	264
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puuoe	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Walaiea	297	1	0	298	0	0	0	0	0	0	0	0	297	1	0	298
<b>TOTAL</b>	<b>839</b>	<b>1</b>	<b>0</b>	<b>840</b>	<b>398</b>	<b>1</b>	<b>0</b>	<b>399</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,262</b>	<b>2</b>	<b>0</b>	<b>1,264</b>
<b>WEST HAWAII</b>																
Honokala	0	0	0	0	0	0	0	0	23	0	0	23	23	0	0	23
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kanihale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	187	0	0	187	0	0	0	0	1	0	0	1	188	0	0	188
Laiopua	280	0	0	280	0	0	0	0	0	0	0	0	280	0	0	280
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienle	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio VII	114	0	0	114	109	0	0	109	216	0	0	216	439	0	0	439
Puupulehu	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
<b>TOTAL</b>	<b>865</b>	<b>0</b>	<b>0</b>	<b>865</b>	<b>109</b>	<b>0</b>	<b>0</b>	<b>109</b>	<b>282</b>	<b>0</b>	<b>0</b>	<b>282</b>	<b>1,256</b>	<b>0</b>	<b>0</b>	<b>1,256</b>
<b>KAUAI</b>																
Anahola	534	0	0	534	46	0	0	46	0	0	0	0	580	0	0	580
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	116	0	0	116	0	0	0	0	0	0	0	0	116	0	0	116
Puu Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
<b>TOTAL</b>	<b>697</b>	<b>0</b>	<b>0</b>	<b>697</b>	<b>46</b>	<b>0</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>744</b>	<b>0</b>	<b>0</b>	<b>744</b>
<b>MOLOKAI</b>																
Hoolihua	157	0	0	157	346	0	0	346	21	0	0	21	524	0	0	524
Kalamaula	163	0	0	163	72	0	0	72	3	0	0	3	238	0	0	238
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
O'ne Aili	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
<b>TOTAL</b>	<b>395</b>	<b>0</b>	<b>0</b>	<b>395</b>	<b>421</b>	<b>0</b>	<b>0</b>	<b>421</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>843</b>	<b>0</b>	<b>0</b>	<b>843</b>
<b>LANAI</b>																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
<b>TOTAL</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>0</b>	<b>0</b>	<b>29</b>
<b>STATEWIDE TOTAL</b>	<b>8,310</b>	<b>5</b>	<b>0</b>	<b>8,315</b>	<b>1,099</b>	<b>1</b>	<b>0</b>	<b>1,100</b>	<b>410</b>	<b>0</b>	<b>0</b>	<b>410</b>	<b>9,819</b>	<b>6</b>	<b>0</b>	<b>9,825</b>

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING  
January 31, 2017**

**AREA WAITING LIST**

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	1,015	0	0	1,015	3	0	0	3	0	0	0	0	1,018
Maui District	73	0	0	73	4	0	0	4	5	0	0	5	82
Hawaii District	135	0	0	135	15	0	0	15	62	0	1	61	211
Kauai District	56	0	0	56	3	0	0	3	29	0	0	29	88
Molokai District	20	0	0	20	19	0	0	19	1	0	0	1	40
<b>TOTAL</b>	<b>1,299</b>	<b>0</b>	<b>0</b>	<b>1,299</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>97</b>	<b>0</b>	<b>1</b>	<b>96</b>	<b>1,439</b>

**ISLANDWIDE WAITING LIST**

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,505	21	8	9,518	3,600	3	0	3,603	0	0	0	0	13,121
Maui	3,723	1	1	3,723	4,582	2	1	4,583	596	0	0	596	8,902
Hawaii	5,646	10	6	5,650	7,058	8	3	7,063	1,847	1	0	1,848	14,561
Kauai	1,601	3	3	1,601	2,201	3	2	2,202	293	0	0	293	4,096
Molokai	778	1	0	779	1034	0	0	1034	196	1	0	197	2,010
Lanai	84	0	0	84	0	0	0	0	0	0	0	0	84
<b>TOTAL</b>	<b>21,337</b>	<b>36</b>	<b>18</b>	<b>21,355</b>	<b>18,475</b>	<b>16</b>	<b>6</b>	<b>18,485</b>	<b>2,932</b>	<b>2</b>	<b>0</b>	<b>2,934</b>	<b>42,774</b>

**AREA AND ISLANDWIDE LISTS**

	RES	AG	PAS	TOTAL	ADDITIONS		CANCELLATIONS	
OAHU	10,533	3,606	0	14,139	New Applications	50	New Lease Awards	14
MAUI	3,796	4,587	601	8,984	Application Transfers	4	Application Transfers	4
HAWAII	5,785	7,078	1,909	14,772	Lease Rescissions	0	Succ'd and Cancel Own	3
KAUAI	1,657	2,205	322	4,184	App Reinstatements	0	Public Notice Cancel	0
MOLOKAI	799	1,053	198	2,050	HHC Adjustments	0	Voluntary Cancellations	4
LANAI	84	0	0	84			Lease Successorships	0
TOTAL	22,654	18,529	3,030	44,213	TOTAL	54	HHC Adjustments	0
							Dec'd No Successor	0
							NHQ Unqualified	0
							TOTAL	25

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING**

January 31, 2017

	RESIDENCE				AGRICULTURE				PASTURE				
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
<b>OAHU DISTRICT</b>													
Nanakuli	180	0	0	180	0	0	0	0	0	0	0	0	180
Waianae	160	0	0	160	0	0	0	0	0	0	0	0	160
Lualualei	0	0	0	0	3	0	0	3	0	0	0	0	3
Papakolea/Kewalo	72	0	0	72	0	0	0	0	0	0	0	0	72
Waimanalo	603	0	0	603	0	0	0	0	0	0	0	0	603
Subtotal Area	1,015	0	0	1,015	3	0	0	3	0	0	0	0	1,018
Islandwide	9,505	21	8	9,518	3,600	3	0	3,603	0	0	0	0	13,121
<b>TOTAL OAHU APPS</b>	<b>10,520</b>	<b>21</b>	<b>8</b>	<b>10,533</b>	<b>3,603</b>	<b>3</b>	<b>0</b>	<b>3,606</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14,139</b>
<b>MAUI DISTRICT</b>													
Paukukalo	73	0	0	73	0	0	0	0	0	0	0	0	73
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	73	0	0	73	4	0	0	4	5	0	0	5	82
Islandwide	3,723	1	1	3,723	4,582	2	1	4,583	596	0	0	596	8,902
<b>TOTAL MAUI APPS</b>	<b>3,796</b>	<b>1</b>	<b>1</b>	<b>3,796</b>	<b>4,586</b>	<b>2</b>	<b>1</b>	<b>4,587</b>	<b>601</b>	<b>0</b>	<b>0</b>	<b>601</b>	<b>8,984</b>
<b>HAWAII DISTRICT</b>													
Keaukaha/Waiakea	72	0	0	72	0	0	0	0	1	0	0	1	73
Panaewa	0	0	0	0	15	0	0	15	0	0	0	0	15
Humuula	0	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	19	0	0	19	0	0	0	0	0	0	0	0	19
Waimea	44	0	0	44	0	0	0	0	61	0	1	60	104
Subtotal Area	135	0	0	135	15	0	0	15	62	0	1	61	211
Islandwide	5,646	10	6	5,650	7,058	8	3	7,063	1,847	1	0	1,848	14,561
<b>TOTAL HAWAII APPS</b>	<b>5,781</b>	<b>10</b>	<b>6</b>	<b>5,785</b>	<b>7,073</b>	<b>8</b>	<b>3</b>	<b>7,078</b>	<b>1,909</b>	<b>1</b>	<b>1</b>	<b>1,909</b>	<b>14,772</b>
<b>KAUAI DISTRICT</b>													
Anahola	48	0	0	48	3	0	0	3	21	0	0	21	72
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	8	0	0	8	16
Subtotal Area	56	0	0	56	3	0	0	3	29	0	0	29	88
Islandwide	1,601	3	3	1,601	2,201	3	2	2,202	293	0	0	293	4,096
<b>TOTAL KAUAI APPS</b>	<b>1,657</b>	<b>3</b>	<b>3</b>	<b>1,657</b>	<b>2,204</b>	<b>3</b>	<b>2</b>	<b>2,205</b>	<b>322</b>	<b>0</b>	<b>0</b>	<b>322</b>	<b>4,184</b>
<b>MOLOKAI DISTRICT</b>													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hoolehua	7	0	0	7	19	0	0	19	1	0	0	1	27
Kapaakea	8	0	0	8	0	0	0	0	0	0	0	0	8
One Alii	1	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal Area	20	0	0	20	19	0	0	19	1	0	0	1	40
Islandwide	778	1	0	779	1,034	0	0	1,034	196	1	0	197	2,010
<b>TOTAL MOLOKAI APPS</b>	<b>798</b>	<b>1</b>	<b>0</b>	<b>799</b>	<b>1,053</b>	<b>0</b>	<b>0</b>	<b>1,053</b>	<b>197</b>	<b>1</b>	<b>0</b>	<b>198</b>	<b>2,050</b>
<b>LANAI DISTRICT</b>													
Islandwide	84	0	0	84	0	0	0	0	0	0	0	0	84
<b>TOTAL LANAI APPS</b>	<b>84</b>	<b>0</b>	<b>0</b>	<b>84</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>84</b>
<b>TOTAL AREA ONLY</b>	<b>1,299</b>	<b>0</b>	<b>0</b>	<b>1,299</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>97</b>	<b>0</b>	<b>1</b>	<b>96</b>	<b>1,439</b>
<b>TOTAL ISLANDWIDE</b>	<b>21,337</b>	<b>36</b>	<b>18</b>	<b>21,355</b>	<b>18,475</b>	<b>16</b>	<b>6</b>	<b>18,485</b>	<b>2,932</b>	<b>2</b>	<b>0</b>	<b>2,934</b>	<b>42,774</b>
<b>TOTAL STATEWIDE</b>	<b>22,636</b>	<b>36</b>	<b>18</b>	<b>22,654</b>	<b>18,519</b>	<b>16</b>	<b>6</b>	<b>18,529</b>	<b>3,029</b>	<b>2</b>	<b>1</b>	<b>3,030</b>	<b>44,213</b>

# DELINQUENCY REPORT - STATEWIDE

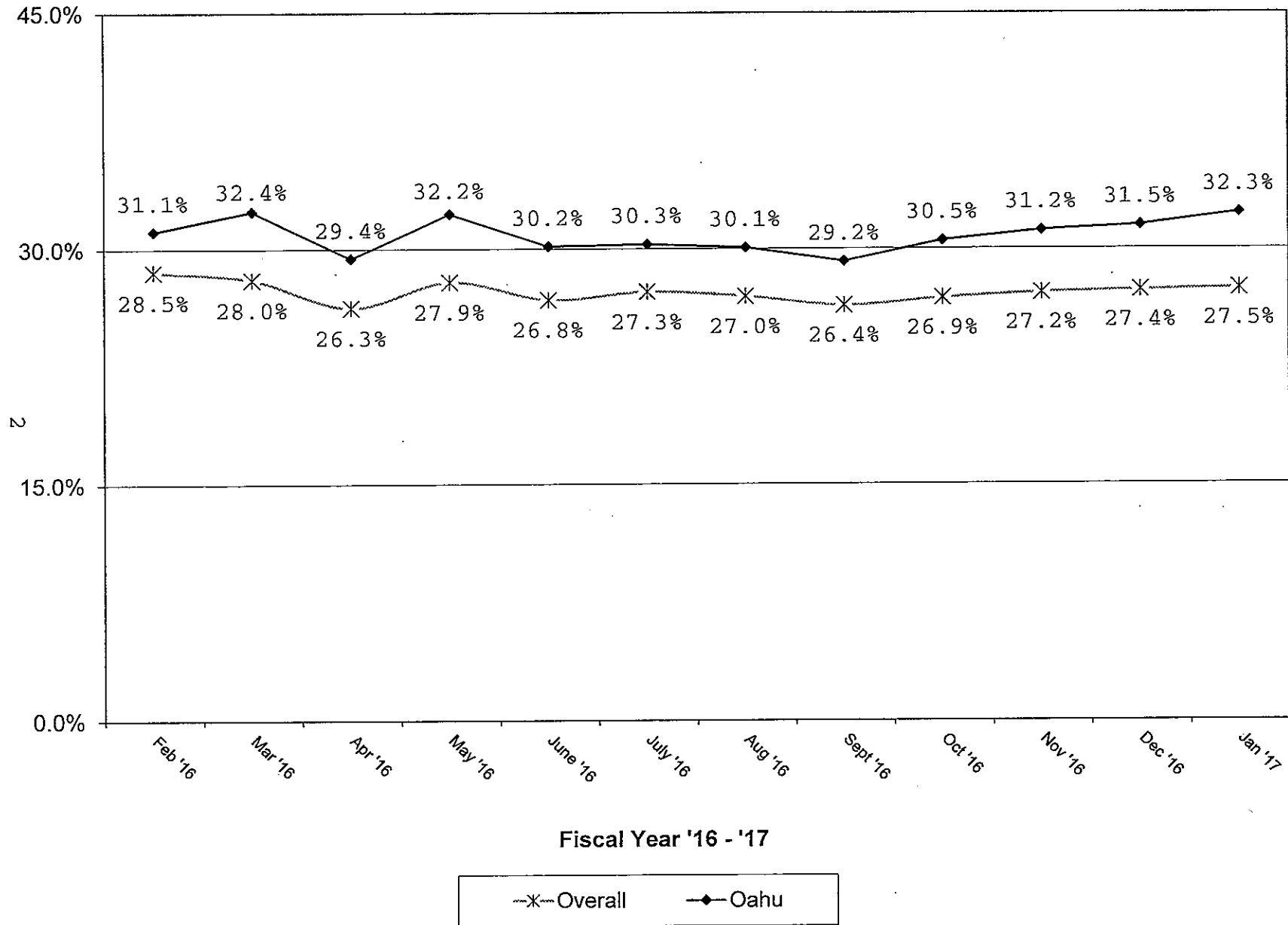
February 21, 2017

(\$Thousands)

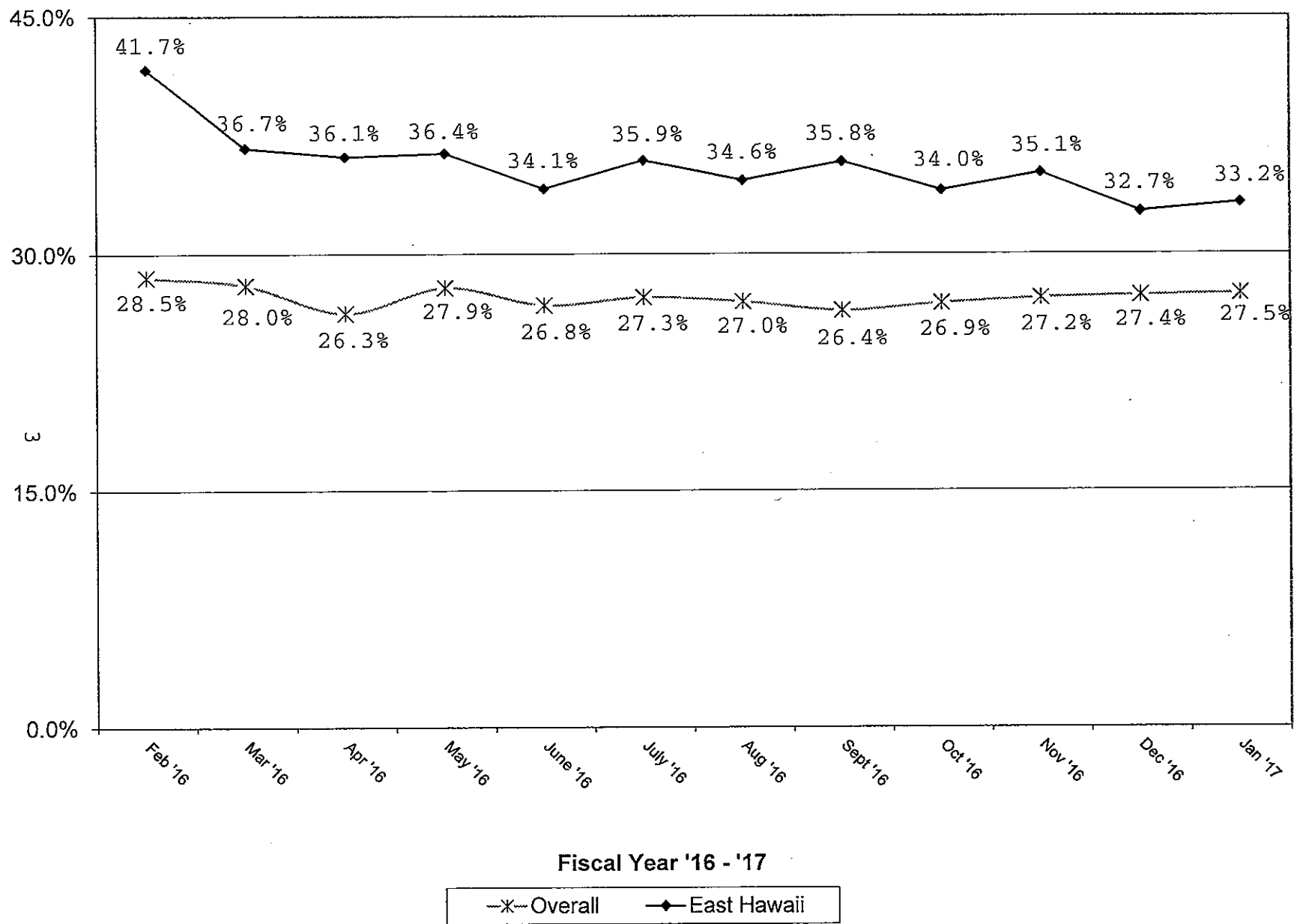
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 1/31/2017	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
<b>DIRECT LOANS</b>														
OAHU	378	29,621	97	9,561	14	1,170	8	955	19	1,743	56	5,693	25.7%	32.3%
EAST HAWAII	231	13,731	74	4,561	10	386	4	137	6	211	54	3,827	32.0%	33.2%
WEST HAWAII	65	5,675	13	861	1	127	2	112	2	258	8	363	20.0%	15.2%
MOLOKAI	79	4,042	20	628	3	61	1	42	4	80	12	445	25.3%	15.5%
KAUAI	103	7,358	19	1,498	4	420	3	216	3	54	9	808	18.4%	20.4%
MAUI	<u>77</u>	<u>7,127</u>	<u>16</u>	<u>1,450</u>	<u>3</u>	<u>275</u>	<u>3</u>	<u>140</u>	<u>2</u>	<u>67</u>	<u>8</u>	<u>967</u>	<u>20.8%</u>	<u>20.3%</u>
<b>TOTAL DIRECT</b>	<b>933</b>	<b>67,554</b>	<b>239</b>	<b>18,558</b>	<b>35</b>	<b>2,439</b>	<b>21</b>	<b>1,601</b>	<b>36</b>	<b>2,412</b>	<b>147</b>	<b>12,105</b>	<b>25.6%</b>	<b>27.5%</b>
	<b>100.0%</b>	<b>100.0%</b>	<b>25.6%</b>	<b>27.5%</b>	<b>3.8%</b>	<b>3.6%</b>	<b>2.3%</b>	<b>2.4%</b>	<b>3.9%</b>	<b>3.6%</b>	<b>15.8%</b>	<b>17.9%</b>		
<b>Advances (including RPT)</b>	<b>255</b>	<b>8,280</b>	<b>255</b>	<b>8,280</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>255</b>	<b>8,280</b>			<b>100%</b>	<b>100%</b>
<b>DHHL LOANS &amp; Advances</b>	<b>1,188</b>	<b>75,834</b>	<b>494</b>	<b>26,837</b>	<b>35</b>	<b>2,439</b>	<b>21</b>	<b>1,601</b>	<b>291</b>	<b>10,692</b>	<b>147</b>	<b>12,105</b>	<b>41.6%</b>	<b>35.4%</b>
<b>LOAN GUARANTEES as of June 30, 2016</b>														
SBA	1	112	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	321	43,178	55	7,541	0	0	0	0	55	7,541			17.1%	17.5%
Habitat for Humanity	70	3,272	17	1,142	0	0	0	0	17	1,142			24.3%	34.9%
Maui County	5	74	0	0	0	0	0	0	0	0			0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7			100.0%	100.0%
City & County	24	367	10	230	0	0	0	0	10	230			41.7%	62.7%
FHA Interim	8	606	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	88	987	5	47	0	0	0	0	<u>5</u>	<u>47</u>			5.7%	4.8%
<b>TOTAL GUARANTEE</b>	<b>518</b>	<b>48,603</b>	<b>88</b>	<b>8,967</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>88</b>	<b>8,967</b>			<b>17.0%</b>	<b>18.4%</b>
PMI Loans	254	45,196	34	7,830	7	1,515	0	0	27	6,315			13.4%	17.3%
HUD REASSIGNED for Recovery	139	18,683	117	17,211	1	53	0	0	3	177	113	16,980	84.2%	92.1%
FHA Insured Loans	<u>2,809</u>	<u>420,138</u>	<u>240</u>	<u>32,149</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>240</u>	<u>32,149</u>			8.5%	7.7%
<b>TOTAL INS. LOANS</b>	<b>3,202</b>	<b>484,017</b>	<b>391</b>	<b>57,190</b>	<b>8</b>	<b>1,568</b>	<b>0</b>	<b>0</b>	<b>270</b>	<b>38,641</b>	<b>113</b>	<b>16,980</b>	<b>12.2%</b>	<b>11.8%</b>
<b>OVERALL TOTALS(EXC Adv/RP)</b>	<b>4,653</b>	<b>600,174</b>	<b>718</b>	<b>84,714</b>	<b>43</b>	<b>4,008</b>	<b>21</b>	<b>1,601</b>	<b>394</b>	<b>50,020</b>	<b>260</b>	<b>29,085</b>	<b>15.4%</b>	<b>14.1%</b>
<b>ADJUSTED TOTALS</b>	<b>4,908</b>	<b>608,454</b>	<b>973</b>	<b>92,994</b>	<b>43</b>	<b>4,008</b>	<b>21</b>	<b>1,601</b>	<b>649</b>	<b>58,300</b>	<b>260</b>	<b>29,085</b>		<b>15.3%</b>

Note: HUD 184A loan program has 397 loans, with a total outstanding principal balance of \$89,846,988.26 as of June 30, 2016. 11 loans, totalling \$5,020,610.90, are delinquent.

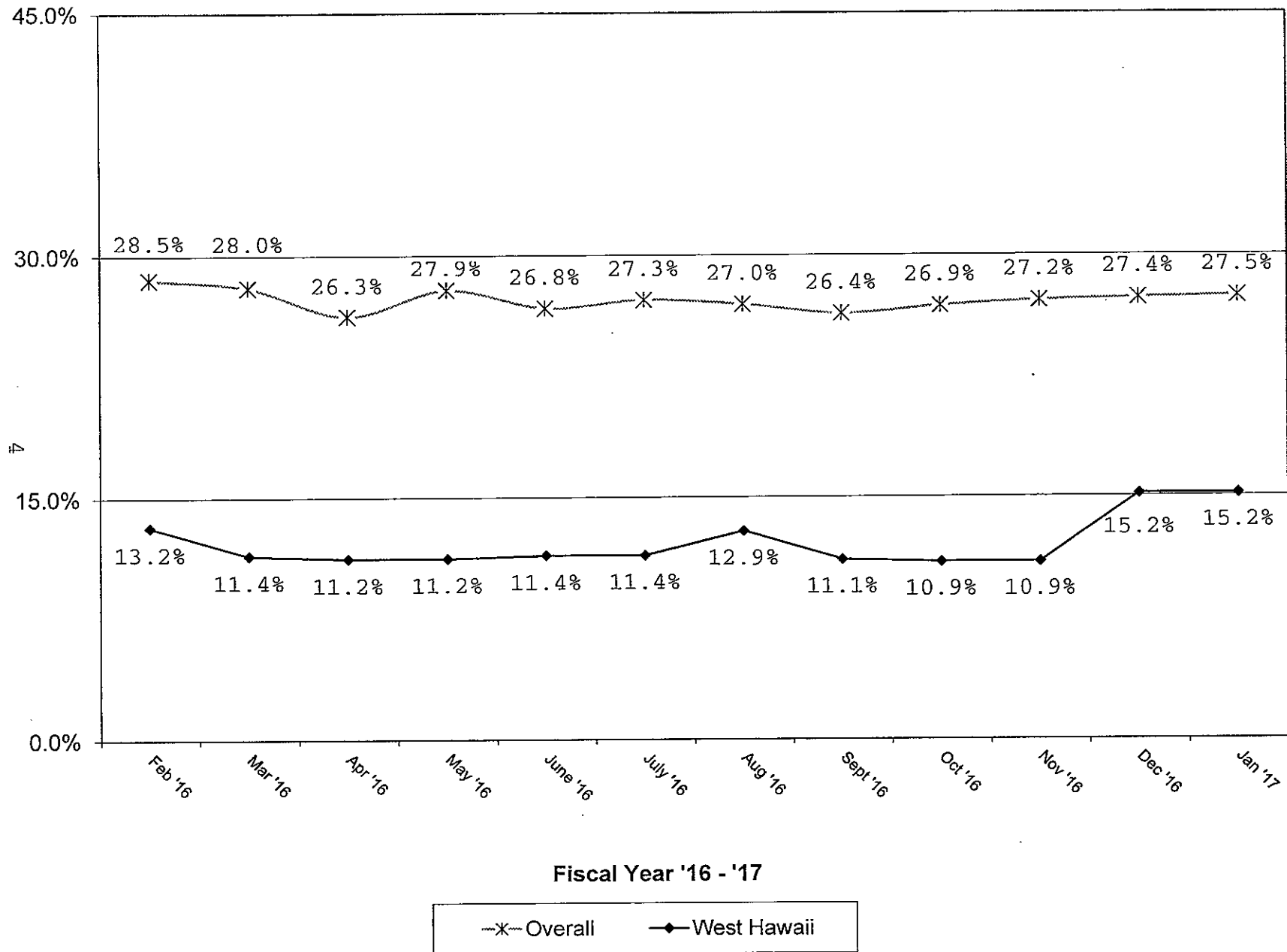
# OAHU Direct Loans Delinquency Ratio Report



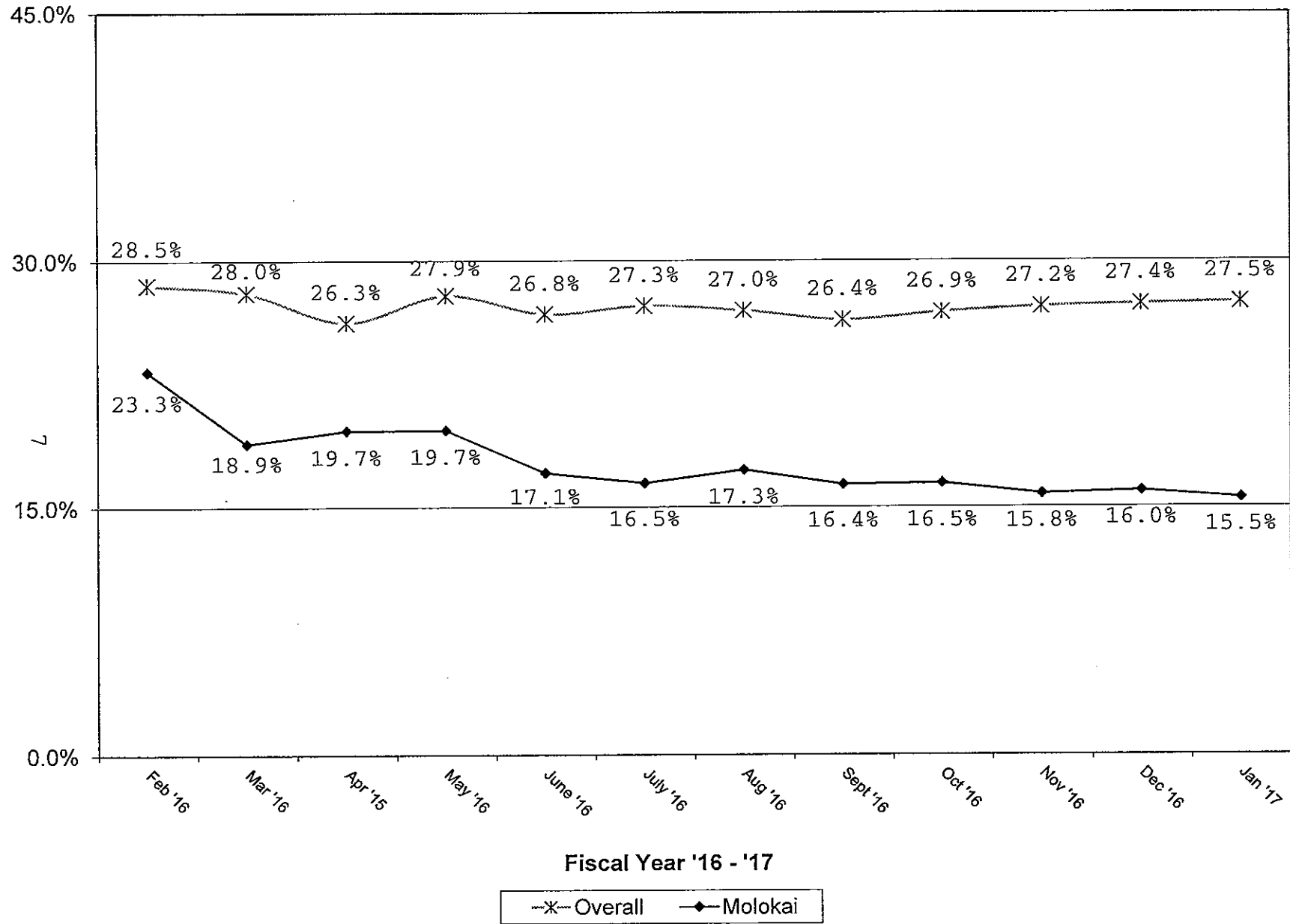
# EAST HAWAII Direct Loans Delinquency Ratio Report



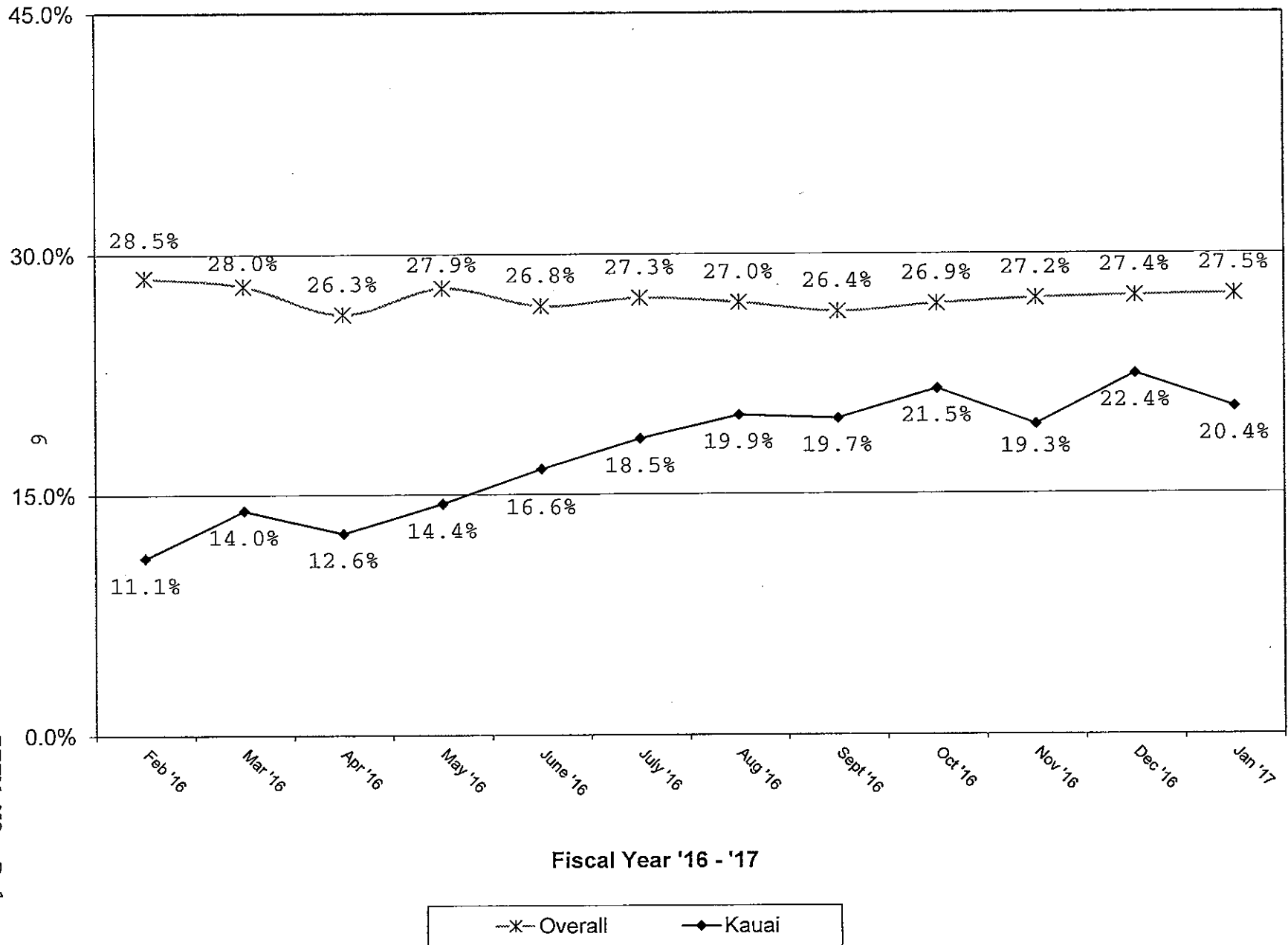
WEST HAWAII  
Direct Loans  
Delinquency Ratio Report



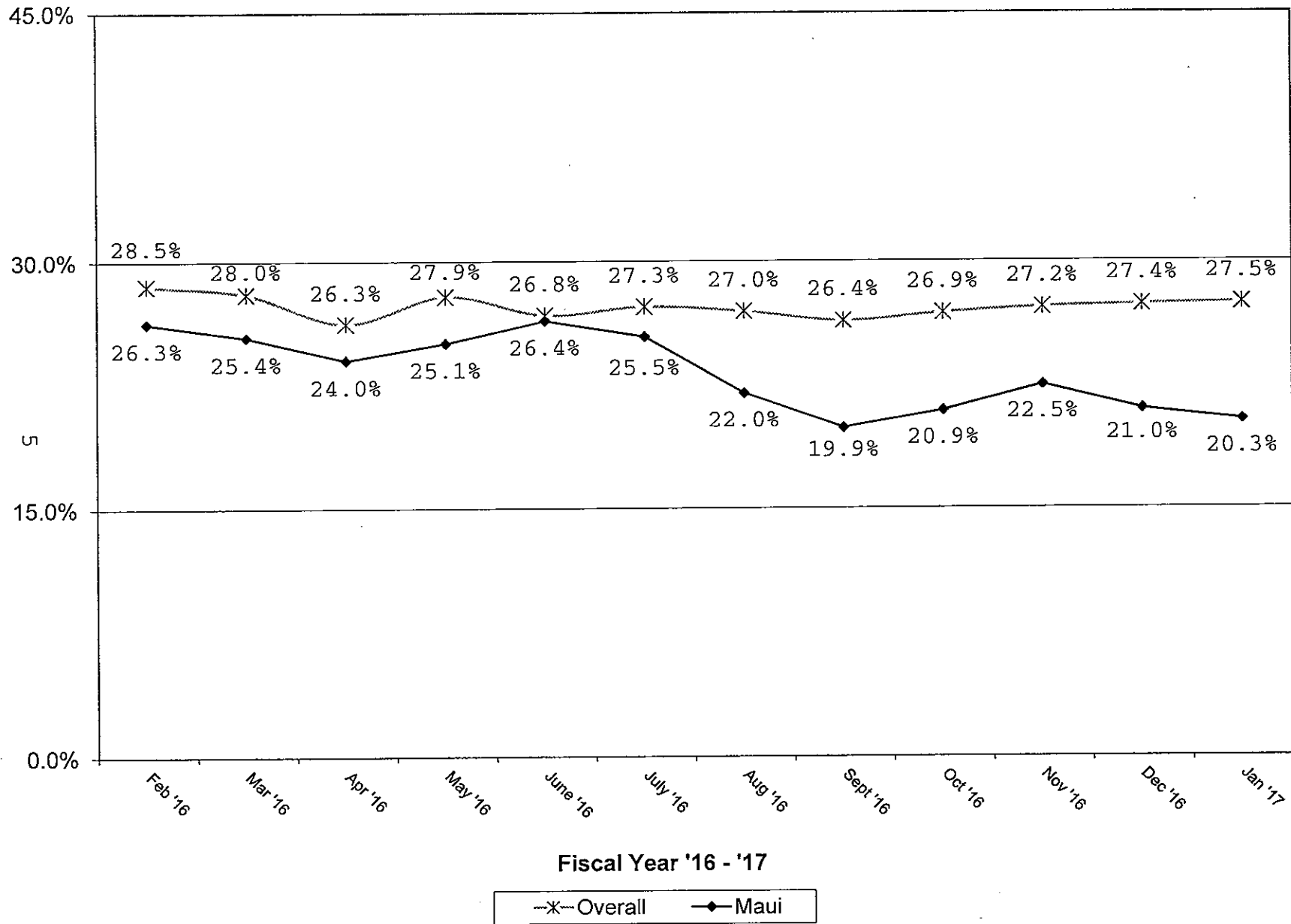
**MOLOKAI**  
**Direct Loans**  
**Delinquency Ratio Report**



# KAUAI Direct Loans Delinquency Ratio Report



# MAUI Direct Loans Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator,  
Homestead Services Division

SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

To ratify the approval of the following loan previously approved by the Chairman, pursuant to section 10-2-17, Ratification of chairman's action, of the Department of Hawaiian Home Lands Administrative Rules.

<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>LOAN TERMS</u>
Juario, Helene K.	5778, Hoolehua	NTE \$89,000, 4.5% interest per annum, \$797 monthly, repayable over 12 years

Loan Purpose: Refinance of advance no. 17460. Original advance amount of \$84,723 at 10% per annum. A contested case hearing was held on July 28, 2009 for this account.

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<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>LOAN TERMS</u>
Nakaahiki, Caroline & Nakaahiki, Lyle K., Sr.	4680, Anahola	Loan #1: NTE \$9,600, 4% interest per annum, \$98 monthly, repayable over 10 years
		Loan #2: NTE \$12,300, 4.5% interest per annum, \$196 monthly, repayable over 6 years

Loan Purpose: Refinance contract of loan nos. 18227 & 19102, in conjunction with the addition of Lyle K. Nakaahiki, Sr. as a co-lessee to lease no. 4680. Original loan amounts \$14,764 and \$15,605, at 4% and 4.5% per annum, repayable over 18 years and 8 years, respectively. No contested case hearings were held for these accounts.

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<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	5	\$ 425,900
Prior Months	1	141,094
This Month	3	110,900
Total FY '16-'17	4	\$ 251,994

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	0	\$ -0-
Prior Months	0	-0-
This Month	0	-0-
Total FY '16-'17	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	0	\$ -0-
Prior Months	0	-0-
This Month	0	-0-
Total FY '16-'17	0	\$ -0-

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	0	\$ -0-
Prior Months	0	-0-
This Month	0	-0-
Total FY '16-'17	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	0	\$ -0-
Prior Months	0	-0-
This Month	0	-0-
Total FY '16-'17	0	\$ -0-

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	6	\$ 987,000
Prior Months	3	620,986
This Month	0	-0-
Total FY '16-'17	3	\$ 620,986

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/16	1	\$ 159,000
Prior Months	0	-0-
This Month	0	-0-
Total FY '16-'17	0	\$ -0-

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator  
Homestead Services Division

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

To approve the following consents to mortgages for Federal Housing Administration (FHA) insured loans, Department of Veterans Affairs (VA) loans, United States Department of Agriculture, Rural Development (USDA, RD) guaranteed loans, United States Housing and Urban Development (HUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Princess Kahanu Estates Lease No. 8549 TMK: 1-8-7-042:143	HANOHANO, Emil S. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 293,000
Waianae Lease No. 8933 TMK: 1-8-5-033:121	KAHAKELII, Faith K. (Purchase) USDA, RD	Mann Mortgage, LLC.	\$ 304,000
Princess Kahanu Estates Lease No. 8461 TMK: 1-8-7-042:088	GOO, Edwin A. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 171,700
Lualualei Lease No. 5579 TMK: 1-8-6-023:113	NAWELI, Roberta K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 124,560

OAHU

Nanakuli Lease No. 8642 TMK: 1-8-9-017:005	HULATON, Jeserie M. (Purchase)FHA	Bank of Hawaii	\$ 244,407
Nanakuli Lease No. 4507 TMK: 1-8-9-010:082	ASINSIN, Melonie Sue (Cash Out Refi)FHA	HomeStreet Bank	\$ 135,459
Kaupea Lease No. 12030 TMK: 1-9-1-139:022	DUVAUCHELLE, Joshua I. (Cash Out Refi)FHA	Guild Mortgage Co.	\$ 261,000
Princess Kahanu Estates Lease No. 8333 TMK: 1-8-7-042:042	KAHUMOKU, Sally M. (Cash Out Refi)FHA	Mann Mortgage, LLC.	\$ 203,448
Kumuhau Lease No. 11274 TMK: 1-4-1-040:008	SOUZA-ROY, Garla K. (Cash Out Refi)FHA	Guild Mortgage Co.	\$ 157,000
Kumuhau Lease No. 11228 TMK: 1-4-1-040:001	CHOY FOO, Ron K. (Cash Out Refi)HUD 184A	Bank of Hawaii	\$ 247,450
Waimanalo Lease No. 8788 TMK: 1-4-1-038:024	ENOKA, Maylene K. (Cash Out Refi)FHA	Golden Empire Mortgage Inc.	\$ 275,000
Maluohai Lease No. 9866 TMK: 1-9-1-120:056	TOM, Lizzie P. K. (Cash Out Refi)FHA	Hightechlend ing Inc.	\$ 332,000
Waimanalo Lease No. 8772 TMK: 1-4-1-038:008	KIPAPA, George K .K. (Cash Out Refi)FHA	Mann Mortgage, LLC.	\$ 205,000

ITEM NO. D-3

OAHU

Waianae  
Lease No. 5326  
TMK: 1-8-5-033:037

KNELL,  
Annette M. F. (Cash  
Out Refi) FHA

Hightechlend \$ 390,000  
ing Inc.

Kewalo  
Lease No. 1994  
TMK: 1-2-4-041:035

KINCAID,  
James I.  
(Purchase) HUD 184A

HomeStreet \$ 315,928  
Bank

MOLOKAI

Hoolehua  
Lease No. 7929  
TMK: 2-5-2-030:003

DUVAUCHELLE,  
Eloise (Cash Out  
Refi) FHA

HomeStreet \$ 83,040  
Bank

MAUI

Waiehu 3  
Lease No. 10102  
TMK: 2-3-2-024:110

COCKETT,  
Gordon, Jr.  
(Streamline  
Refi) FHA

HomeStreet \$ 132,864  
Bank

Waiohuli  
Lease No. 7542  
TMK: 2-2-2-027:040

DEAN,  
Sheila Ann K. (Cash  
Out Refi) HUD 184A

HomeStreet \$ 429,250  
Bank

Waiehu 4  
Lease No. 12270  
TMK: 2-3-2-026:025

BUSTILLOS,  
Joseph H. (Rate Term  
Refi) FHA

HomeStreet \$ 316,590  
Bank

Waiehu  
Lease No. 5944  
TMK: 2-3-2-021:017

WATSON,  
Mary K.  
(Purchase) FHA

Mann \$ 407,000  
Mortgage,  
LLC.

Waiohuli  
Lease No. 7630  
TMK: 2-2-2-027:058

HAMAI,  
Shoichi, Jr. (Cash  
Out Refi) FHA

Mann \$ 251,000  
Mortgage,  
LLC.

ITEM NO. D-3

KAUAI

Kekaha Lease No. 4670 TMK: 4-1-3-002:106	NIZO, Ruth N. L. (Cash Out Refi) FHA	Bank of Hawaii	\$ 106,914
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Anahola Lease No. 7893 TMK: 4-4-8-021:016	LOW, Rose P. (Cash Out Refi) FHA	Siwell Inc., dba Capital Mortgage Services of Texas	\$ 177,000
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HAWAII

Kaumana Lease No. 11300 TMK: 3-2-5-004:032	KEAMO, Heather (Purchase) HUD 184A	HomeStreet Bank	\$ 207,327
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Kawaihae Lease No. 4821 TMK: 3-6-1-009:021	FUKUMITSU, Winstanley M. (Purchase) HUD 184A	HomeStreet Bank	\$ 192,518
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Laiopua Lease No. 10839 TMK: 3-7-4-027:094	REINHARDT, Reginald S. (Rate Term Refi) FHA	HomeStreet Bank	\$ 299,600
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Kaniohale Lease No. 9236 TMK: 3-7-4-022:023	HUSSEY-ABRIL, Cassandra L. (Purchase) HUD 184A	HomeStreet Bank	\$ 296,182
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Keaukaha Lease No. 3083 TMK: 3-2-1-024:030	NORMAN, Donnette L. (Cash Out Refi) FHA	Golden Empire Mortgage Inc.	\$ 243,000
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Panaewa Lease No. 6261 TMK: 3-2-1-025:198	CACHOLA, Benedict L. S. (Cash Out Refi) FHA	HomeStreet Bank	\$ 51,200
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ITEM NO. D-3


<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/16	302	\$ 70,937,245	5	\$1,474,938	12	\$3,377,277
Prior Months	144	\$ 34,565,424	7	\$1,631,043	5	\$ 842,000
This Month	<u>21</u>	<u>4,689,082</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>304,000</u>
Total FY '16-'17	165	\$ 39,254,506	7	\$1,631,043	6	\$1,146,000
HUD 184A						
FY Ending 6/30/16	86	\$ 21,900,651				
Prior Months	54	\$ 12,672,018				
This Month	<u>7</u>	<u>1,860,355</u>				
Total FY '16-'17	61	\$ 14,532,373				

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator   
Homestead Services Division

SUBJECT: **Approval of Streamline Refinance of Loans**

RECOMMENDED MOTION/ACTION

To approve the refinancing of loans from the Hawaiian Home General Loan Fund.

DISCUSSION

The following lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

HSD's recommendation for approval is based on actual payment history, over the past twelve (12) months and the review of the above-mentioned criteria. Streamline/Interest Rate Loan refinancing will provide lessees a chance to simply reduce their interest rate and payments without DHHL having to credit and/or income qualify the borrower.

The following lessee(s) has met the aforementioned criteria and is recommended for Streamline/Interest rate reduction loan refinance program:

<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>REFINANCING LOAN TERMS</u>
Kamealoha, Verna K.	5535, Waianae Kai	NTE \$65,700 @4.5% interest per annum, NTE \$333 monthly, repayable over 30 years.

Loan Purpose: Refinance of loan no. 18575. Original loan amount of \$86,314 at 6.25% per annum, \$688 monthly, repayable over 17 years. No Contested Case Hearing was held for this account.

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Kuiee, Winette K.U.	4479, Waianae	NTE \$99,900 @4.5% interest per annum, NTE \$640 monthly, repayable over 20 years.
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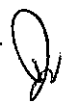
Loan Purpose: Refinance of loan no. 18768. Original loan amount of \$95,800 at 6% per annum, \$575 monthly, repayable over 30 years. A Contested Case Hearing was held on 2/18/15 for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator   
Homestead Services Division

SUBJECT: **Approval to Schedule Loan Delinquency Contested Case Hearings**

RECOMMENDED MOTION/ACTION

To authorize the scheduling of the following loan delinquency contested case hearings as shown below.

DISCUSSION

The department has been working to resolve the problem of loan delinquencies. The past due delinquent loan status with lessees continues to be a problem for the department; therefore, we recommend that contested case hearings be scheduled:

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 1/17</u>	<u>Balance At 1/17</u>
<u>Kauai</u>						
Ah-Loo, Pralet Judy	7898	Anahola	17518	\$308	\$1,519	\$16,572
<u>Hawaii</u>						
Mills, Kristi A.	5115	Panaewa	15674	\$244	\$2,743	\$26,081
Kamahale, William C.	5083	Keaukaha	15721	\$280	\$6,458	\$34,236
Lane, Robertha D.I.	8240	Waiakea	18177	\$663	\$12,002	\$102,001
<u>Maui</u>						
Kahanaoi, Karen	9528	WK-II	TBD - ASB Buyback	TBD	TBD	TBD

ITEM NO. D-5

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Dean T. Oshiro, Acting HSD Administrator  
FROM: Ross K. Kapeliela, Application Officer  
Homestead Services Division  
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described below:

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

SHISHIDO, Melissah A.	07/24/1996	MAUI	AGR	09/15/2016
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

DAVIS, George K.	08/10/2015	MOLOKAI	RES	10/26/2016
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SHISHIDO, Melissah A.	07/24/1996	MAUI	RES	09/15/2016
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MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

JARDINE, Kaleb M.	03/03/2008	KAUAI	AGR	08/26/2016
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PAHIA, Milton F.	12/11/1985	OAHU	AGR	09/30/2016
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

JARDINE, Kaleb M.	03/03/2008	KAUAI	RES	08/26/2016
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KIMURA, Taytum T.K.	08/04/2005	KAUAI	RES	09/28/2016
LIBRANDO, Gregorio	10/19/2015	HAWAII	RES	10/05/2016

## 2. Deceased Applicants

NONE FOR SUBMITTAL

## 3. Awards of Leases

### OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

GOMEZ, Harrison J.	Assigned Residential Lease #12758, Lot 13798 in Malu'ohai, Kapolei, Oahu dated 01/09/2017. Remove application dated 11/12/2008.
KEKOA, Robert L., Jr.	Assigned Residential Lease #7352, Lot 121 in Nanakuli, Oahu dated 03/21/2016. Remove application dated 08/14/2006.
SALE, Michael Jr. Richard, II	Assigned Residential Lease #563, Lot 23-A in Nanakuli, Oahu dated 07/27/2012. Remove application dated 06/08/1999.

### MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

SAMSON, Odetta K.	Assigned Agricultural Lease #6956, Lot 11 in Makuu, Hawaii dated 11/04/2016. Remove application dated 08/09/1988.
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### MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

CHANG, Julian T.C.	Assigned Residential Lease #5884, Lot 83 in Kalamaula, Molokai dated 06/09/2015. Remove application dated 04/10/1985.
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STEVENS, Kathleen K.

Assigned Residential Lease #10115,  
Lot 108-A in Keaukaha, Hawaii  
dated 07/28/2016. Remove  
application dated 12/15/2008.

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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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AKANA, Alexander Y.S.C.

Assigned Agricultural Lease #7393,  
Lot 8 in Keokea, Maui dated  
11/10/2005. Remove application  
dated 05/08/1985.

GILBERT, Lono E.

Assigned Agricultural Lease #6948,  
Lot 46 in Makuu, Hawaii dated  
10/20/2016. Remove application  
dated 09/20/2010.

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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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DUDOIT, Johnny R.

Assigned Residential Lease  
#10928, Lot 5 in Piihonua,  
Hawaii dated 11/04/2016. Remove  
application dated 04/03/2007.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

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HAWAII ISLANDWIDE PASTORAL LEASE LIST

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RICHARDSON, Marla R.K.

Succeeded to 10/08/1997 Oahu  
Islandwide Agricultural  
application of father, Larry  
L.K. Aweau. Remove application  
dated 06/29/1999.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

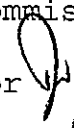
Last Month's Transaction Total	25
Last Month's Cumulative FY 2015-2016 Transaction Total	138
Transfers from Island to Island	8
Deceased	0
Cancellations:	
Awards of Leases	9
NHQ	0
Voluntary Cancellations	0
Successorship	1
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	18
This Month's Cumulative FY 2016-2017 Transaction Total	156

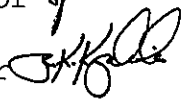
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

FROM: Ross K. Kapeliela, Applications Officer   
Homestead Services Division

SUBJECT: **Commission Designation of Successor to Application Rights - Public Notice 2015 - HEATHERLYNN P. BERG**

RECOMMENDED MOTION/ACTION

To designate the following individual as successor to the application rights of a deceased applicant who has no qualified successors of record.

DISCUSSION

The following qualified applicant passed away on or after October 26, 1998, without naming a qualified successor. Pursuant to 10-3-8(c) of the *Hawaii Administrative Rules*, a public notice listing the names of deceased applicants and calling for possible successors to their application rights was published in the Honolulu Star-Advertiser, The Maui News, Hawaii Tribune Herald, West Hawaii Today, and The Garden Island on the last two consecutive Sundays of November for the year the department received notification. Requests to succeed to the decedents' application rights were submitted within the required 180 days following the last date of publication. Prospective successors were the sole respondents and are deemed by the department to have met the requirements of successorship. HSD recommends approval of the following designee:

1. Deceased Applicant:	Verdel N. Berg
Date of death:	April 5, 2013
Successor to application rights	Heatherlynn P. Berg
Relationship to decedent:	Child
Island:	Maui Islandwide
Type:	Residential
Date of Application:	August 1, 1988
Date of Public Notice:	November, 2015

Previous Cumulative Total for Current FY	29
Current Month's Total	<u>1</u>
<b>Fiscal Year Total: July 2016-June 2017</b>	<b>30</b>

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Dean T. Oshiro, Acting HSD Administrator  
FROM: Ross K. Kapeliela, Applications Officer  
Homestead Services Division  
SUBJECT: **Cancellation of Deceased Applicants from Waiting List-  
Public Notice 2015**

RECOMMENDED MOTION/ACTION

To cancel the following applications of deceased applicants pursuant to Sections 10-3-8(c) and (d) of the *Hawaii Administrative Rules (HAR)*.

DISCUSSION

Section 10-3-8 *HAR, Transfer of Application Rights*, sub-sections (c) and (d), requires the department to publish a statewide notice once every calendar year, for two successive weeks, listing applicants whom the department has reason to believe passed away without designating successors to their application rights. Interested parties must submit their written requests to succeed to a decedent's application rights not later than 180 days after the last date of publication or the application(s) in question will be cancelled and the applicant's name shall be removed from the respective waiting list or lists, as the case may be. Where there are respondents to the department's notice, a requestor must provide documentation to qualify for successorship not later than 365 days after the initial 180-day response period or the application(s) will be cancelled and the applicant's name removed from the waiting list.

The department published its *Notice to Successors* on Sunday, November 22, 2015, and on Sunday, November 29, 2015. The department received no written requests to succeed to the following applications within the 180-day response period as detailed above:

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
ENOS, Wilford K., Jr.	11/2015	10/10/1995	04/20/2007

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
ENOS, Wilford K., Jr.	11/2015	10/10/1995	04/20/2007
KINIMAKA, Ruth M. (BLAKE)	11/2015	10/27/1986	12/06/2013
NAKANELUA, Paul H., Jr.	11/2015	02/24/1987	05/15/2014
OLSEN, Maria (GOMES)	11/2015	11/15/2002	03/31/2013
WALLACE, Geraldine U.	11/2015	09/22/1988	05/09/2012

MAUI ISLANDWIDE PASTORAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
BERG, Verdel N. (HOOPAI)	11/2015	01/22/2003	04/05/2013

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
CAMPBELL, Hazel (NAKI)	11/2015	03/18/1985	12/20/2014
KAULIA, Dennis Julian	11/2015	02/13/1984	07/17/2015
LEE, Herbert	11/2015	12/21/1983	11/22/2013
LOANDO, Marilyn (TINA)	11/2015	04/26/2006	02/13/2014
MARTIN, George W.	11/2015	12/14/2007	09/21/2014
ROCHA, Faith M. (CACHOLA)	11/2015	10/13/2005	12/05/2014
TUFI, Elizabeth M.	11/2015	12/07/1995	07/15/2015

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
AKANA, Lily M. (KAINOA)	11/2015	07/30/1991	08/11/2014
GASPAR, Eva T.L. (ORNELLAS)	11/2015	05/22/1981	10/19/2014
KUAMOO, William J.M., Sr.	11/2015	05/02/1980	09/19/2011
LOANDO, Marilyn (TINA)	11/2015	04/26/2006	02/13/2014
MARTIN, George W.	11/2015	07/07/2006	09/21/2014

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
KAIWI, Mikela	11/2015	03/03/1986	03/03/2015

KAUAI ISLANDWIDE PASTORAL LEASE LIST

<u>APPLICANT</u>	<u>PUBL. DATE</u>	<u>APPL. DATE</u>	<u>DATE OF DEATH</u>
REYES, John K.	11/2015	12/05/1989	11/25/2014

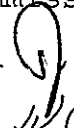
Previous Cumulative Total for Current FY	0
Current Month's Total	21
<b>Fiscal Year Total: July 2016-June 2017</b>	<b>21</b>


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean T. Oshiro, Acting HSD Administrator 

FROM: Ross K. Kapeliela, Application Officer   
Homestead Services Division

SUBJECT: **Cancellation of Deceased Applicant with No Eligible Successors from Waiting List- RYAN M. CULLEN**

RECOMMENDED MOTION/ACTION

To cancel the following applications of a deceased applicant who passed away prior to October 26, 1998, with no eligible successors.

DISCUSSION

Under the earlier July 30, 1981, revision of the *Hawaii Administrative Rules* (HAR) which immediately preceded the October 26, 1998, revision currently in effect, Section 10-3-8 (*Transfer of application rights*) provided the opportunity to succeed to a deceased applicant's application rights **solely to a qualified spouse or a qualified child of the decedent**. The section also stated in part:

*Requests to succeed shall be made to the department in writing not later than 180 days after the death of the applicant; otherwise, the application will be cancelled and the applicant's name removed from the waiting list.*

Where there is no eligible spouse or child named as successor to a decedent's application rights, unlike the current October 26, 1998, revision of the administrative rules, the July 30, 1981, revision has no provision for publishing a decedent's name in a legal notice calling for other qualified relatives to submit requests to be named successor.

Accordingly, as the following deceased applicant passed away under the earlier July 30, 1981, administrative rules and had no eligible spouse or child apply to succeed to his application rights within the specified 180-day period detailed above, the Department recommends cancellation of the following:

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

<u>APPLICANT</u>	<u>APPL DATE</u>	<u>DATE OF DEATH</u>	<u>DC SUBMITTED</u>
CULLEN, Ryan M.	11/19/1984	1/9/1998	11/16/2016

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

<u>APPLICANT</u>	<u>APPL DATE</u>	<u>DATE OF DEATH</u>	<u>DC SUBMITTED</u>
CULLEN, Ryan M.	11/19/1984	1/9/1998	11/16/2016


Previous Cumulative Total for Current FY	0
Current Month's Total	2
<b>Fiscal Year Total: July 2016-June 2017</b>	<b>2</b>

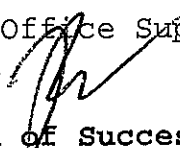
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

FROM: Juan Garcia, Oahu District Office Supervisor   
Homestead Services Division

SUBJECT: **Ratification of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds**

RECOMMENDED MOTION/ACTION

To ratify the approval of the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended. This designation was previously approved by the Chairman.

\*See attached list of Lessee.

Leasehold Interest:

Ratified for February 2017	10
Previous FY 2016 - 2017	<u>52</u>
FY 2016 - 2017 Total to Date	62

Ratified for FY '15 - '16	90
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Net Proceeds

Ratified for February 2017	0
Previous FY 2016 - 2017	<u>0</u>
FY 2016 - 2017 Total to Date	0

Ratified for FY '15 - '16	2
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LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR  
LEASEHOLD INTEREST  
FOR MONTH OF February 2017

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Marie K.L. Cabellero-Spencer Lot No.: 4 Area: Waiakea, Hawaii Lease No. 9649	<u>PRIMARY:</u> Selina L. Cabellero, Daughter  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
2. Kenneth Kalei Hoopai Lot No.: 14 Area: Paukukalo, Maui Lease No. 4144	<u>PRIMARY:</u> Bruce I. Hoopai, Son  <u>ALTERNATE: Joint Tenants</u> Starlet H. Hoopai, Daughter Kiana Hoopai Cordeiro, Granddaughter  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. Richmond H. Kapaku Lot No.: 15 Area: Waiehu Kou, Maui Lease No. 5937	<u>PRIMARY:</u> Kauhi Lani Kapaku, Daughter  <u>ALTERNATE:</u> Mona Lani Kapaku, Sister  <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

Deceased Lessee

Designated Successor

4. Larry N. Kawai, Jr.  
Lot No.: 247  
Area: Waiohuli, Maui  
Lease No. 7735

PRIMARY:  
Larry Noa Kawai, III, Son

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

5. James K. Kekawa  
Lot No.: 83B  
Area: Nanakuli, Oahu  
Lease No. 11899

PRIMARY:  
Nolen K. Kekawa, Son

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

6. Pearl L. Lewis  
Lot No.: 68A  
Area: Nanakuli, Oahu  
Lease No. 4393

PRIMARY: Joint Tenants  
August K. Lewis, Son  
Janiece M. Lewis,  
Granddaughter

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

7. Lorena K. Nelson  
Lot No.: 20A  
Area: Keaukaha, Hawaii  
Lease No. 6288

PRIMARY:  
John K. Kalehua, Brother

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

Deceased Lessee

Designated Successor

8. Robert Paleka  
Lot No.: 139A  
Area: Hoolehua, Molokai  
Lease No. 4013

PRIMARY:  
Sonnyshane L. Paleka, Son

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

9. Garrett K. Peters  
Lot No.: 26B 1  
Area: Kuhio Village, Hawaii  
Lease No. 4902

PRIMARY:  
Denise Kalawa, Daughter

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

10. Garrett K. Peters  
Lot No.: 39  
Area: Puukapu, Hawaii  
Lease No. 6908

PRIMARY:  
Garrett K. Peters, Jr.,  
Son

ALTERNATE:  
N/A


DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

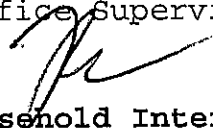
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

FROM: Juan Garcia, Oahu District Office Supervisor   
Homestead Services Division

SUBJECT: **Approval of Assignment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the assignment of the leasehold interest, pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended, and subject to any applicable terms and conditions of the assignment, including but not limited to the approval of a loan.

DISCUSSION

Twenty Three (23) assignments of lease.

LESSEE

1. Name: Henrietta H. Ah Loy  
Res. Lease No.: 3216  
Lease Date: 12/18/1958  
Lot No.: 36G 2  
Area/Island: Hoolehua,  
Molokai  
Property Sold: No  
Amount: N/A  
Improvements: 4 bedroom, 1 bath dwelling

TRANSFeree

Name: Paul L. N. L. Isaacs  
Relationship: Granson  
Loan Assump: No  
Applicant: Yes, Oahu IW Res.,  
4/3/2013

Reason for Transfer: "Advanced age and would like to pass lease on (medical reasons) to my grandson. "

LESSEETRANSFeree

2. Name: Patrick G. Aiona  
Res. Lease No.: 10941  
Lease Date: 11/15/2006  
Lot No.: 17  
Area/Island: Piihonua,  
Hawaii  
Property Sold: Yes  
Amount: \$175,440  
Improvements: 3 bedroom, 2-1/2 bath dwelling

Name: Heather C. P. K. Aiona  
Relationship: Daughter  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Transferee Heather C. P. Aiona, is on the loan for the property. She is also the named beneficiary to the property. Heather will be assuming the loan since she resides at the property. This will save her approximately \$500 to \$600 for her home exemption. She also qualifies for the loan." Special Conditions: Existing loan must be assumed or paid off to release Patrick from financial liability.

3. Name: Harlan J. Bannister  
Res. Lease No.: 8933  
Lease Date: 12/15/1998  
Lot No.: 62  
Area/Island: Waianae, Oahu  
Property Sold: Yes  
Amount: \$349,000  
Improvements: 4 bedroom, 2 bath dwelling

Name: Faith K. Kahakelii  
Relationship: None  
Loan Assump: No  
Applicant: Yes, Oahu IW,  
Res., 10/10/2014

Reason for Transfer: "Moved, to much traffic." Special conditions: Transferee to obtain funds to pay purchase price.

4. Name: Patricia M. Cook  
Res. Lease No.: 9500  
Lease Date: 9/1/2000  
Lot No.: 62  
Area/Island: Waiehu Kou II,  
Maui  
Property Sold: Yes  
Amount: \$183,000  
Improvements: 3 bedroom, 2-1/2 bath dwelling

Name: Claude H. Hottendorf,  
Jr.  
Relationship: Son  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Transfer to son because I want son to be my caregiver." Special Conditions: Transferee to obtain funds to pay purchase price.

LESSEETRANSFeree

5. Name: Lydell L. Corpuz  
Ag. Lease No.: 513  
Lease Date: 7/29/1932  
Lot No.: 35C1&2  
Area/Island: Hoolehua,  
Molokai  
Property Sold: No  
Amount: N/A  
Improvements: 4 bedroom, 2 bath dwelling

Name: Benito K. Deluna, Jr.  
Relationship: Brother  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Give niece opportunity to live on homestead land." See simultaneous transfer below.

6. Name: Benito K. Deluna, Jr.  
Ag. Lease No.: 513  
Lease Date: 7/29/1932  
Lot No.: 35C1&2  
Area/Island: Hoolehua,  
Molokai  
Property Sold: No  
Amount: N/A  
Improvements: 4 bedroom, 2 bath dwelling

Name: Chaney U. Deluna-  
Greenleaf  
Relationship: Daughter  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Transfer to daughter."

7. Name: Bernard K. Halama, Jr.  
Res. Lease No.: 8334  
Lease Date: 3/1/1996  
Lot No.: 43  
Area/Island: PKE, Oahu  
Property Sold: Yes  
Amount: \$375,000  
Improvements: 3 bedroom, 2 bath dwelling

Name: Elwood K. Aken  
Relationship: None  
Loan Assump: No  
Applicant: Yes, Oahu IW Res.,  
9/10/2004

Reason for Transfer: "New home purchase off island in Hilo, due to new job opportunity for myself and wife." Special Conditions: Transferee to obtain funds to pay purchase price.

LESSEETRANSFeree

8.      Name: Mary Ellen W. K. Johnson  
         Res. Lease No.: 3666  
         Lease Date: 9/23/1966  
         Lot No.: 73  
         Area/Island: Waimanalo, Oahu  
         Property Sold: Yes  
         Amount: \$74,900  
         Improvements: 3 bedroom, 2 bath dwelling

Name: Candace R. K. K.  
Keliinui & Abraleen L.  
Keliinui  
Relationship: Mother & Sister  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Removing self off lease and giving my interest to mom and sister." Special Condition: Existing loan must amended to reflect two transferees or paid off.

9.      Name: Norrie L. K. Judd  
         Res. Lease No.: 11170  
         Lease Date: 8/15/2006  
         Lot No.: 30  
         Area/Island: Panaewa, Hawaii  
         Property Sold: Yes  
         Amount: \$104,064  
         Improvements: 2 bedroom, 1 bath dwelling

Name: Zachary B. P. Judd  
Relationship: Son  
Loan Assump: No  
Applicant: No

Reason for Transfer: "To keep this property in our family and to give my son this opportunity." Special Condition: Existing DHHL loan must be paid off.

10.     Name: Lorraine J. Kaikala  
         Res. Lease No.: 3659  
         Lease Date: 7/26/1966  
         Lot No.: 36  
         Area/Island: Nanakuli, Oahu  
         Property Sold: Yes  
         Amount: \$80,000  
         Improvements: 3 bedroom, 1 1/2 bath dwelling

Name: David K.K. Kaikala  
Relationship: Grandson  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Keep it in the family." Special Conditions: Transferee to obtain funds to pay purchase price."

TRANSFEREE

- ITEM NO. D-11

LESSEETRANSFeree

14.    Name: Gloria L. Needs                      Name: Erich L. Needs, Jr.  
       Res. Lease No.: 3942                      Relationship: Son  
       Lease Date: 2/15/1972                      Loan Assump: No  
       Lot No.: 57                                  Applicant: No  
       Area/Island: Waimanalo, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: 2 bedroom, 1-1/2 bath dwelling  
  
       Reason for Transfer: "Transfer lease to son because I want  
       to go back on the list for my own homestead lease."
15.    Name: Joetta Mae N. Velasco              Name: Joetta Mae N. Velasco &  
       Res. Lease No.: 670                      Quinn I. Velasco  
       Lease Date: 3/17/1938                      Relationship: Lessee &  
       Lot No.: 9                                  Daughter  
       Area/Island: Waimanalo, Oahu              Loan Assump: No  
       Property Sold: No                              Applicant: No  
       Amount: N/A  
       Improvements: 3 bedroom, 1 bath dwelling  
  
       Reason for Transfer: "Transfer to daughter and myself."
16.    Name: Liana K. M. O. Vickers              Name: Clint I. Kaiwi  
       Res. Lease No.: 7458                      Relationship: None  
       Lease Date: 2/7/2002                      Loan Assump: No  
       Lot No.: 5                                  Applicant: Yes, Maui IW Res.,  
       Area/Island: Waiohuli, Maui              3/19/2009  
       Property Sold: Yes  
       Amount: \$405,000  
       Improvements: 3 bedroom, 2 bath dwelling with deck  
  
       Reason for Transfer: "Selling home."      Special Conditions:  
       Transferee to obtain funds to pay purchase price.

LESSEETRANSFeree

17. Name: Albert H. Braine  
Res. Lease No.: 11280  
Lease Date: 9/16/2006  
Lot No.: UNDV082  
Area/Island: Waimanalo, Oahu  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Andrea A. Largent  
Relationship: Sister  
Loan Assump: No  
Applicant: No

Reason for Transfer: "Giving it to my sister."

18. Name: Josaiah K. Kamelamela  
Res. Lease No.: 12373  
Lease Date: 12/6/2008  
Lot No.: UNDV054  
Area/Island: Kapolei, Oahu  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Ashlynn K. Kamelamela  
Relationship: Sister  
Loan Assump: No  
Applicant: Yes, Oahu IW Res.,  
3/18/2002

Reason for Transfer: "I'm giving to my sister because she has a family and the financial resources to build."

19. Name: Eric M. Souza  
Res. Lease No.: 10448  
Lease Date: 6/18/2005  
Lot No.: UNDV151  
Area/Island: Waiohuli, Maui  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: William Souza  
Relationship: Brother  
Loan Assump: No  
Applicant: No

Reason for Transfer: "I want my brother to have it. I am unable to use it."

LESSEETRANSFeree

20. Name: Minnette C. H.  
Kaikaina  
Ag. Lease No.: 7011  
Lease Date: 10/1/1986  
Lot No.: 67  
Area/Island: Makuu, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Thorton K. Kekipi  
Relationship: None  
Loan Assump: No  
Applicant: Yes, Hawaii IW  
Ag., 10/10/2012

Reason for Transfer: "Aloha Aina, Malama Aina."

21. Name: Geraldine K. Kaipo-  
Kawasaki & Jennifer A. Cacal  
Res. Lease No.: 6314  
Lease Date: 12/1/1985  
Lot No.: 55A  
Area/Island: Keaukaha,  
Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Charles R. Lindsey, III  
Relationship: None  
Loan Assump: No  
Applicant: Yes, Hawaii IW  
Res., 7/6/2000

Reason for Transfer: "Medical reasons."

22. Name: Sherilyn V. Kanoho  
Ag. Lease No.: 5483  
Lease Date: 1/12/1989  
Lot No.: 19  
Area/Island: Anahola, Kauai  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Sherilyn Kanoho & Paul  
K. Kanoho  
Relationship: Lessee &  
Husband  
Loan Assump: No  
Applicant: Yes, Kauai IW  
Res., 3/1/2011

Reason for Transfer: "Share title with my husband."

LESSEETRANSFeree

23.    Name: Leinaala M. Kihm                      Name: Christina N. Y. K. C.  
     Pas. Lease No.: 12811                      Sohriakoff  
     Lease Date: 12/14/2016                      Relationship: Granddaughter  
     Lot No.: 16A                                      Loan Assump: No  
     Area/Island: Puukapu, Hawaii                      Applicant: No  
     Property Sold: No  
     Amount: N/A  
     Improvements: None

Reason for Transfer: "I want my granddaughter to have a homestead."


Assignments for the Month of February '17	23
Previous FY '16 - '17 balance	<u>108</u>
FY '16 - '17 total to date	131
Assignments for FY '15 - '16	262

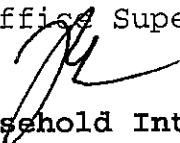
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

FROM: Juan Garcia, Oahu District Office Supervisor  
Homestead Services Division 

SUBJECT: **Approval of Amendment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eleven (11) amendments of lease.

1. Lessee: Alene K. Eleneke-Pa  
Lease No.: 4123  
Lot No., Area, Island: 13, Waimanalo, Oahu  
Amendment: To amend the lease title and lessor's name, and to incorporate the currently used terms, covenants, and conditions to the lease.
2. Lessee: Kenneth Kalei Hoopai  
Lease No.: 4144  
Lot No., Area, Island: 14, Paukukalo, Maui  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to update the property description.

3. Lessee: Irene M. Kaahanui  
Lease No.: 115A  
Lot No., Area, Island: 65B 1, Hoolehua, Molokai  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.
4. Lessee: Edward R.K. Kahihikolo  
Lease No.: 3943  
Lot No., Area, Island: 62, Waimanalo, Oahu  
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions to the lease.
5. Lessee: Lorraine J. Kaikala  
Lease No.: 3659  
Lot No., Area, Island: 36, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.
6. Lessee: Larry Noa Kawai, Jr.  
Lease No.: 7735  
Lot No., Area, Island: FP247, Waiohuli, Maui  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
7. Lessee: Duke U. Kealakai  
Lease No.: 2033  
Lot No., Area, Island: 183, Kewalo, Oahu  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.


8. Lessee: Patricia W. McDougall  
 Lease No.: 3822  
 Lot No., Area, Island: 393, Nanakuli, Oahu  
 Amendment: To incorporate the currently used terms, covenants, and conditions to the lease.
  
9. Lessee: Gloria L. Needs  
 Lease No.: 3942  
 Lot No., Area, Island: 57, Waimanalo, Oahu  
 Amendment: To amend the lease title and lessor's name, and to incorporate the currently used terms, covenants, and conditions to the lease.
  
10. Lessee: Robert Paleka  
 Lease No.: 4013  
 Lot No., Area, Island: 139A, Hoolehua, Molokai  
 Amendment: To amend the lease title and lessor's name, and to incorporate the currently used terms, covenants, and conditions to the lease, and to amend the property description.
  
11. Lessee: Joetta Mae N. Velasco  
 Lease No.: 670  
 Lot No., Area, Island: 9, Waimanalo, Oahu  
 Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, to amend the tenancy to joint tenancy, and to extend the lease term to an aggregate term of 199 years.

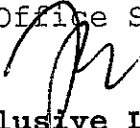
Amendments for the Month of February '17	11
Previous FY '16 - '17 balance	<u>112</u>
FY '16 - '17 total to date	123
Amendments for FY '15 - '16	152

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

FROM: Juan Garcia, Oahu District Office Supervisor  
Homestead Services Division 

SUBJECT: **Approval to Issue a Non-Exclusive License for Rooftop  
Photovoltaic Systems for Certain Lessees**

RECOMMENDED MOTION/ACTION

To approve the issuance of a non-exclusive license to allow the Permittee to provide adequate services related to the installation, maintenance, and operation of a photovoltaic system on the premises leased by the respective Lessees.

The non-exclusive license is necessary as the Lessee cannot issue his/her own licenses.

DISCUSSION

Four (4) non-exclusive licenses.

1. Lessee: Gemini W. Calpito  
Res. Lease No.: 11573  
Lot No., Area, Island: 18663, Kanehili, Oahu  
Permittee: Sunrun Inc.
2. Lessee: Arlett Padeken-Pasigan  
Res. Lease No.: 11774  
Lot No., Area, Island: 18352, Kanehili, Oahu  
Permittee: Sunrun Inc.
3. Lessee: Chris K. Rabanes  
Res. Lease No.: 6772  
Lot No., Area, Island: 110, Waianae, Oahu  
Permittee: Sunrun Inc.



4.	Lessee:	Frances Y.I. Victorino
	Res. Lease No.:	8717
	Lot No., Area, Island:	46, Waianae, Oahu
	Permittee:	Sunrun Inc.

Non-Exclusive License for February '17	4
Previous FY '16 - '17 balance	<u>40</u>
FY '16 - '17 total to date	44
 Non-Exclusive License for FY '15 - '16	 214

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Dean Oshiro, Acting HSD Administrator   
THRU: Juan Garcia, Oahu District Office Supervisor  
Homestead Services Division   
SUBJECT: **Set Aside of Prior Designation of Successor to Lease  
No. 3805, Lot No. 63, Nanakuli, Oahu  
CORALENE N. KAAI**

RECOMMENDED MOTION/ACTION

Set aside the designation of Coralene Naneki Kaai (Coralene), one of the successors to Verner H. Brash, Residential Lease No. 3805, Lot No. 63, Nanakuli, Oahu (Lease).

DISCUSSION

Verner H. Brash (Decedent) was awarded the Lease commencing on November 21, 1969.

On May 14, 1996, the Decedent designated his wife, Irma J. Brash (Irma), and his son, Verner K. Brash, Jr. (Verner Jr.) as joint tenant successors.

On September 19, 1998 the Decedent passed away.

On June 22, 2015, the Department of Hawaiian Home Lands (DHHL) received the death certificates of the Decedent and the designated successors, Irma and Verner Jr.

In compliance with the Administrative Rule 10-3-63, the department published legal ads in the Honolulu Star Advertiser, The Garden Isle, the Hawaii Tribune Herald, the West Hawaii Today, and The Maui News on September 6, 16, 20, and 30, 2015, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The DHHL received a successorship claim from the Decedent's daughter, Gwendolyn Kaai (Gwendolyn), who has been determined to be at least 32% Hawaiian ancestry and eligible for successorship to the Lease. The DHHL also received a successor claim from the Decedent's grandson, John, and granddaughter, Coralene. Both have been determined to be at least 53% Hawaiian ancestry and are eligible for successorship to their late grandfather's Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Based on the Act, Gwendolyn has priority to succeed to the leasehold interest. However, on August 17, 2016, Gwendolyn rescinded her claim.

On September 29, 2016, John and Coralene, were notified by mail, that the DHHL is processing their claims to the Hawaiian Homes Commission (HHC) for a decision.

On October 17, 2016, the HHC approved the designation of John and Coralene, as successors, to the Lease for the remaining term of the lease, subject to the payment to the DHHL within 90 days from the completion of the lease successorship

document for the unpaid balance owing on the DHHL Contract of Loans No. 15270 and 15271.

On November 9, 2016, and December 9, 2016, John and Coralene, were notified by mail, that the successorship document is ready for their review and signing.

On December 23, 2016, John executed the successorship document.

On December 27, 2016, a follow up phone call was made to Coralene, and a voice mail message asked that she contact DHHL to arrange for her to sign the successorship document. However, the DHHL did not receive a call back from her.

On January 6, 2017, Coralene, was once again notified by certified mail that the successorship document is ready for her review and signing, and her failure to sign by January 13, 2017, will result in DHHL going back to the HHC on February 21, 2017, to have her successorship interest invalidated.


The Department requests approval of its recommendation.

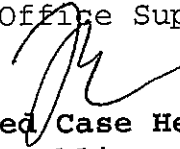
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division 

FROM: Juan Garcia, Oahu District Office Supervisor  
Homestead Services Division 

SUBJECT: **Request to Schedule Contested Case Hearing -  
Authorization to Proceed to Public Notice Under  
Section 209, HHCA, Due to Nonresponsive Designated  
Successor(s)**

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for the designated successors.

DISCUSSION

The Department has tried on numerous occasions to contact the respective designated successors to execute the Lease to complete the successorship. Department correspondence were mailed to the designated successors requesting they contact the Department to arrange for the execution of the successorship of lease document. In addition, the Department's attempted to make contact through known telephone numbers, however, these attempts were unsuccessful in having the successorship lease document signed. In certain cases, the Department has no information on any known location or mailing address for the designated successor(s), therefore, the Department has been unable to make contact.

Through the contested case hearing process, the Department will seek authorization to proceed with the public notice process to notify all interested related individuals to submit a successorship claim, or proceed with the alternate designated successor(s) to the lease.

The Department recommends approval of the motion as stated.

<u>Deceased Lessee</u>	<u>Designated Successor(s)</u>
1. Mercer K. Aikala Lot No.: 61 Area: Waianae, Oahu Lease No.: 4733	Shannon K. Foster, Daughter
2. Leonard P. Foster Lot No.: 12 Area: Waianae, Oahu Lease No.: 5263	Kehaunani Foster, Daughter Douglas K. Foster, Daughter
3. Lyle K. Kakalia Lot No.: 94 Area: Waianae, Oahu Lease No.: 5091Z	Lana Poouahi, Daughter
4. Margaret N. Karratti Lot No.: 60 Area: Waimanalo, Oahu Lease No.: 4133	Monica Coburn, Granddaughter
5. Ruth M. Kinimaka Lot No.: 44 Area: Kalawahine, Oahu Lease No.: 9632	Mark C. Kinimaka, Son
6. Thomas M. Key Lot No.: 36 Area: Nanakuli, Oahu Lease No.: 4536	Thomas M. Key III, Son Taisen R. Key, Son
7. Janet K. Lono Lot No.: 76 Area: Waianae, Oahu Lease No.: 5327	MitchellWayne K. Lono, Son

8. Jolynn K. Lorilla  
Lot No.: 6  
Area: Waiakea, Hawaii  
Lease No.: 5086

Alfred Keahilihau, Son

9. Elizabeth M. Tufi  
Lot No.: 13725  
Area: Maluohai, Oahu  
Lease No.: 5176


Muluea Mualem, Daughter

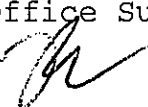
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Jobie M.K. Masagatani, Chairman  
Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator   
Homestead Services Division

FROM: Juan Garcia, Oahu District Office Supervisor   
Homestead Services Division

SUBJECT: **Approval of the Assignment of a Tenant-In-Common  
Leasehold Interest- SANDRALYNN H. NAEA,  
Lease No. 3159, Lot No. 13-A Waimanalo, Oahu**

RECOMMENDED MOTION/ACTION

To approve the assignment of a tenant-in-common leasehold interest to Lease No. 3159, Lot No. 13-A, Waimanalo, Oahu (Lease), from Sandralynn H. Naea (Sandralynn) to Herbert Kaniaupio, III (Herbert), subject to the following conditions:

1. Contract of Loan No. 17297 needs to be paid in full prior to the completion of transfer; and
2. Home Insurance needs to be current; and
3. Real Property Taxes to be paid current.

DISCUSSION

Prior to her passing, Susan Kaniaupio (Susan) designated her husband Clement Kaniaupio (Clement), and her adopted son, Carter, from a previous marriage, as her successors to the Lease. Following Susan's passing, Clement and Carter, as tenants-in-common, received the Lease by way of the Transfer Through Successorship and Amendment to Lease No. 3159 instrument dated May 7, 2003.

Subsequently, Clement passed away on February 15, 2015 and his adopted daughter, Sandralynn, succeeded to Clement's tenant-in-common leasehold interest in the Lease by way of the Transfer Through Successorship instrument dated August 7, 2015.

On March 22, 2016, the Department of Hawaiian Home Lands (Department) received a Homestead Lease Transfer Request Form (Transfer Request), through Sandralynn's attorney-in-fact, Gina Kaniaupio, which indicated Sandralynn's request to transfer her tenant-in-common leasehold interest to Herbert, her cousin.

The reason for the transfer as stated on the Transfer Request is "Medical." At the moment, Sandralynn is seeking needed medical treatment on the mainland. The Department approved Sandralynn's request for a leave of absence from the homestead from August 24, 2015 to August 23, 2016. Herbert is her appointed caretaker.

Carter currently resides on Hawaii Island and he does not want to occupy the homestead while Herbert and his family are there.

According to Carter's letters (see attached Exhibit A and Exhibit B), he has had issues with the care and maintenance of the home. He is also alleging that the locks to the front door and his bedroom door was changed without his knowledge. Carter confirms that the home is not currently insured. Also, as of August 19, 2016, Department Contract of Loan No. 17297 is past due in the amount of \$475.55, with a principal balance of \$10,832.00.

On July 18, 2016, at its Hawaiian Homes Commission (HHC) meeting held in Kapolei, Oahu, the HHC deferred action on this lease transaction at the request of the Department for further consultation with legal counsel.

As a condition of this transfer the existing loan will need to be paid off, home insurance needs to be current, and real property taxes paid to date.

The Department is requesting Hawaiian Homes Commission action.

May 18, 2016

To the Department of Hawaiian Homes Commission Board Members:

I, Carter L.K. Spencer, lessee of 41-602 Bell Street, Waimanalo, Hawaii 96795, would like to say to the Department of Hawaiian Home Lands that there should have been ground rules put in place when there are multiple lessees to one property. For example, if for any reason any lessee should need to leave the property for medical reasons, the next lessee should be notified and occupy the property ASAP! If any lessees is still living, there should not be anyone else that does not hold successorship or is not a lessee of that property, occupy that property, but the people who are the lessees. There where also numerous violations on that property. No demolitions and building permits. No home owners insurance. There where also her in-laws staying in the back yard in a shack. If I did not bring this up to the Department of Hawaiian Home Lands they wouldn't have known of all the violations!

As I'm writing my testimony there are still illegal structures, no home owners insurance, and no building permit for the garage. Further more, the Department of Hawaiian Home Lands still owns the property until the loan is paid off. I think Hawaiian Homes should make check-ups 6 months to 1 year to check up on these things.

My sister has lived there for a long period of time with all this violations and she was a big part of it being done. When I told her that the structures where illegal and need to come down and the house needed to be put back to building code in order to get insurance she wasn't cooperative that she didn't want to work with me to fix the problem. And she's still not cooperating. So what makes the commission think that my sister is a good candidate to be a lessee?

Now I'm sure Hawaiian Homes is not there to only collect payment, but to make sure things are done right and to make sure policies are being followed. I hope through this testimony Hawaiian Homes realizes what I'm trying to say, that having a lessee who is incompetent by not doing the right thing, is wrong.

Mahalo Nui,  
Carter L.K. Spencer

ATTN: Leah

**Pagaduan, Lloyd D**

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**From:** CristinLee Spencer [REDACTED]  
**Sent:** Monday, May 30, 2016 7:17 PM  
**To:** Pagaduan, Lloyd D  
**Subject:** Carter L.K. Spencer

To: the department of Hawaiian homelands commission board members.

I Carter L.K. Spencer lessee of 41-602 bell st. Waimanalo hawaii 96795. Thank you for giving me the opportunity to explain what I'm going through with my sister and the home that we both are the lessees too. Anyway when I found out that our home did not have insurance. I went to my insurance company back in Hilo to try and put homeowners Insurance on the home.

First question the asked me was, is the house to building code? And I said no.

So I went to the department of permits and explained that there where structures added to the home. And I wanted to know if it was legal. The lady at the counter not only told me but showed me that they did put in a permit but did not go through with it.

Therefore, all the extra structure or additions that was made to the home needs to come down because it is illegally built.

There were numerous violations on the home that my sister had a part of:

Violation #1 no demolition permit

Violation#2 no building permit

Violation #3 building another structure in the back yard for in-laws to live in.

Violation#4 no home owners insurance.

How much more violation does it take before the DHHL commission board members act?

I spent a lot to have the house put back to building code so that I can put home owners insurance. Now I'm the only one trying to save my home and follow the DHHL rules, regulations and policies, yet the DHHL gives my sister the ok to have her cousins/ power of attorney stay in the house due to her medical reason without contacting me first.

I am the lessee of this property and since I've become a lessee of this property I have been the only one trying to make all the wrongs things that my sister did, right with the house. After I put the home back to building code I changed the locks on the front door and the room to the right going down the hallway which was my room. Before leaving to go back home (Hilo), I gave a sets of keys to my sister and kept the other set. This was done in June of 2015. Later my wife and I went to my home on October of 2015 to spend a few nights to see how we could put the garage back to building code, but to my dismay the locks on the front door was changed. So I had to knock on the door my cousin opened the door. I said did you guys changed the lock on the door and he said no, it was already changed when they got there, and my room was broken into.

They had stacked there things inside. When I asked him who's things were those he said my sister had put all that in there. So now by changing the locks on the front doors and breaking into my room that becomes an offense. So now, from what I've been through with my sister, I feel she's not a good candidate to be a lessee. By her trying to give my cousins/ power of attorney her lesseeship it shows me shes no longer Interested in the home. I feel that if the commission board members gives her the right to pass her lesseeship to my cousin/ power of attorney, that would be an unfair act on the DHHL because the house is my moms house, not my cousin moms house. They should not have the right to take away what is rightfully mine.

I was the first lessee and made all my payments. I never gave up on my home. I was born and raised there.


Mahalo  
Carter L.K. Spencer

Sent from my iPad

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Dean Oshiro, Acting HSD Administrator   
FROM: James W. Du Pont, WHDO Supervisor  
Homestead Services Division  
SUBJECT: **Request to approve Third Party Agreement - GARY K. KANIHO**

RECOMMENDED MOTION/ACTION

To approve a request for a Third Party Agreement for Pastoral Lot Lease No. 9078, Lot No. 3 situated at Humuula, Kamuela, Hawaii for Gary K. Kaniho.

DISCUSSION

Mr. Kaniho submitted a Third Party Agreement (TPA) for grazing purposes dated and received by the department on November 16, 2016.

Mr. Kaniho is requesting approval of the TPA to his brother, Guy Kaniho. Guy Kaniho is an applicant for a Hawaii Islandwide Pastoral and Residential lease and has been determined to be native Hawaiian. Guy will be grazing cattle.

**RECOMMENDATION**

The department's Administrative rule 10-3-35 Contracts covering lease lands. No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third party person on lands covered by lessee's lease for the cultivation of crops or raising of livestock.

**HSD recommends approval of the motion as stated.**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division  
FROM: James Du Pont, West Hawaii District Office Supervisor  
Homestead Services Division/Office of the Chairman  
SUBJECT: Request to Schedule Contested Case Hearing -  
Lease Violations

RECOMMENDED MOTION/ACTION

To approve the scheduling of contested case hearings for the following lessees listed below:

DISCUSSION

The following lessees have violated the terms and conditions of their homestead lease, therefore, we recommend that a contested case hearing be scheduled.

**Lessee:** Marva Lee Ah Loy  
**Lease No.:** 2674-A  
**Lot No./Area/Island:** 9, Pu'ukapu, Waimea, Hawaii  
**Lease Violation:** Failure to submit plans for department approval and obtain building permits for various structures.

**Lessee:** Godfrey K. Kainoa  
**Lease No.:** 7232  
**Lot No./Area/Island:** 70, Kailapa, Kawaihae, Hawaii  
**Lease Violation:** Failure to submit plans for improvements, obtain approval from the department and obtain building permit for storage container and attached roof.

<b>Lessee:</b>	Diedre Bertelmann
<b>Lease No.:</b>	8041
<b>Lot No./Area/Island:</b>	66, Pu'ukapu, Hawaii
<b>Lease Violation:</b>	Conducting ground disturbing activities in the former Waikoloa Maneuver Area with the possibility of unexploded ordnance (UXO); building without approval from the department, building permits from the County of Hawaii and building a second residence.

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 21 & 22, 2017  
KAPOLEI, HAWAII

E-ITEMS  
**LAND DEVELOPMENT DIVISION**


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM:  Atina M. Y. Soh, Homestead Housing Specialist  
Housing Project Branch

SUBJECT: **Rescission of Homestead Lease Award and Reinstatement of Application - Laiopua, Undivided Interest - Ella M. K. McComber**

RECOMMENDED MOTION/ACTION

1. To approve the rescission of one (1) Residential Lease, Laiopua Undivided Interest Program, which commenced on December 3, 2005.
2. To reinstate one (1) residential lease application to the appropriate Residential Lease Waiting list according to the original date of application.

DISCUSSION

On October 29, 2005, at the Laiopua Undivided Interest Selection Meeting, DHHL Hawaii residential applicants executed the selection agreements and the lease awards were approved on December 3, 2005.

The following lessee has decided to rescind her lease at this time because of financial or personal reasons. The department has received her written request to rescind her lease and return to the Application list according to her original date of application.

<u>NAME</u>	<u>LEASE INFORMATION</u>	<u>APPLICATION INFORMATION</u>
McComber, Ella M. K.	Lease No. 10873 Commencement Date: 12/03/05 Area: Laiopua	Hawaii IW Res Area Code: 393 App Date: 02/10/02

As a matter of information, since 2009, the Hawaiian Homes Commission has approved the rescission of 32 leases in the Laiopua Undivided Interest Program.

ITEM NO. E-1


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM:  Atina M. Y. Soh, Homestead Housing Specialist  
Housing Project Branch

SUBJECT: **Rescission of Homestead Lease Awards and Reinstatement of Applications - East Kapolei II B & C, Undivided Interest - Charlene M. K. Kelesoma and Henry DeCosta Jr.**

RECOMMENDED MOTION/ACTION

1. To approve the rescission of two (2) Residential Leases, East Kapolei II B & C Undivided Interest Program, which commenced on December 2, 2006.
2. To reinstate two (2) residential lease applications to the appropriate Residential Lease Waiting list according to the original date of application.

DISCUSSION

On October 18, 2008, at the East Kapolei II B & C Undivided Interest Selection Meeting, DHHL Oahu residential applicants executed the selection agreements and the lease awards were approved on December 6, 2008.

The following lessees have decided to rescind their leases at this time because of financial or personal reasons. The department has received their written requests to rescind their leases and return to the Application list according to their original date of application.

<u>NAME</u>	<u>LEASE INFORMATION</u>	<u>APPLICATION INFORMATION</u>
KELESOMA,	Lease No. 12325	Waimanalo - Oahu IW Res
CHARLENE M.K.	Commencement Date: 12/2/06	Area Code: 133
	Area: Kapolei	App Date: 3/2/1964

DECOSTA,  
HENRY JR

Lease No. 12487  
Commencement Date: 12/2/06  
Area: Kapolei

Oahu IW Res  
Area Code: 193  
App Date: 10/16/1986

As a matter of information, since 2008, the Hawaiian Homes Commission has approved the rescission of 5 leases in the East Kapolei II B & C Undivided Interest Program.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM:  Atina M. Y. Soh, Homestead Housing Specialist  
Housing Project Branch

SUBJECT: **Rescission of Homestead Lease Award and Reinstatement of Application - East Kapolei I, Undivided Interest - Lizastarlene K. Pestana**

RECOMMENDED MOTION/ACTION

1. To approve the rescission of one (1) Residential Leases, East Kapolei I Undivided Interest Program, which commenced on December 2, 2006.
2. To reinstate one (1) residential lease applications to the appropriate Residential Lease Waiting list according to the original date of application.

DISCUSSION

On October 22, 2006, at the East Kapolei I Undivided Interest Selection Meeting, DHHL Oahu residential applicants executed their selection agreements and their lease awards were approved on December 2, 2006.

The following lessee has decided to rescind her lease at this time because of financial or personal reasons. The department has received her written request to rescind her lease and return to the Application list according to her original date of application.

<u>NAME</u>	<u>LEASE INFORMATION</u>	<u>APPLICANT INFORMATION</u>
PESTANA,	Lease No. 11821	Oahu IW Res
LIZASTARLENE K. M.	Commencement Date: 12/02/06	Area Code: 193
	Area: Kapolei	App Date: 12/7/1995

As a matter of information, since 2008, the Hawaiian Homes Commission has approved the rescission of 49 leases in the East Kapolei I Undivided Interest Program.

ITEM NO. E-3

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Norman L. Sakamoto, Acting LDD Administrator

FROM: ~~AS~~ Atina M. Y. Soh, Homestead Housing Specialist  
Housing Project Branch

SUBJECT: Approval of Various Lease Awards (see exhibit)

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Leases to the applicants listed below for 99 years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

WAIANAE RESIDENCE LOTS UNIT 2A-2, WAIANAE VALLEY, WAIANAE, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Maave, Gail D.	06/02/89	19	1-8-5-033:096	12724

With the execution of the foregoing lease, 1 single family home award has been completed.

The lease listed above was previously approved at the HHC meeting on November 17, 2014, however, the previous selectee of Lot No. 19 withdrew his selection for personal reasons and the lot was offered to the next qualified applicant. Lease No. 12724 will now be assigned to the above listed applicant once all the conditions of the lease award are met.

Hoolimalima - Kapolei Village 6 Residential Lots, Kapolei, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Anuenue, Jon	02/27/06	13773	1-9-1-120:089	12776
Baker, Mei Lan M.	05/27/97	13766	1-9-1-120:082	12777
Foki, Lisa U.	02/10/98	13794	1-9-1-119:111	12778

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Iese, Cresencia	04/19/99	13790	1-9-1-119:107	12779
Kaleikini, Melvin K.	09/27/06	13785	1-9-1-120:101	12780
Kapihe, Lehua K. H.	08/27/97	13772	1-9-1-120:088	12781
Kauwelo Schall, Rochelle K.	02/20/85	13756	1-9-1-120:072	12782
Kawaauhau, Gaylynn K.	01/08/01	13796	1-9-1-119:113	12783
Kelesoma, Charlene M.K.	03/02/64	13747	1-9-1-119:099	12784
McKeague, Guy B.	02/06/96	13755	1-9-1-120:071	12785
Payton, June K.	05/15/79	13738	1-9-1-119:090	12786
Pestana, LizaStarlene K.M.	12/07/95	13799	1-9-1-119:116	12787
Ruth, Alma Mary H.	03/24/94	13743	1-9-1-119:095	12788
Smith, Ohelo K.	02/22/07	13758	1-9-1-120:074	12789
Woolsey, Doris K.	01/14/63	13805	1-9-1-119:122	12790
Zamora, Eustaquio K.	08/21/81	13751	1-9-1-119:103	12791

With the execution of the foregoing leases, 51 single family home awards have been completed.

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 21 & 22, 2017  
KAPOLEI, HAWAII

G-ITEMS  
**PLANNING OFFICE**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 21-22, 2017

To: Chairman and Members, Hawaiian Homes Commission  
Through: Kaleo Manuel, Acting Planning Program Manager *KM*  
From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*  
Subject: For Information Only Legislative Update 2017

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

*Bill Tracking*

Staff has prepared a bill tracking spreadsheet listing all bills that impact the department. The current spreadsheet with the status of each bill as of 02-14-17 is enclosed in Exhibit 'A'.

Of the 18 bills on this bill tracking spreadsheet, 13 are still alive and moving through the legislature. Of the DHHL bills in the Governor's Package, two of the three measures are still alive in the House and Senate and the third measure reducing the blood quantum for successors has a version almost identical to the administration bill moving in both the House and Senate.

With regard to the bill that would reduce the blood quantum for successors, the SCHHA and Association of Hawaiian Civic Clubs are requesting that the bill also amend section 208 of the Hawaiian Homes Commission Act to reduce the minimum Hawaiian blood quantum requirement of certain transferees from one-quarter to one thirty-second. The Chair continues to testify in line with the version of the bill approved by the Commission to support lowering the blood quantum requirement for successors only because of the concern that reducing the blood quantum for transferees could circumvent the waitlist unless a limitation on the transfer of a lease is instituted. Nevertheless, the Senate Hawaiian Affairs Committee voted to amend the bill to lower the blood quantum requirement of certain transferees but will also stipulate that once a lessee transfers a lease then the lessee cannot submit another application or purchase a lease. Staff is

concerned that this proposed language could have serious implications that haven't yet been properly vetted. The versions of the bill could include the bill as proposed which would lower the blood quantum for successors only, the bill as amended by the Senate Hawaiian Affairs Committee which would lower the blood quantum for successors as well as transferees with a stipulation as detailed above, or other options such as lowering the blood quantum for successors as well as transferees but require that the Commission adopt rules limiting transfers which would allow for beneficiary consultation and public hearings before any rule is finalized.

In addition to the 18 bills that specifically reference the department, staff monitors and prepares testimony as appropriate on measures that would impact Hawaiian Home lands or the department as a state agency. A summary of these bills and the Department's position is attached as Exhibit 'B'.

#### *DHHL Website*

The most updated information of the bill summary and status is available on DHHL's website at <http://dhhl.hawaii.gov/legislation/>.

#### RECOMMENDED MOTION/ACTION

None; For information only.

Status of DHHL Related Bills as of 02-13-17

Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
HB65 HD1	CIP; Redevelopment of Bowl-O-Drome property; GO Bonds; Appropriation	RELATING TO THE REDEVELOPMENT OF THE BOWL-O-DROME PROPERTY.	Authorizes general obligation bonds and appropriates funds to the Department of Hawaiian Home Lands for the redevelopment of the Bowl-O-Drome property, located at 820 Isenberg Street, with the assistance of the Hawaii Community Development Authority. (HB65 HD1)	H 2/7/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; none voting no (0) and Representative(s) Oshiro excused (1).	SAY	OMH, FIN	
HB66	Land Use Reclassification; Department of Hawaiian Home Lands; Office of Hawaiian Affairs; Public Land Trust	RELATING TO PLANNING AND ECONOMIC DEVELOPMENT.	Authorizes the legislature to reclassify certain agricultural lands and transfer them to DHHL or OHA. Requires the value of lands transferred to OHA to be credited against OHA's pro rata share of ceded land revenues.	H 1/27/2017: The committee(s) on AGR recommend(s) that the measure be deferred.	SAY	AGR, OMH, FIN	
HB100	State Budget	RELATING TO THE STATE BUDGET.	Appropriates funds for the operating and capital improvement budget of the Executive Branch for fiscal years 2017 2018 and 2018 2019.	H 1/23/2017: Referred to FIN, referral sheet 1	SOUKI (Introduced by request of another party)	FIN	
HB372	Department of Hawaiian Home Lands; Hawaii Island Working Group	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Establishes a working group to address and provide findings and recommendations regarding issues that beneficiaries of the department of Hawaiian home lands on Hawaii island face relating to the financing and insuring of homes. Appropriates funds.	H 2/10/2017: Bill scheduled to be heard by OMH on Tuesday, 02-14-17 8:30AM in House conference room 312.	EVANS, MCKELVEY, MIZUNO, NAKASHIMA, TODD, Creagan, Lowen, Luke, San Buenaventura	OMH, FIN	
HB389	Appropriation; Housing Omnibus; Affordable Housing	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds and appropriates funds to several state agencies for the purposes of improving and increasing the existing public and affordable housing stock in the State. Requires a report to the 2018 and 2019 legislature on the set-aside plan for upkeep and maintenance of the housing facilities to be constructed.	H 2/10/2017: Bill scheduled for decision-making on Tuesday, 02-14-17 10:00AM in House conference room 423.	BROWER, MIZUNO	HSG, FIN	
HB451	Hawaiian Home Lands; Successors; Blood Quantum	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one quarter to one thirty-second.	H 2/10/2017: Bill scheduled to be heard by JUD on Tuesday, 02-14-17 2:00PM in House conference room 325.	DECOITE, CREAGAN, EVANS, HASHEM, ICHIIYAMA, ING, KEOHOKALO, KONG, MORIKAWA, TOKIOKA, TUPOLA, WOODSON, YAMASHITA, Gates, San Buenaventura	OMH, JUD, FIN	SB849
HB846	Commission on Water Resource Management; Hawaiian Homes Commission Representation	RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION.	Amends the membership of the commission on water resource management to add the chairperson of the Hawaiian homes commission or the chairperson's designee to serve as an ex officio voting member.	H 1/27/2017: Referred to OMH/WAL, FIN, referral sheet 4	GATES, EVANS, ING	OMH/WAL, FIN	

Status of DHHL Related Bills as of 02-13-17

HB869	Affordable Housing; Hawaii Housing Finance Development Corporation; Hawaii Public Housing Authority; Department of Hawaiian Home Lands; Conveyance Tax; Appropriation	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds for construction and infrastructure development projects to provide affordable housing units for middle class and low income residents. Allows moneys from the conveyance tax and the county surcharge on state tax to be used to repay the bonds.	H 2/7/2017: The committees on HSG recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Brower, Aquino, Hashem, Quinlan, San Buenaventura, McDermott; Ayes with reservations: Representative(s) Nakamura; Noes: none; and Excused: none.	BROWER	HSG, FIN	
HB1093	Hawaiian Home Lands; Lease Successors	RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.	Lowers the required blood quantum to one thirty-second Hawaiian for the lessee's relatives currently eligible to succeed to a lease with one-quarter Hawaiian including a lessee's husband, wife, children, grandchildren, brothers, or sisters.	H 1/27/2017: Referred to OMH, JUD, FIN, referral sheet 5	SOUKI (Introduced by request of another party)	OMH, JUD, FIN	SB959
HB1094 HD1	Department of Hawaiian Home Lands; Disclosure of Government Records	RELATING TO PERSONAL PRIVACY.	Specifies types of content that are not required to be disclosed from Department of Hawaiian Home Lands homestead applicant and lessee files. (HB1094 HD1)	H 2/9/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Ito excused (1).	SOUKI (Introduced by request of another party)	OMH, JUD	SB960
HB1095	Hawaiian Homes Commission; Composition	RELATING TO THE HAWAIIAN HOMES COMMISSION.	Amends the Hawaiian Homes Commission Act to reduce the number of commissioners that are residents of the city and county of Honolulu and adds a commissioner from the island of Lanai.	H 2/7/2017: Passed Second Reading and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Oshiro excused (1).	SOUKI (Introduced by request of another party)	OMH, JUD	SB961
SB591	Affordable Housing; Hawaii Housing Finance Development Corporation; Hawaii Public Housing Authority; Department of Hawaiian Home Lands; Conveyance Tax; Appropriation	RELATING TO HOUSING.	Authorizes the issuance of general obligation bonds for construction and infrastructure development projects to provide affordable housing units for middle class and low income residents. Allows moneys from the conveyance tax and the county surcharge on state tax to be used to repay the bonds.	S 2/3/2017: The committee(s) on TRE/HOU has scheduled a public hearing on 02-14-17 2:55PM in conference room 225.	ESPERO, BAKER, S. CHANG, ENGLISH, GREEN, INOUE, KEITH-AGARAN, KIDANI, K. RHOADS, SHIMABUKURO, Dela Cruz, Harimoto, Ihara, K. Kahele, Kim, Kouchi, Nishihara, Ruderman, Taniguchi, Wakai	TRE/HOU, WAM	HB869
SB641	Commission on Water Resource Management; Hawaiian Homes Commission Representation	RELATING TO THE CHAIRPERSON OF THE HAWAIIAN HOMES COMMISSION.	Amends the membership of the commission on water resource management to add the chairperson of the Hawaiian homes commission or the chairperson's designee to serve as an ex officio voting member.	S 2/8/2017: The committee(s) on WTL recommend(s) that the measure be PASSED, UNAMENDED. The votes in WTL were as follows: 3 Aye(s): Senator(s) K. Rhoads, Inouye, Kim; Aye(s) with reservations: none ; 0 No(es): none; and 2 Excused: Senator(s) Gabbard, L. Thielen.	SHIMABUKURO, Dela Cruz, English, Espero, Keith-Agaran, Kidani, Nishihara	HWN/WTL, WAM	HB846
SB642	Department of Hawaiian Home Lands; Legal Counsel	RELATING TO LEGAL COUNSEL.	Allows the department of Hawaiian home lands to retain independent legal counsel as needed. Authorizes the department of Hawaiian home lands to use the services of the attorney general as needed and when the interests of the State and the department of Hawaiian home lands are aligned. Provides that funds owed to independent legal counsel shall be paid by the attorney general.	S 1/23/2017: Referred to HWN/JDL, WAM.	SHIMABUKURO, Kidani, Nishihara, Dela Cruz	HWN/JDL, WAM	

Status of DHHL Related Bills as of 02-13-17

SB849	Hawaiian Home Lands; Successors; Blood Quantum	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Reduces the minimum Hawaiian blood quantum requirement of certain successors to lessees of Hawaiian home lands from one quarter to one thirty-second.	S 2/7/2017: The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 4 Aye(s): Senator(s) Shimabukuro, Galuteria, English, Green; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Kim.	K. KAHELE, GALUTERIA, Shimabukuro	HWN, JDL	HB451
SB959	Hawaiian Home Lands; Lease Successors	RELATING TO THE QUALIFICATION OF SUCCESSORS TO LESSEES UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.	Lowers the required blood quantum to one thirty-second Hawaiian for the lessee's relatives currently eligible to succeed to a lease with one-quarter Hawaiian including a lessee's husband, wife, children, grandchildren, brothers, or sisters.	S 1/25/2017: Referred to HWN, JDL.	KOUCHI (Introduced by request of another party)	HWN, JDL	HB1093
SB960	Department of Hawaiian Home Lands; Disclosure of Government Records	RELATING TO PERSONAL PRIVACY.	Specifies certain content of Department of Hawaiian Home Lands homestead applicant and lessee files are not required to be disclosed.	S 2/7/2017: The committee(s) on HWN recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in HWN were as follows: 4 Aye(s): Senator(s) Shimabukuro, Galuteria, English, Green; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Kim.	KOUCHI (Introduced by request of another party)	HWN, JDL	HB1094
SB961	Hawaiian Homes Commission; Composition	RELATING TO THE HAWAIIAN HOMES COMMISSION.	Amends the Hawaiian Homes Commission Act to reduce the number of commissioners that are residents of the city and county of Honolulu and adds a commissioner from the island of Lanai.	S 2/7/2017: The committee(s) on HWN recommend(s) that the measure be PASSED, UNAMENDED. The votes in HWN were as follows: 4 Aye(s): Senator(s) Shimabukuro, Galuteria, English, Green; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Kim.	KOUCHI (Introduced by request of another party)	HWN	HB1095

DHHL Pos.	Measure #	Report Title	Measure Title	Description	Status	Introducer(s)	Current Referral	Comp.
Comments	HB1479 HD1	Hilo Community Economic District; HCDA; Appropriation	RELATING TO THE HILO COMMUNITY ECONOMIC DISTRICT.	Establishes the Hilo community economic district located in East Hawaii under the Hawaii community development authority. Establishes the Hilo community economic revolving fund for all revenue, income, and receipts of the district, except a portion transferred to the special land and development fund. Appropriates funds. (HB1479 HD1)	H 2/10/2017: The committees on WAL recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Yamane, Kong, Cullen, Evans, Ichiyama, Lowen; Ayes with reservations: Representative(s) Say; Noes: none; and 2 Excused: Representative(s) C. Lee, Fukumoto.	NAKASHIMA, TODD	ED8/TOU, WAL, FIN	SB1292
Oppose	HB1497 HD1	State Liability; Property; State Lands; Neighbor's Remedy; Appropriation	RELATING TO STATE LANDOWNER LIABILITY.	Establishes a cause of action for neighbors of state lands that have not been properly maintained. Authorizes compensation for damages incurred due to the State's breach of duty and, if applicable, costs for repairs and maintenance. Appropriates funds for necessary maintenance of state lands. (HB1497 HD1)	H 2/9/2017: Passed Second Reading as amended in HD 1 and referred to the committee(s) on JUD with none voting aye with reservations; none voting no (0) and Representative(s) Ito excused (1).	ICHIYAMA	WAL, JUD, FIN	
Comments	HB1552	Transit-Oriented Redevelopment Community Districts	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Establishes Transit-Oriented Redevelopment Community Districts within the Hawaii Community Development Authority (HCDA) to develop districts along certain rail stations in the Honolulu rail station transit corridor. Allows the HCDA to enter into public-private partnerships for a lease-back arrangement of lands. Provides general obligation bond financing for infrastructure improvements in Transit-Oriented Redevelopment Community Districts.	H 2/3/2017: The committee(s) on WAL recommend(s) that the measure be deferred.	FUKUMOTO	WAL, JUD, FIN	
Comments	SB6	Housing; Homeless; New Residential Development Fee; Special Fund	RELATING TO HOUSING.	Requires the department of human services to establish and collect a new residential development fee from developers for certain new residential development projects and establishes the homelessness and affordable housing special fund for the purposes of building, renting, and rehabilitating housing to be used as housing for the homeless.	S 1/23/2017: The committee on HOU deferred the measure.	GREEN	HMS/HOU, WAM	
Comments	SB586	Transit Oriented Development; Community Districts; Transit Stations; Development	RELATING TO TRANSIT ORIENTED DEVELOPMENT COMMUNITY DEVELOPMENT DISTRICTS.	Establishes transit oriented development community development districts. Authorizes the Hawaii community development authority to plan and develop infrastructure capacity at each of the transit stations established as transit oriented development community districts. Requires the authority to plan and develop infrastructure for state owned land surrounding one of the following rail stations: Aloha stadium, Kalihi, Iwilei, or leeward community college. Allows the authority to enter into public private partnerships.	S 2/8/2017: The committee on TRE deferred the measure.	ESPERO, S. Chang, Gabbard, Harimoto, Ihara, K. Kahele, Keith-Agaran, Kidani, Kim, Nishihara, K. Rhoads, Shimabukuro, Taniguchi, Wakai	TRE/WTL, WAM	

Status of Bills with DHHL Testimony as of 02-13-17

Comments	<u>SB1292</u>	Hilo Community Economic District; HCDA	RELATING TO THE HILO COMMUNITY ECONOMIC DISTRICT.	Establishes the Hilo community economic district located in East Hawaii and places it under the jurisdiction of the Hawaii community development authority. Establishes the Hilo community economic revolving fund. Requires all revenue, income, and receipts of HCDA for the district to be deposited in the Hilo community economic revolving fund, and a designated per cent to be transferred to the special land and development fund under the department of land and natural resources.	S 2/13/2017: The committee(s) on ETT recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in ETT were as follows: 3 Aye(s): Senator(s) Wakai, Galuteria; Aye(s) with reservations: Senator(s) Taniguchi ; 0 No(es): none; and 2 Excused: Senator(s) Baker, L. Thielen.	K. KAHELE, DELA CRUZ, GALUTERIA, Inouye, Kidani, Wakai	ETT/WTL, WAM	HB1479
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STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 21 & 22, 2017

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Kaleo Manuel, Acting Planning Manager  
SUBJECT: G-2 Presentation of Proposed Honokoa Fence Project by Kailapa Community Association and The Kohala Mountain Watershed Partnership, Kawaihae, Hawaii

*THIS IS AN ORAL WORKSHOP, ANY SUBMITTAL ITEMS WILL BE DISTRIBUTED AT THE TABLE.*

ITEM NO. G-2

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
February 21 & 22, 2017  
KAPOLEI, HAWAII

J-ITEMS  
**GENERAL AGENDA**

**From:** Choy, Avery <  
**Sent:** Sunday, February 05, 2017 12:04 AM  
**To:** Burrows-Nuuanu, Leatrice W  
**Subject:** Request to Address the Commissioners  
**Attachments:** REQUEST TO ADDRESS THE COMMISSION.doc; Hakimo Rd & Canal.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Aloha Leah,

I sent a previous email I don't know if you received it. I have updated the topics of discussion and I hope the attached photos are clearer than the previous email.

Please contact me via my personal email at \_\_\_\_\_ or call me at \_\_\_\_\_ will be off island from 2-5-17 to 2-10-17. That's why I'm trying to get all this information to you as quickly as I can.  
If you have any questions please please call me or email me.

Thank you for your time.

Avery Choy  
Secretary, Princess Kahanu Estates

## REQUEST TO ADDRESS THE COMMISSION

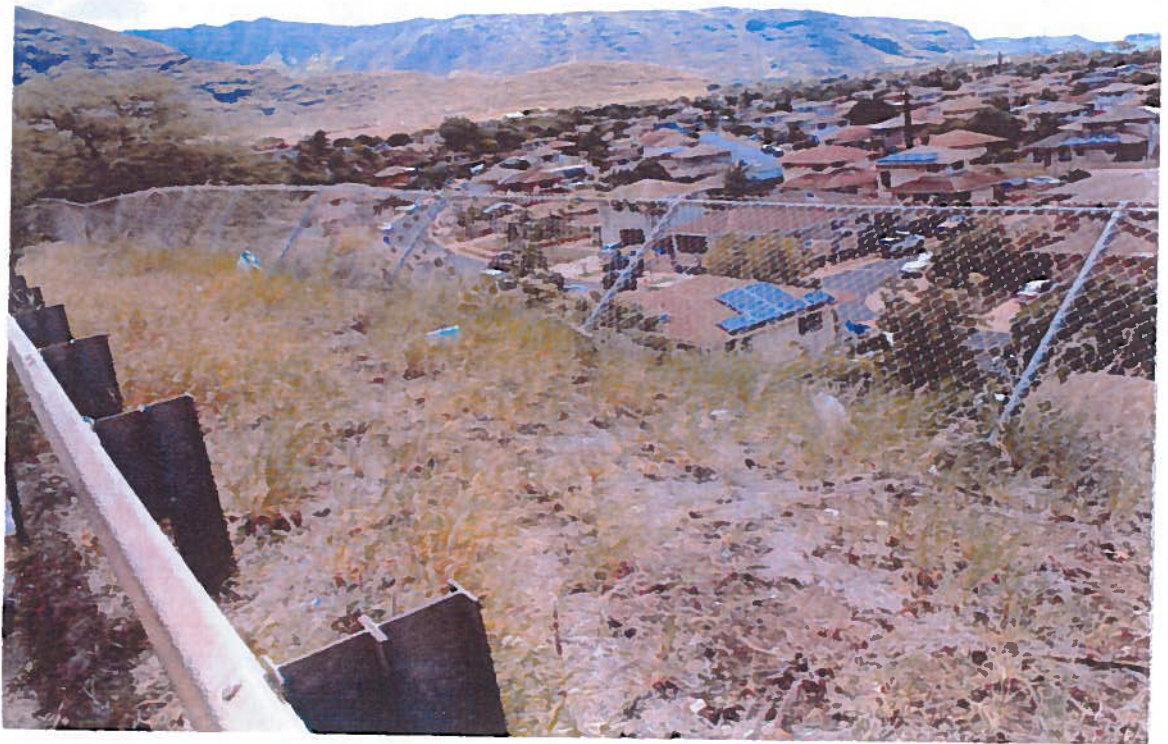
Aloha, my name is Avery Choy, I am the Secretary for Princess Kahanu Estates. I have a few items I would like to bring to the attention of you Commissioners.

1. We have outstanding delinquency of \_\_\_\_\_. \_\_\_\_\_ homeowners are in arrears. I have a list of homeowners and amounts due.  
The Association has written numerous letters at first, reminders, then eventual consequences. Letters from Attorney MOTOOKA were sent to homeowners but to no avail. Can DHHL assist us with these collections? What is the consequence if nothing is paid and homeowner passes away? Will PKEA ever be able to recover these dues? Likewise with DCCR enforcement.
2. Street Lights – the streets in PKE has not been turned over to the City yet. We have 11 street lights that are burnt out, some since 2015. Homeowners keep calling and leave complaints on our Message phone. When can we inform our homeowners that this will be taken care of? I have included a street map of PKE with locations of burnt out street lights.  
The Boat Yard – halogen lights are crucial for security at night, they are 23 years old. Does DHHL have a vendor we can contact to maintain or replace burnt out lamps?
3. Down/Missing Signs:  
Speed Limit Signs - 87-134 Laiku St, 87-103 Kaleiwohi St, 87-125 Princess Kahanu Ave., 87-146 Princess Kahanu Ave.  
No Parking Signs - 87-125 Princess Kahanu Ave., 87-101 Laanui St, 87-105 Laanui St., 87-106 Pualeilani St., 87-211 Pualeilani St., 87-184 Kaleiwohi St., 87-112 Kaleiwohi St., 87-181 Kaleiwohi St.
4. The perimeter fenceline off of Hakimo Road is leaning over and in some places the poles with concrete footing is completely exposed.  
I have photos for you to look at. Homeowners on Kaleiwohi Street Bordering the Hakimo Road hillside are concerned that the chain link fence is a hazard and may be falling down the hill if not reinforced. Please can this concern be addressed?
5. Damaged Drain Curbs – Photos submitted. Perhaps PKEA Board and DHHL personnel should walk through PKE to address the infrastructure concerns.
6. The C&C drain easement (concrete ditch) goes thru & along DHHL wall near the Canal on the lessee property – walls are separating leaving standing water. Who is responsible for repairing this drain?

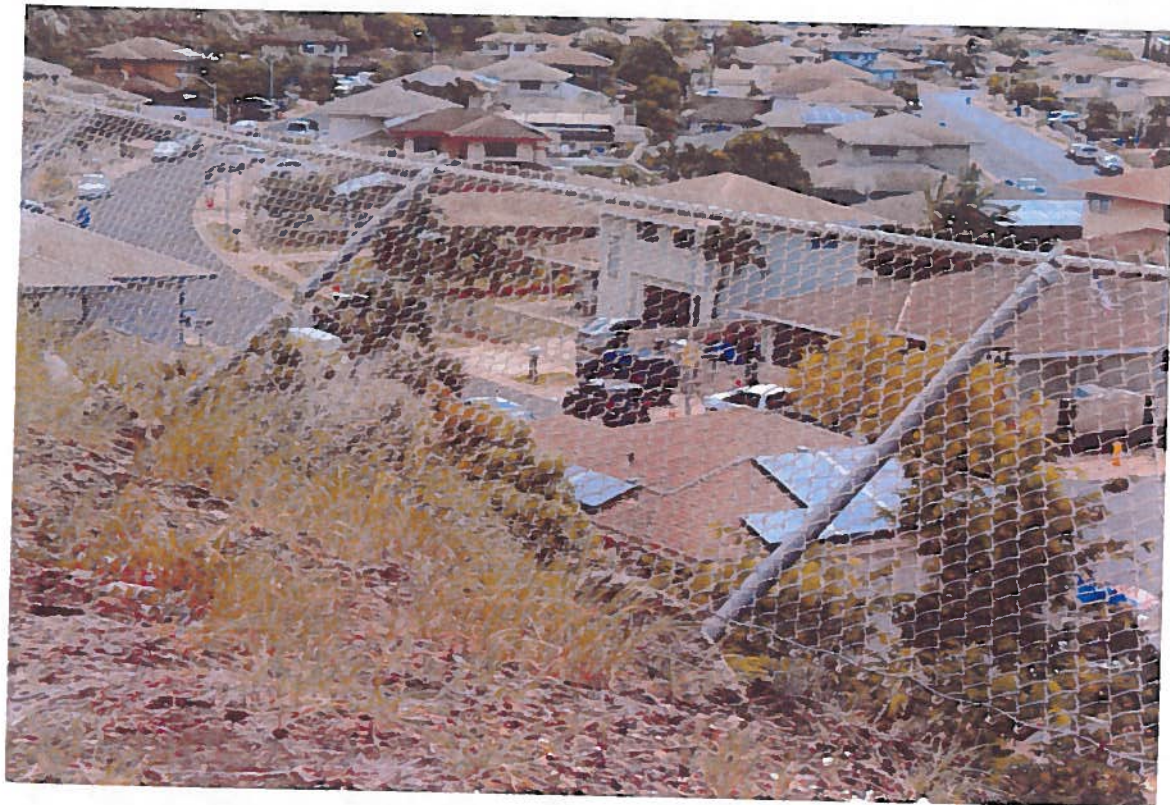
**FENCELINE -  
HAKIMO ROAD**



**ABOUT HALF MILE  
OF FENCING READY  
TO FALL OFF.**



**A CLOSER LOOK**



**HEAVILY USED  
& TRAVELED  
HAKIMO ROAD.**



**TAKEN FROM  
KALEIWOHI STREET**



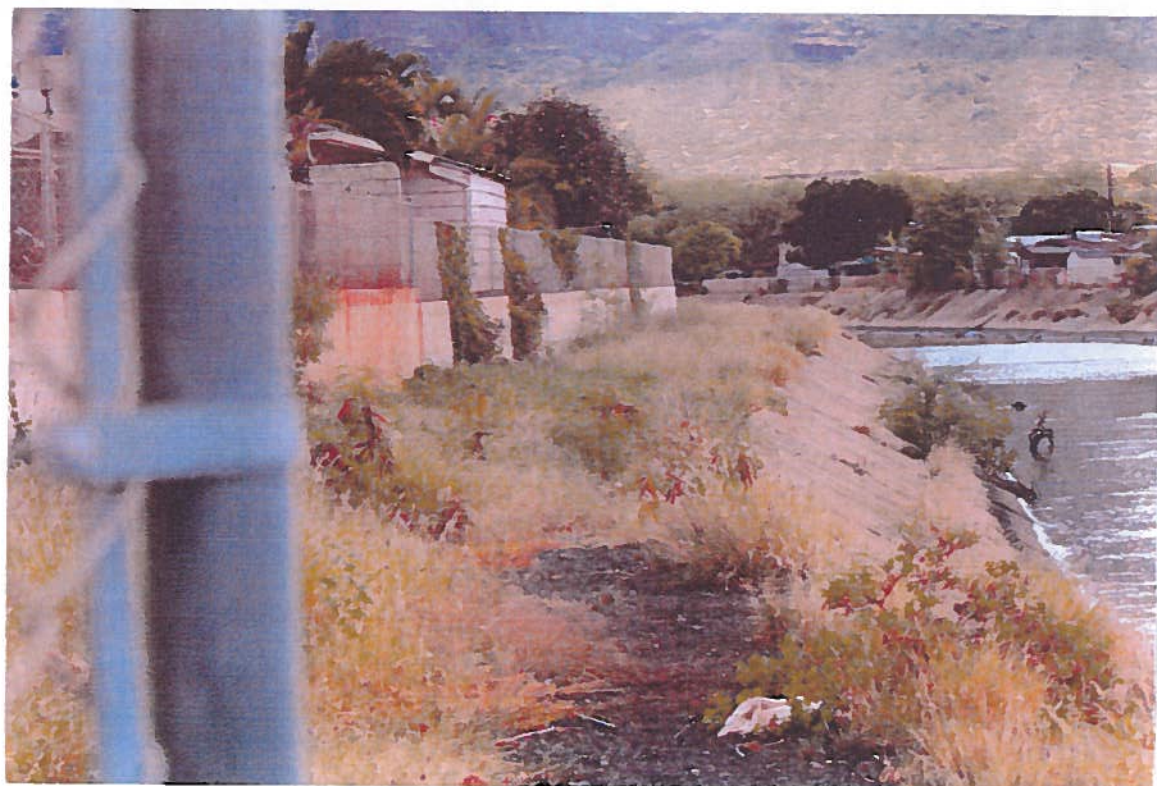
**FENCE POLE HAS  
LOST ITS FOOTING**



**CANAL EASEMENT  
ALONG LAANUI ST.**



**NO MAINTENANCE**



**SOME OF THE  
TILE AND FENCE  
ARE CRACKING.**



**CLOSEER CHECK OF  
THE CONCRETE  
DRAINS NEED  
CHECKING -  
CRACKING.**



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**From:** Momi Cruz-Losano <  
**Sent:** Wednesday, February 01, 2017 11:54 AM  
**To:** Burrows-Nuuanu, Leatrice W  
**Subject:** Re: HHC February 21, 2017 Meeting - J Agenda Request

Aloha mai kaula e Leah! Mahalo nui for such a warm initial contact. Our correspondence over the past year has been with Ward Young. Mostly through email. His last response to us regarding two separate parcels was that one of them is zoned Commercial Use (income generation). He advised us to see a link he sent. After checking the link, we found that parcel falls under Special Use. We request the opportunity to discuss our options further. Also, we would like to address the fact that our non-profit is in partnership with Queen Lili'uokalani Trust and Kamehameha Schools/Bishop Estate in developing Kahua Ola Hou. I trust this summary satisfies your request for topic and intent. Please don't hesitate to call me at (808) 389-1589 for any questions you may have. Aloha A Hui Hou,

Momi Cruz-Losano,  
Youth Case Worker

On Wed, Feb 1, 2017 at 11:06 AM, Burrows-Nuuanu, Leatrice W <[leatrice.w.burrows-nuuanu@hawaii.gov](mailto:leatrice.w.burrows-nuuanu@hawaii.gov)> wrote:

Aloha Momi,

Mahalo for your call requesting to be listed on the Hawaiian Home Commission's February J-Agenda. Please respond to this email with a brief summary of who you represent and the concern or issue you'll be speaking to. Watch your email on February 15<sup>th</sup>, which is when I'll be sending an electronic copy of our filed February HHC Agenda and a confirmation letter of our J-Agenda listing.

We look forward to seeing you soon!

Mahalo,



Leah Burrows-Nuuanu

Hawaiian Homes Commission

Department of Hawaiian Home Lands

91-5420 Kapolei Parkway

Kapolei, HI 96707

**From:** Princess Lehuanani Aquino <  
**Sent:** Thursday, August 25, 2016 12:59 PM  
**To:** Burrows-Nuuanu, Leatrice W; Princes Lehuanani Kumaewakainakaleomomona; Princes  
Lehuanani; Princeslehuani Kumaewakainakaleomomona  
**Subject:** Re: HHC Schedule for your Information

Thank you.... My topic for NOVEMBER.... DHHL DEATH LIST..... And yes.... I WANT TO BE PUT ON THE LIST FOR OUR MAUI  
DHHL COMMISSION MEETING.... sept. 19 and 20...My topic..... DISCRIMINATION.....I would like to be last for both ...  
OAHU AND MAUI KINGDOM ISLANDS..... Can a Agenda for both meetings be emailed back to me...to begin  
PREPARATIONS and I will be using a POWER POINT. ... and always good to hear from you LEAH... mahalo.....da princess

Sent from Yahoo Mail for iPhone

On Thursday, August 25, 2016, 9:51 AM, Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
wrote:

Aloha Princeslehuani,

I got all of your voicemails and wanted to resend the HHC Meeting Schedule so you can see when all of our  
meetings are being held. I do have you confirmed for November here on O'ahu on the J-Agenda which will be  
held on the Monday.

The Maui meetings will be held on September 19 & 20, 2016, in Paukukalo. If you wish to be added to the J-  
agenda or that meeting, just let me know. Sorry I missed your calls, Friday was a holiday and we held Kauai  
Commission meetings on Monday and Tuesday.

Mahalo,



Leah Burrows-Nuuanu  
Hawaiian Homes Commission  
Department of Hawaiian Home Lands  
91-5420 Kapolei Parkway  
Kapolei, HI 96707  
Phone: 808 620 9504/ Fax: 808 620 9529  
Email: Leatrice.W.Burrows-Nuuanu@hawaii.gov