

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

Paukūkalo Community Center, 657 Kaumuali‘i Street, Wailuku, HI 96793

Monday, October 15, 2018 at 9:30 a.m. to be continued, if necessary, on

Tuesday, October 16, 2018, at 9:00 a.m.

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for February 2018, March 2018, February 2015
- D. Public Testimony on Agendized Items

**II. ITEMS FOR DECISION MAKING**

**A. CONSENT AGENDA**

Homestead Services Division

- D-3 Ratification of Loan Approvals (see exhibit)
- D-4 Approval of Consent to Mortgage (see exhibit)
- D-5 Approval of Refinance of Loans (see exhibit)
- D-6 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-7 Approval of Streamline Refinance of Loans (see exhibit)
- D-8 Approval of Homestead Application / Cancellations (see exhibit)
- D-9 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-10 Approval of Assignment to Leasehold Interest (see exhibit)
- D-11 Approval of Amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Request to Schedule Contested Case Hearing – Authorization to Proceed to Public Notice Under Section 209, HHCA, Due to Nonresponsive Designated Successor(s) (see exhibit)
- D-15 Request to Schedule a Contested Case Hearing – Failure to Build and Occupy, **JANA P. WAIALAE**, Lease No. 6816, Lot No. 3, Waiakea, Hawai‘i
- D-16 Cancellation of Lease – **ROBERT M. HA**, Residential Lease No. 5110, Lot No. 9A & 9B, Panaewa, Hawaii
- D-17 Commission Designation of Successor – **MYRNA M. KAUPU**, Agricultural Lease No. 3677, Lot No. 44A, Hoolehua, Molokai
- D-18 Approval of Assignment to Leasehold Interest - **STACY JEAN ANELAONALANI JOHNSON**, Lease No 2073, Lot Nos. 33H1 & 33H2, Hoolehua, Molokai
- D-20 Request to Schedule Contested Case Hearing – Lease Violation – **GEORGE F. RAPOZO**, Residential Lease No. 4342, Lot No. 4, Anahola, Kauai, Hawaii

**B. REGULAR AGENDA**

Office of the Chairman

- C-1 Acceptance of the 2018 Native Hawaiian Housing Block Grant Annual Performance Report

- C-2 Acceptance of Amended Beneficiary Consultation Report on Department of Hawaiian Homelands Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and Supplemental Dwelling Units

Homestead Services Division

- D-14 Approval of Assignment and Amendment to Leasehold Interest to the Pastoral Portion of Lease No. 2905 - **ETHEL K.C. ANDRADE**, Lot No. 11, Puukapu, Hawaii
- D-19 Approval of Assignment and Amendment to Leasehold Interest to the Residential Portion of Lease No. 2905 - **ETHEL K.C. ANDRADE**, Lot No. 38, Kuhio Village, Waimea, Hawaii

Land Management Division

- F-1 Approval of Memorandum of Agreement Regarding Licenses and Issuance of License as Easement to County of Maui, Department of Water Supply, Honokowai, Maui, TMK (2)4-4-002:015(por.) & :018(por)
- F-2 Approval of a 1-year Lease Extension, General Lease No. 283, Hawaii Public Housing Authority - Ulu Ke Kukui Transitional Housing Program, Waianae, Oahu, TMK (1)8-7-010:030 (por.)
- F-3 Approval of Annual Renewal of Right of Entry Permits, Maui Island (see exhibit)

Planning Office

- G-1 Approval of 2019 Legislative Proposal
- G-2 Declare a Finding of No Significant Impact (FONSI) for a Final Environmental Assessment (FEA), Proposed Ho‘olehua Veterans and Homestead Residents’ Community Center, Ho‘olehua, Kona, Molokai, TMK (2)5-2-015:053

### **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. Contested case hearing procedures
2. Request for proposals for land acquisition and development on Maui

### **IV. ITEMS FOR INFORMATION/DISCUSSION**

#### **A. GENERAL AGENDA**

Requests to Address the Commission

- J-1 Daphne Lee – Paūkukalo Hawaiian Homestead Association
- J-2 Chad Newman - Ka Ohana o Kahikinui
- J-3 Collette Thomas and Gustavo Gonzalez – Kula
- J-4 Kili Namau‘u – Na Leo Kako‘o o Maui
- J-5 Blossom Feiteira - Association of Hawaiians for Homestead Lands
- J-6 Kekoa Enomoto – Pa‘upena CDC



- J-7 Princeslehuanani Kamaewakainakaleomomona
- J-8 Irene Plunkett – Hawai'i Farmers Union Convention

## B. WORKSHOPS

### Office of the Chairman

- C-3 For Information Only – Recommended Changes to Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing

### Land Management Division

- F-4 Update on Revocable Permit/Right of Entry Program Reforms

### Planning Office

- G-3 Update on Pūlehunui Master Plan and Environmental Impact Statement for Regional Infrastructure Master Plan; Pūlehunui, Maui; TMK (2) 3-8-008:008, 035, 036 (Pūlehunui North) and (2) 3-8-008:034 (Pūlehunui South)
- G-4 Maui Regional Plan Priority Project Updates
- G-5 Maui Water Projects and Issues
- G-6 Update on Honokōwai Water System Improvements Project and Draft Environmental Assessment; Honokōwai, Lahaina, Maui; TMK (2) 4-4-002:008, 009, 018 (pors.), (2) 4-4-003:013 (por.), (2) 4-4-004:002 (por.), and (2) 4-5-021:003, 017, 020, and 022 (pors.)

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**  
Paukūkalo Community Center, 657 Kaumuali‘i Street, Wailuku, HI 96793  
Tuesday, October 16, 2018, at 9:00 a.m.

**I. ORDER OF BUSINESS**

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

**II. ITEMS FOR DECISION MAKING**

A. Regular Agenda

Office of the Chairman

- C-4 Approval of Recommended Changes to Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and to proceed with Rulemaking under Hawai‘i Revised Statutes Chapter 91

Administrative Services Office

- H-1 Approval of Amendment No. 1 to the Fiscal Year 2019 Development Budget to the Hawaiian Home Lands Trust Fund and NAHASDA Fund

**III. ITEMS FOR INFORMATION/DISCUSSION**

A. Regular Agenda

Homestead Services Division

D-1 HSD Status Reports

- A - Homestead Lease and Application Totals and Monthly Activity Reports
- B - Delinquency Report
- C – DHHL Guarantees for FHA Contruction Loans

- D-2 For Information Only – Status Report for Seriously (180 days or greater) Delinquent Accounts In the Direct Loan Portfolio

Land Management Division

- F-5 For Information Only - Status of DHHL Solicitation for Renewable Energy Projects in Response to the Hawaiian Electric Companies’ Request for Proposals; Kalaeloa, Island of Oahu, TMK No. (1) 9-1-013:038, 040, 117 & 118; Kahikinui, Island of Maui, TMK No.: (2) 1-9-001:003 (portion); and Kalaoa, Island of Hawaii, TMK No.: (3) 7-3-010:007(portion)

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

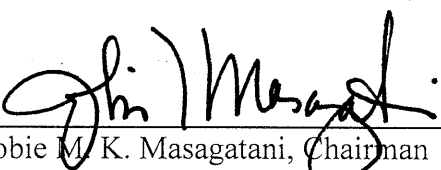
The Commission anticipates convening in executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities on these matters.

1. Direct Settlement Agreement with Homestreet Bank
2. Loan with United States Department of Agriculture-Rural Development (USDA-RD) for DHHL owned water systems in Ho'olehua, Molokai & Anahola, Kaua'i.

#### V. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting – November 19 & 20, 2018, Kapolei, Oahu, Hawai'i
- B. Adjournment

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

  
Jobie M. K. Masagatani, Chairman  
Hawaiian Homes Commission

#### COMMISSION MEMBERS

Randy K. Awo, Maui  
Michael P. Kahikina, O'ahu  
David B. Ka'apu, West Hawai'i  
Pauline N. Namu'o, O'ahu

Zachary Z. Helm, Moloka'i  
Wallace A. Ishibashi, East Hawai'i  
Wren W. Wescoatt, O'ahu  
Vacant, Kaua'i

The community meeting is scheduled for Monday, October 15, 2018, starting at 6:30 pm, at the Paukukalo Community Center.

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 the **Information & Community Relations Office**, on Oahu, (808) 620-9590.

**ITEM D-3 EXHIBIT**  
RATIFICATION OF LOAN APPROVALS

LESSEE	LEASE NO.	AREA
GOMES, Irene	12191	Waiehu Kou IV, Maui
LAU, Jolyn	5430	Paukukalo, Maui

**ITEM D-4 EXHIBIT**  
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
ADAMS, Samuel K.	2227	Kewalo, Oahu
AHUNA, Reydan P.	2032	Kewalo, Oahu
BALDADO, Robert G.	9661	Keaukaha, Hawaii
BARNES, Edlynn K. K.	5510	Lualualei, Oahu
BLACKBURN, Joseph G. I., III	12233	Waiehu 4, Maui
CHING, AMBROSE D. Y. K., Jr.	8276	Lualualei, Oahu
COX, Clifford K., Jr.	9429	Kaniohale, Hawaii
HUBBARD, Eva K.	8586	Nanakuli, Oahu
KAHOOPII, Orson D.	8913	Nanakuli, Oahu
KAHUI, Kapono	11281	Kakaina, Oahu
KAIKALA, David	3659	Nanakuli, Oahu
KAIMIKAU, Kevin	11570	Kanehilo, Oahu
KANUI, Danielle R. S.	8453	Princes Kahanu Estates, Oahu
KEKUEWA, Susan R. N.	9877	Maluohai, Oahu
KIM, Kaipo H.	5194	Nanakuli, Oahu
KO, Elden K.	11921	Kaupea, Oahu
KUKONU, Moku L.	7278	Nanakuli, Oahu
MARFIL, Byron H.	5142	Nanakuli, Oahu
MARTIN, Laurie-Jean K.	4311	Anahola, Kauai
McFEELEY, Lillian K.	2926	Nanakuli, Oahu
OHELO, Steven J. K.	2244	Waimanalo, Oahu
PAAHANA-LAKE, Ryan	12211	Waiehu 4, Maui
PAAHANA-LAKE, Shirley A.	12211	Waiehu 4, Maui
PAALUA, Ryder H.	9265	Kaniohale, Hawaii
PILA, Abby G. K.	9817	Maluohai, Oahu
SCHUTTE, Barney J.	3392E	Puukapu, Hawaii
TEXEIRA, Lehuanani	8191	Nanakuli, Oahu
WERNER-CELES, Ronnelle K. E. A.	8373	Princes Kahanu Estates, Oahu
WILLIAMS, Kaila G. K. H.	8113	Waiakea, Hawaii
YAMASHITA, Irmgard K.	8216	Paukukalo, Maui
YEE, Rowland P.	2953	Nanakuli, Oahu

**ITEM D-5 EXHIBIT**

## APPROVAL OF REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
KUAMOO, Debra K.	1078	Keaukaha, Hawaii

**ITEM D-6 EXHIBIT**

## APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
ALAMA, Margaret Ann D.K.	11414	Kaupea, Oahu
ARMITAGE, Carinthia U.	5344	Waianae, Oahu
HOPEAU, Halene K.	5264	Waianae, Oahu
JOHNSON, Daryl K.	5450	Paukukalo, Maui
KAHAE, Earl T. II	7499	Waiohuli, Maui
KAHALIOUMI, Kristen K.	9405	Kaniohale, Hawaii
KAILIHIWA, Charlene L.B.	3723	Waimanalo, Oahu
KELIIKOA, Uilani	12699	Kaupuni, Oahu
ROSARIO, Sunny K.	12691	Kaupuni, Oahu
WANA, Dana	10010	Keaukaha, Hawaii
WASHINGTON, Charmaine P.	10288	Waiohuli, Maui
WRIGHT, Kaala S.	10260	Kalamaula, Molokai

**ITEM D-7 EXHIBIT**

## APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
KAMANO-WAIALAE, Violet E.A.	3997	Waimanalo, Oahu

**ITEM D-8 EXHIBIT**

## HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AKINA, John H., Jr.	Oahu IW Res
BORDEN, Russell D.A.	Maui IW Pas to Maui IW Agr
CHARMAN, Malia	Oahu IW Res
GONSALVES, Marion P.K.	Oahu IW Res
HALUNAJAN, Kehaulani K.	Molokai IW Agr to Hawaii IW Agr
INCIONG, Debora	Kauai IW Agr to Hawaii IW Agr
INCIONG, Debora	Kauai IW Res to Hawaii IW Res
KAHIKINA, Kanoe-Okuuio M.	Oahu IW Agr to Hawaii IW Agr
KAHIKINA, Kanoe-Okuuio M.	Oahu IW Res to Hawaii IW Res
KALAHIKI, Kealii K.	Oahu IW Agr to Maui IW Agr
KALAHIKI, Kealii K.	Hawaii IW Res to Oahu IW Res
KALEIWAHEA, Carol P.	Hawaii IW Res
KAUHI, Rayne K.	Oahu IW Res
KUAHIWINUI, Eddie K., Jr.	Hawaii IW Pas to Hawaii IW Agr

LAA, Jared David K.	Oahu IW Res
LEE, Cornelia	Hawaii IW Agr to Maui IW Agr
LEE, Cornelia	Hawaii IW Res to Maui IW Res
NAKI, Kilika C.B.	Oahu IW Res
NEEDHAM, Anthony K.	Oahu IW Res to Hawaii IW Res
RAMOS, Deardra K.	Maui IW Agr to Hawaii IW Agr
RAMOS, Deardra K.	Maui IW Res to Hawaii IW Res
SHOAF, Robert A.H., Sr.	Maui IW Pas to Oahu IW Agr
SHOAF, Robert A.H., Sr.	Maui IW Res to Oahu IW Res
UWEKOOLANI, Pamela N.	Maui IW Agr to Hawaii IW Agr
UWEKOOLANI, Pamela N.	Maui IW Res to Hawaii IW Res
WARO, Andrea G.	Hawaii IW Res to Lanai IW Res
WARO, Andrea G.	Maui IW Agr to Hawaii IW Agr
WONG, Wallis K.	Oahu IW Res

\* IW = Islandwide

#### **ITEM D-9 EXHIBIT**

#### **APPROVAL OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND DESIGNATION OF PERSONS TO RECEIVE THE NET PROCEEDS**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AKAKA-WRIGHT, Momilani	8323	PKE, Oahu
ALFAPADA, Violet R.K.	3798	Nanakuli, Oahu
APO, April K.	196	Hoolehua, Molokai
AUWAE, Duane K.	6896	Panaewa, Hawaii
GALI, Edward G.	10891	Laiopua, Hawaii
JAENTSCH, Mabel K.	5549	Keaukaha, Hawaii
VIELA, Harold Lloyd	4480	Waianae, Oahu

#### **ITEM D-10 EXHIBIT**

#### **APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
JAQUES, Roberta L.	9270	Kaniohale, Hawaii
KAAPUNI, Lihauokalani T.	1769	Nanakuli, Oahu
KAHIKINA, Michael P.	2899	Nanakuli, Oahu
KAIAMA, Walton S.	2664	Kuhio Village, Hawaii
KALAMA, Jeremiah N.	2977	Waimanalo, Oahu
KAHELE, Jerica K.	2977	Waimanalo, Oahu
KALILIKANE, Steven K.	2077	Hoolehua, Molokai
KAUHI, George A.	12188	Waiehu Kou IV, Maui
HOOKANO, Kemamo H.	12188	Waiehu Kou IV, Maui
MANOI, Edward, II	9373	Kaniohale, Hawaii
NEGRILLO, Elizabeth K.	2567	Kalamaula, Molokai
TAKITA, Harriet	2420	Kalamaula, Molokai
NEGRILLO, Elizabeth K.	2420	Kalamaula, Molokai
SCOTT, Joe E.	3893	Nanakuli, Oahu
BROWN, Swayne K.	3893	Nanakuli, Oahu

TAEOLII, Andrew K.	9758	Maluohai, Oahu
WAHILANI, Jane H.	1744	Nanakuli, Oahu
AKINA, John H., Jr.	12480	Kapolei, Oahu
KAHAWAI, Luke P.K.	11139	Anahola, Kauai
KAHALEHOE-BAIR, Margaret P.	11338	Kekaha, Kauai
KITASHIMA, Michael W.M.	10529	Waiohuli, Maui
KITASHIMA, Daniel L.H.	10529	Waiohuli, Maui
MONTGOMERY, Hugh K.	11781	Kapolei, Oahu
AUGUSTIRO, April P.	5766	Hoolehua, Molokai
HOLT, Naomi E.	328	Nanakuli, Oahu
KAIAMA, Dexter K.	2664A	Nienie, Hawaii

#### **ITEM D-11 EXHIBIT**

#### **APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AKINA, John H., Jr.	12480	Kapolei, Oahu
ALFAPADA, Violet R.K.	3798	Nanakuli, Oahu
APO, April K.	196	Hoolehua, Molokai
CRIVELLO, Stephanie S.H.	2304-A	Kalamaula, Molokai
GABIN, Joseph	9471	Waiehu Kou II, Maui
GABIN, Carmen J.	9471	Waiehu Kou II, Maui
HOLT, Naomi E.	328	Nanakuli, Oahu
MCFEELEY, Lillian K.	2926	Nanakuli, Oahu
NEGRILLO, Elizabeth K.	2567	Kalamaula, Molokai
SANCHEZ, Bonnie Jay	3392-A	Puukapu, Hawaii
SCHUTTE, Barney J.	3392-E	Puukapu, Hawaii
SCOTT, Joe E.	3893	Nanakuli, Oahu
TAKITA, Harriet	2420	Kalamaula, Molokai
WRIGHT, Lorina M.	3274	Nanakuli, Oahu
WRIGHT-AIO, Pamela H.	3274	Nanakuli, Oahu

#### **ITEM D-12 EXHIBIT**

#### **APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AH HEE, Abraham A., Jr.	11459	Leialii, Maui
HOOKANO, Kaimana M.	12188	Waiehu Kou 4, Maui
KAHANUI, Danette L.	8964	Kawaihae, Hawaii
KAINOA, Godfrey K.	7232	Kawaihae, Hawaii
KEKAUOHA, Charity	10254	Hoolehua, Molokai
LAU, Kamalani M.	11686	Kanehili, Oahu
MAHAULU, Eliza N.	4627	Waianae, Oahu
NAKAGAWA, Martha K.	710	Hoolehua, Molokai
PEILER, William P.	4499	Nanakuli, Oahu
RITTE-MANAGAN, Tiare Li-Noe	7854	Kalamaula, Molokai
VENTURA, John	7149	Kawaihae, Hawaii

**ITEM D-13 EXHIBIT**

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

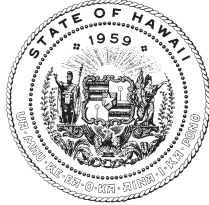
<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
LAINAHOLO, Ellen	4209	Waiakea, Hawaii
GOMES, Raymond T., Jr.	4984	Hoolehua, Molokai
KEAWE, John M.	6699	Waianae, Oahu

**ITEM F-3 EXHIBIT**

RIGHT OF ENTRY PERMITS MAUI ISLAND

<b>ACRE</b>	<b>ROE No</b>	<b>Use</b>	<b>Permitee</b>	<b>Location</b>	<b>TMK</b>	<b>Date Started</b>
69.000	496	Community	Keokea Homestead Farm Lot Association, P. O. Box 748, Kula, Hawaii 96790	Keokea	(2) 2-2-002:055	7/1/2013
6.820	493	Community	Waiohuli Hawaiian Homesteaders Assoc., Inc., P. O. Box 698, Kahului, Hawaii 96790-0698	Kula	(2) 2-2-002:056(P)	7/1/2013
3.000	497	Community	Village of Lei Alii Assn., 124 Aupuni Street, Lahaina, Hawaii 96761	Leialii	(2) 4-5-021:020 (p)	7/1/2013





HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

# Notice of Annual Hawaiian Homes Commission Regular Meeting on Maui

on Monday, October 15, 2018 at 9:30 a.m.\*  
and Tuesday, October 16, 2018 at 9:00 a.m.

at the Paukukalo Community Center  
655 Kaumuali'i Street, Wailuku, Hawai'i 96793

Hawaiian Homes Commission Meeting agendas are available approximately one week  
in advance on the HHC Meetings page of our website [dhhl.hawaii.gov](http://dhhl.hawaii.gov)

\*Meeting times are subject to change. Please check the website for an updated schedule.

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## Hawaiian Home Commission Meeting with the Maui Homestead Communities

on Monday, October 15, 2018 from 6:00 p.m. – 8:00 p.m.  
at the Paukukalo Community Center  
655 Kaumuali'i Street, Wailuku, Hawai'i 96793

### AGENDA

6:00 - 6:30 p.m.	DHHL Update
6:30 - 7:00 p.m.	Homestead Community Update
7:00 - 8:00 p.m.	Open House**
8:00 p.m.	Adjournment

\*\*During Open House, representatives from DHHL divisions will be available for one  
on-one consultation with beneficiaries. Community organizations will also present  
informational booths.

*To request accommodations for a sign language interpreter or accessible parking (must be requested five days prior to the meeting  
date), or for more information, please contact the DHHL Information and Community Relations Office on O'ahu at 808-620-9590.*

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

October 15 & 16, 2018

Paukukalo, Maui

C-ITEMS  
**OFFICE OF THE CHAIRMAN**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15 &16, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Niniau Simmons, NAHASDA Manager  
SUBJECT: ITEM C-1 Acceptance of the 2018 Native Hawaiian Housing Block Grant Annual  
Performance Report

*RELEVANT MATERIAL WILL BE DISTRIBUTED AT THE TABLE.*

ITEM NO. C-1

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

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



SUBJECT: Acceptance of Amended Beneficiary Consultation Report  
on Department of Hawaiian Home Lands Proposed  
Amendments to Title 10, Hawaii Administrative Rules  
for DCCRs; Multi-Family, Rentals, and Kupuna Housing;  
and Supplemental Dwelling Units

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission accept the amended  
Beneficiary Consultation Report for proposed administrative  
rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and  
Supplemental Dwelling Units.

DISCUSSION:

In accordance with the Administrative Rules Development,  
Review, and Amendment Process adopted by the Hawaiian Homes  
Commission in July 2015, the Department of Hawaiian Home Lands  
conducts Beneficiary Consultation before initiating rulemaking  
under Ch.91, HRS.

The HHC approved the DHHL's request to proceed with  
beneficiary consultation regarding proposed administrative rules  
amendments for DCCRs; and Multi-Family, Rentals, and Kupuna  
Housing at its December 2017 meeting and the request to proceed  
to beneficiary consultation regarding proposed administrative  
rule amendments for Supplemental Dwelling Units at its January  
2018 meeting. From April 30, 2018 to July 30, 2018, the DHHL  
conducted statewide beneficiary consultation meetings to discuss  
with and get feedback from beneficiaries about the proposed rule  
amendments.

Although the Beneficiary Consultation Report was originally  
accepted at the September 2018 regular meeting, it was  
subsequently discovered that an entire section of recorded

beneficiary comments related to multi-family, rentals, and kupuna housing was not attached to the original report. The complete Amended Beneficiary Consultation Report is attached (see Exhibit 1).

RECOMMENDATION:

Staff requests acceptance of the Amended Beneficiary Consultation Report for Proposed Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and Supplemental Dwelling Units.

Acceptance of the Beneficiary Consultation Report does not indicate concurrence or approval of any information or comments that may appear therein.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Beneficiary Consultation Report on Department of  
Hawaiian Home Lands Proposed Amendments to Title 10,  
Hawaii Administrative Rules for DCCRs; Multi-Family,  
Rentals, and Kupuna Housing; and Supplemental Dwelling  
Units

DISCUSSION:

Pursuant to Hawaii Revised Statutes section 91-5, each agency is required to adopt and maintain administrative rules. In accordance with the Administrative Rules Development, Review, and Amendment Process adopted by the Hawaiian Homes Commission in July 2015, the Department of Hawaiian Home Lands conducts beneficiary consultation before initiating rulemaking under Ch.91, HRS.

At its December 2017 meeting, the HHC approved the DHHL's request for "Approval to Proceed to Beneficiary Consultation for Draft Administrative Rule Related to Declaration of Covenants, Conditions, and Restrictions (DCCR) Communities, Multi-Family Housing, and Rentals" (see Exhibit A). These proposed amendments to Title 10, Hawaii Administrative Rules, would adopt a new chapter to DHHL's administrative rules. At its January 2018 meeting, the HHC approved the DHHL's request for "Approval to Proceed to Beneficiary Consultation for Draft Administrative Rules Related to Supplemental Dwelling Unites on Hawaiian Home Lands" (see Exhibit B). From April 30, 2018 to July 30, 2018 the DHHL conducted statewide beneficiary consultation meetings to discuss with and get feedback from beneficiaries about the proposed rule amendments.

Summary of Beneficiary Consultation Process

The Department mailed meeting notification flyers to all lessees and beneficiaries on the waitlists with a valid mailing address on file (see Exhibit C). Based on feedback from previous consultations that the meeting notice was received too far in advance, staff staggered the mailout so that each community would receive notice for the meeting nearest their mailing address three to four weeks in advance of the meeting.

Each meeting was held in the evening from 6:00 p.m. to 9:00 p.m. Staff chose meeting venues close to DCCR communities to encourage attendance by those lessees because draft rules for DCCR communities was part of the consultation package and is aimed at improving relations and enforcement within DCCR communities. Because of this, two meetings were held on Maui, one in Paukukalo and one in Lahaina, and the West Hawaii meeting was held in Kailua-Kona instead of Waimea. In all, eight consultation meetings were held and over 380 beneficiaries attended. The chart below shows the meeting location, date, and the number of attendees that signed-in:

Community	Meeting Date	Attendees Signed In
Molokai	April 30, 2018	52
Kauai	May 7, 2018	30
Paukukalo	May 21, 2018	72
Lahaina	June 5, 2018	6
Keaukaha	June 25, 2018	74
Kailua-Kona	July 9, 2018	28
Honolulu	July 23, 2018	46
Kapolei	July 30, 2018	80
Total Signed In:		388

At each meeting, a powerpoint presentation was used to provide information about administrative rulemaking and to introduce the content of the proposals (see Exhibit D). Handouts of the powerpoint and Frequently Asked Questions for each topic were provided to attendees (see Exhibit E). After the presentation, facilitated discussions about each topic proposed from rulemaking were conducted. Each topic had a thirty minute block of time dedicated to discussion. One facilitation team member was assigned to take detailed notes during the discussions; these notes comprise the bulk of the record of comments received (see Exhibit F).

The format used at the consultation meetings was designed to solicit beneficiary input through facilitated conversation focusing on how the proposed amendments could be made better.

The Department posed questions intended to initiate conversation and highlight issues from the Department's perspective. The questions for discussion were:

DCCR Questions:

1. The DCCRs are part of your homestead lease. Under the proposed rules, if the DCCRs are not followed, it can lead to lease cancellation. Are there other enforcement measures DHHL should consider in DCCR communities?
2. All lessees in DCCRs are required to pay monthly assessments to the association for upkeep of common areas and to keep the association going. What types of common areas are needed in homestead communities?
3. DCCRs include design restrictions on how you build your house. What types of design restrictions should/not be part of the DCCRs?

Multi-Family and Rentals Questions:

1. Should DHHL do multi-family housing? Leases? Rentals? Both?
2. Are there other housing options DHHL should provide or support beyond multi-family, rentals, and single-family homes? How do we keep housing affordable for beneficiaries?
3. Who should be allowed to rent on Hawaiian Home Lands?
4. What are some criteria that DHHL should consider in selecting a management company? Why?

Supplemental Dwelling Units Questions:

1. Do you support supplemental dwelling units on HHL? Why?
2. When should SDUs be allowed? What criteria should DHHL use to make that determination?
3. The proposal is a pilot project for residential lots on Oahu and Hawaii Island. What do you think about that?
4. Who can live in an SDU on HHL?
5. Size of an SDU has an impact on the value of the structure. Should DHHL limit the size of the SDU based on an appraisal cap to limit liability for the trust and keep units on HHL affordable?

Beneficiaries were also encouraged to share their thoughts about the proposals, whether in response to the Department's questions or not.

The Department created a webpage dedicated to the rules process (<http://dhhl.hawaii.gov/po/beneficiary-consultation/dhhl-administrative-rules-dccrs-multi-family->



rentals-kupuna-housing-and-supplemental-dwelling-units/) for those beneficiaries that could not attend the meetings or who wanted to access information independently. The information posted on that page includes: the consultation meeting agenda; text of the proposed rule changes; frequently asked questions.<sup>1</sup>

In addition to comments collected in the facilitated discussions at the meetings, beneficiaries could submit written comments using green comment sheets provided at the meetings, an online form available on the rules webpage, email, or mail. Three comments were received on the green comment sheets at the meetings. The period to submit written comments closed on August 30, 2018. Two beneficiaries commented by email, two used the online form, and one sent comments by fax (see Exhibit F).

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<sup>1</sup> The webpage will be updated as the rulemaking process moves forward.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 18, 2017

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Approval to Proceed to Beneficiary Consultation for  
Draft Administrative Rules Related to Declaration of  
Covenants, Conditions, and Restrictions (DCCR)  
Communities, Multi-Family Housing, and Rentals



RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve proceeding to beneficiary consultation for draft administrative rules related to Declaration of Covenants, Conditions, and Restrictions (DCCR) Communities, Multi-Family Housing, and Rentals.

DISCUSSION:

The department has been working on draft administrative rules that would address section 207.5 of the Hawaiian Homes Commission Act, including DCCR homestead communities as well as multi-family housing and rentals. At the September 2017 Hawaiian Homes Commission meeting, staff presented a workshop about the relationship between DCCR homestead communities and the Department of Hawaiian Home Lands. Later that month, the Department convened a meeting with the DCCR associations' leadership to discuss the same topic and to get input on administrative rules that would govern the relationship between DCCR communities and the Department. At the November 2017 HHC meeting, staff provided the HHC with an update in light of the meeting with DCCR community leadership.

The draft rules that would be presented for beneficiary consultation include provisions specific to the DCCR communities and include provisions for multi-family housing and rental housing. The draft attempts to address challenges identified by the DCCR leadership and create a process inclusive of lessons learned should the Department use the DCCR model for future homestead communities. Staff believes the language is drafted

to allow various combinations of development and housing types providing greater flexibility in future homestead development. The draft rules are attached as Exhibit A.

RECOMMENDATION:

Staff respectfully requests approval of the motion as stated above.

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-7  
Hawaii Administrative Rules

[ ]

1. Chapter 10-7, Hawaii Administrative Rules,  
entitled "Planned Communities, Multi-Family Complexes,  
and Rental Housing", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 7

PLANNED COMMUNITIES, MULTI-FAMILY COMPLEXES, AND  
RENTAL HOUSING

Subchapter 1 General Provisions

\$10-7-1 Definitions  
\$10-7-2 Applicability of chapter  
\$10-7-3 Method of disposition  
\$10-7-4 Native Hawaiian cultural values  
\$10-7-5 Interpretation  
\$\$10-7-6 to 10-7-9 (Reserved)

Item C-2; Exhibit A

EXHIBIT A

## Subchapter 2 The Declaration

- \$10-7-10 Establishment of the declaration
- \$10-7-11 Supplemental provisions of the declaration
- \$\$10-7-12 to 10-7-15 (Reserved)

## Subchapter 3 The Association

- \$10-7-16 Establishment of the association
- \$10-7-17 Period of declarant control
- \$10-7-18 Membership
- \$10-7-19 Voting
- \$10-7-20 Vacant lots
- \$10-7-21 Unoccupied units
- \$10-7-22 Budget
- \$\$10-7-23 to 10-7-25 (Reserved)

## Subchapter 4 Obligations of the Lessee

- \$10-7-26 Planned community education
- \$10-7-27 Association membership
- \$10-7-28 Payment of assessments
- \$10-7-29 Alteration of the unit prohibited
- \$\$10-7-30 to 10-7-34 (Reserved)

## Subchapter 5 Enforcement of Governing Documents

- \$10-7-35 Compliance required
- \$10-7-36 Enforcement
- \$10-7-37 Civil action
- \$\$10-7-38 to 10-7-40 (Reserved)

## Subchapter 6 Rental Housing

- \$10-7-41 Rental housing offers
- \$10-7-42 Kupuna housing
- \$10-7-43 Rental agreement controlling
- \$10-7-44 Successorship
- \$10-7-45 Vacant units
- \$10-7-46 Conversion to lessee

## SUBCHAPTER 1

### GENERAL PROVISIONS

**§10-7-1 Definitions.** As used in this chapter and any k       or governing documents unless otherwise required by the context:

"Assessments" means funds collected by an association from association members to operate and manage the association, maintain property within the planned community or multi-family complex for the common use or benefit of association members, or provide services to association members.

"Association" means a nonprofit, incorporated, or unincorporated organization made up of all of the lessees within a Hawaiian home lands planned community or multi-family complex existing pursuant to covenants running with the land. In certain circumstances, the department may be part of the association.

"Board of directors" or "board" means the governing board or other body, regardless of name, designated in the governing documents to act on behalf of the association.

"Declarant" means the department or any person or entity to which the department has assigned any or all of the rights and obligations of the declarant set forth in the governing documents.

"Declaration" means any recorded instrument, however denominated, that creates a Hawaiian home lands planned community or multi-family complex, including any amendments to the instrument.

"Developer" means a person or entity who is contracted by the department to undertake development of a planned community or multi-family complex for, or in partnership with, the department.

"Governing documents" means the articles of incorporation or other document creating the association, the bylaws of the association, the declaration or similar organizational documents and any exhibits thereto, any rules related to use of

common areas, architectural control, maintenance of units, restrictions on the use of units, or payment of money as regular assessment or otherwise in connection with the provisions, maintenance, or services for the benefit of some or all of the units, the owners, or occupants of the units or common areas, as well as any amendments made to the foregoing documents.

"Lot" means any plot of land designated as a lot upon any recorded subdivision map of the development property and upon which a dwelling unit could be or has been constructed in accordance with all relevant Hawaii law. Lot shall not include the common areas.

"Member" means the lessee of a lot under a homestead lease from the department, or anyone included in the definition of a member under the governing documents.

"Multi-family complex" means a homestead or mixed use development on Hawaiian home lands that is subject to chapter 514A and 514B, HRS, as applicable, insofar as it does not conflict with this title and the act.

"Planned community" means a homestead or mixed use development on Hawaiian home lands that is subject to chapter 421J, HRS, insofar as it does not conflict with this title and the act.

"Property management company" means a person or entity that is contracted by the department or the developer to enter in to rental agreements with renters and undertake daily operations and management of a Hawaiian home lands rental housing development.

"Record" or "recorded" means to record in the bureau of conveyances in accordance with chapter 502, HRS, or to register in the land court in accordance with chapter 501, HRS, as appropriate.

"Rental agreement" means all written agreements, between a renter and the property management company or department, or both, which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit and premises, and may include an option to purchase.

"Rental housing development" means a Hawaiian home lands housing development, which may be comprised

of single family lots or multi-family housing complex, or both, for which rental agreements govern the terms and conditions of use and occupancy of the units. A rental housing development shall be managed by a property management company.

"Renter" means a native Hawaiian who occupies a dwelling unit for dwelling purposes under a rental agreement as part of a Hawaiian home lands rental housing development.

"Unit" or "dwelling unit" means any portion of property, as improved, intended for use and occupancy as a residence within a planned community or multi-family complex. [Eff and comp ]

(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-2 Applicability of chapter.** (a) This chapter shall apply to all planned community developments on Hawaiian home lands consisting of single-family lots or a multifamily complex, or both for which the declaration is recorded after XX, XX, 2017.

(b) This chapter may apply to an association for which the declaration was recorded before XX, XX, 2017, if adopted by a majority vote of the association. . [Eff and comp ]

(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-3 Method of disposition.** (a) The department may award homestead leases under the authority of this chapter.

(b) Any combination, or all of the department, the developer, and the property management company may enter into contracts of sale or rental agreements with native Hawaiians as verified by the department. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)



**§10-7-4 Native Hawaiian cultural values. (a)**

The governing documents shall take in to account and embody native Hawaiian cultural values as appropriate for the location, development, and lessees.

(b) General parameters and guidelines shall be developed by the department through beneficiary consultation. The finalized document shall be approved by the commission and included in the declaration. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-5 Interpretation** This chapter and any governing documents subject hereto shall be implemented and interpreted within the spirit of the act, including to promote native Hawaiian values and sense of place in the best interest of the lessees, renters, and residents living in planned communities, multi-family complexes, or rental housing developments on Hawaiian home lands. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-6 to 10-7-9 (Reserved)

SUBCHAPTER 2

THE DECLARATION

**§10-7-10 Establishment of the declaration. (a)**

The declarant shall cause the declaration to be drafted according to the following:

- (1) The declaration shall be in conformity with

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- all relevant Hawaii law; and
- (2) The declaration shall include the document developed under subsection 10-7-5(b) and accordingly take in to account and embody native Hawaiian cultural values as appropriate for the location and development.
- (b) Upon approval of the declaration by the commission, the declarant shall record the declaration. The declaration shall be recorded prior to the execution of any lease or sales contract.
- (c) The declaration shall inhere in the land and shall bind subsequent lessees. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-11 Supplemental provisions of the declaration.** The declarant is authorized to adopt supplemental provisions in accordance with this chapter to implement and carry out the purposes of this chapter; provided that any of the supplemental provisions adopted shall not conflict with the act and this title. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-13 to 10-7-15 (Reserved)

### SUBCHAPTER 3

### THE ASSOCIATION

**§10-7-16 Establishment of the association.** The declarant shall establish the association not later

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than the date upon which the first unit in the planned community or a multi-family complex is ready for occupancy. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-17 Period of declarant control.** (a) As appropriate for the development and when provided in the declaration, the declarant may maintain a class B membership in the association for a fixed period while units are being awarded and first occupied. This period shall be known as the period of declarant control and shall terminate not later than the time at which all units or lots have been transferred to lessees.

(b) During the period of declarant control, the declarant may appoint and remove the members of the board.

(c) Not later than four months before the termination of any period of declarant control, the members shall elect a board of directors as provided in the governing documents. The declarant and the department shall coordinate with the newly member-elected board to transition from declarant control in a transparent manner that ensures the member-elected board is equipped and prepared to govern the association. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-18 Membership.** The association may be made up of lessees and the declarant, and divided in to two membership classes.

- (1) Lessees shall maintain a class A membership.
- (2) The declarant may maintain a class B membership for a fixed period. Class B membership shall terminate and may convert to a class A membership not later than the time at which the period of declarant

control terminates. [Eff and  
comp ] (Auth: HHC Act \$222)  
(Imp: HHC Act \$207.5)

**\$10-7-19 Voting.** Class A membership and class B membership shall have voting powers as set by the declarant in the declaration, provided each class A member shall have one vote and, during the period of declarant control, class B membership shall have a greater number of votes per lot or unit than class A membership. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**\$10-7-20 Vacant lots.** (a) Assessments rates shall be set after the lots have been designed and plotted, number of lots in the development are finalized, and preliminary budget determined. Lots intended to be vacant due to engineering constraints or health and safety concerns shall not be included in calculating the pro-rata assessment amounts. If a lot becomes unsuitable for a residence, assessments shall be recalculated to exclude the unsuitable lot.

(b) Assessments due on vacant lots that are awarded as owner-builder or self-help are the responsibility of the lessee upon the signing of the lease. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**\$10-7-21 Unoccupied units.** (a) The department shall use all due diligence to fill developed units that become unoccupied. The department shall not be responsible for assessments due on those units unless the assessments lost due to the number of empty units threatens the viability of the association.

(b) An association with unoccupied units shall report annually to the department regarding income and

projected economic viability. If economic viability is threatened, the association may request payment of future assessments from the department until the empty units are filled. Such request is subject to approval by the commission. If approved, amounts due shall accrue from the date of receipt by the department, as indicated on the date and time stamp, of the request from the association. [Eff and comp ]  
(Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**§10-7-22 Budget.** Each association shall adopt a budget and rate schedule, according to the governing documents, and submit the budget and rate schedule to the department between June 1 and June 30 of each year. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

§§10-7-23 to 10-7-25 (Reserved)

#### SUBCHAPTER 4

#### OBLIGATIONS OF THE LESSEE

**§10-7-26 Planned community education.** (a) To facilitate informed decision-making by homestead applicants, before award letters are mailed, the department shall notify the appropriate applicant field of a mandatory planned community orientation. This orientation shall provide an overview of rights, responsibilities, obligations, and benefits of planned community living, as well as possible consequences for non-compliance.

(b) Prior to signing a lease, the future lessee shall attend a planned community education training

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program approved by the department, which shall include training specific to the development regarding member and association obligations and rights, and community planning and governance. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-27 Association membership.** (a) Upon signing the lease, the lessee shall become a member of the association. By signing the lease, lessee also agrees to abide by the governing documents.

(b) Lessees shall ensure that members of their family who reside with the lessee, and guests and invitees of such lessee, observe and perform the provisions regarding use and occupancy set forth in the governing documents. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-28 Payment of assessments.** The lessee shall pay assessments to the association in accordance with the governing documents. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-29 Alteration of the unit prohibited.** The lessee shall not construct or alter any improvements on the property except in accordance with the governing documents and with written approval of the department under section 10-3-34. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-30 to 10-7-34 (Reserved)

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## SUBCHAPTER 5

### ENFORCEMENT OF GOVERNING DOCUMENTS

**§10-7-35 Compliance required.** The association, all lessees, and other persons lawfully in possession and control of any property interest shall comply with the bylaws, any rules lawfully adopted by the association, and any covenant, condition, and restriction set forth in any recorded document to which they are subject. [Eff and comp  
] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-36 Enforcement.** (a) The declaration shall include a formal process for the association to enforce the governing documents, including collection of delinquent assessments and any lease violations.

(b) The association shall adopt a collection policy with formal procedures whereby the lessee shall have the opportunity to settle amounts owed the association, including but not limited to delinquent assessments, penalties, late fees, and associated costs, before private legal action to collect the debt is taken under the authority of the association and section 10-7-37.

(c) If collection of the debt is unsuccessful through private legal action under the authority of the association and section 10-7-37, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. The decision and order of a contested case hearing may direct the department to assume the outstanding debt on the unit, including but not limited to delinquent assessments, penalties, late fees, and associated costs.

(d) The association shall adopt formal procedures for the enforcement of lease violations other than delinquent assessments whereby the lessee shall have at least 90 days to cure the violation. If the lessee fails to cure the violation within the time provided, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-37 Civil action.** Any violation is grounds for the association, any lessee, or lawful interest holder to commence a civil action for damages, injunctive relief, or both, and an award of court costs and reasonable attorney's fees in both types of action. The department shall not be party to any civil suit related to the violation of or noncompliance with the bylaws, any rules lawfully adopted by the association, or any covenant, condition, and restriction set forth in any recorded document. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-38 to 10-7-40 (Reserved)

## SUBCHAPTER 6

### RENTAL HOUSING

**§10-7-41 Rental housing offers.** If rental housing is available, the department and the property management company shall coordinate to offer the rental housing to native Hawaiians.

(1) The department shall notify residential

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applicants on the respective area or island wide waiting lists of the rental housing opportunity.

- (2) The department shall provide the property management company with the list of native Hawaiians, who replied to the notice in paragraph (1), in rank order according to the appropriate waiting list.
- (3) The property management company shall identify qualified potential renters from the list based upon the rental program parameters and notify the department.
- (4) The department shall verify the application status of those native Hawaiians identified by the property management company as qualified for the rental program. Upon verification, the department or the property management company, or both, shall make the rental housing offers. [Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act §207.5)

**§10-7-42 Kupuna housing.** (a) A native Hawaiian, fifty-five years or older may be eligible for kupuna housing. If kupuna housing is available, the department shall notify native Hawaiians that would meet the age requirement for the kupuna housing development. The department and the property management company shall then proceed under section 10-7-41, as applicable.

(b) If a lessee accepts a kupuna housing offer, the lessee shall immediately occupy the kupuna housing unit and, within six months, either transfer or surrender his or her homestead lease. Upon accepting a kupuna housing offer, the lessee becomes a renter and a previous lessee under section 10-3-23.

(c) If the list compiled under subsection (a) has been exhausted and units are still available, the property management company may accept as renters native Hawaiians that are not homestead applicants,

lessees, or previous lessees if the potential renter is:

- (1) Verified by the department as eligible for Hawaiian home lands under the act; and
- (2) Qualified for the kupuna housing development by the property management company.
- (d) The renter's spouse may reside in the unit with the renter. An additional occupant, including an adopted minor or a legal caregiver, may also reside with the renter in the unit as allowed by applicable state or federal law. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-43 Rental agreement controlling.** The rental agreement shall control the rights, responsibilities, and obligations, including eviction, between the renter and the property management company. The rental agreement shall comply with the Hawaii landlord and tenant code, chapter 521, HRS, and the Fair Housing Act insofar as they do not conflict with the act. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-44 Successorship.** (a) If the renter is a homestead applicant, a successor under section 10-3-8 may succeed to the rental agreement; provided the successor meets the rental program requirements that apply to the specific unit. If the successor does not meet the rental program requirements or refuses the unit, the successor shall succeed to the application as provided in section 10-3-8.

(b) For kupuna housing, a spouse eligible to succeed under section 209 of the act and qualified for the kupuna housing unit may succeed to the kupuna housing rental agreement. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-45 Vacant units.** To ensure units do not become vacant for unnecessarily long periods of time, the property management company shall request from the department, as appropriate, names of additional potential renters. Upon such request, the department and the property management company shall proceed under section 10-7-41. If parameters of the previous offering have not changed, the department shall provide notice to the list of applicants in rank order from the application date of the last applicant previously contacted for the rental housing development. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-46 Conversion to lessee.** A renter who is a homestead applicant shall remain a homestead applicant during the rental period. The renter's homestead application and rank on any waiting list shall be maintained without regard to his or her status as a renter. The renter shall become a lessee upon signing a homestead lease." [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

2. The adoption of chapter 10-7, 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 drafter 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.

Item C-2; Exhibit A

EXHIBIT A

APPROVED AS TO FORM:

Item C-2; Exhibit A

EXHIBIT A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

January 29, 2018

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Approval to Proceed to Beneficiary Consultation for  
Draft Administrative Rules Related to Supplemental  
Dwelling Units on Hawaiian Home Lands



RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve proceeding to beneficiary consultation for draft administrative rules related to supplemental dwelling units on Hawaiian Home Lands.

DISCUSSION:

In March 2017, staff presented a workshop to the Hawaiian Homes Commission about supplemental dwelling units and some of the unique challenges that would be faced by lessees interested in building a second dwelling unit on their lots. Since that time, staff have endeavored to create a supplemental dwelling unit process that is as simple as possible for residential lessees. Although the draft rules rely on the counties' building codes and permitting processes, the department must conduct a review of the lot, lessee compliance, and the proposed occupant or renter because the Hawaiian Homes Commission Act contains specific requirements that must be followed, authorities that cannot be compromised, and processes whose implementation carries consequences for which the department must plan and anticipate.

The text of the draft rules is attached as Exhibit A. In summary, the draft rules structure the program as follows:

**\$10-3-40.03 Pilot Program.** The program would commence as a five-year pilot program on the islands of Oahu and Hawaii. These counties were chosen because the department has a working relationship with their permitting and planning offices that can facilitate the process for lessees and help ensure the success

of the program. There is a mandatory evaluation for the program after three years. If found to be successful, the department can expand the program by the end of year five or the program will terminate.

**\$10-3-40.04 SDU application and review.** A completed application would be submitted by the lessee, reviewed by the department, and approved by the commission. The structure and related improvements must be permitted by the county and meet all county building requirements but the language allows the commission to provide otherwise.

**\$10-3-40.05 Lot requirements.** DHHL review of the lot ensures a supplemental dwelling is compatible with the specific lot, the Island Plan, and the Area Plan. Although also requiring the lot meet county regulations for additional dwellings, the language ensures the department has final control over land use decisions by providing that the department may waive certain county requirements based upon the area or site itself.

**\$10-3-40.06 Lessee obligations, generally.** The lessee must be in good standing at all times.

**\$10-3-40.07 Supplemental dwelling units.** In addition to setting size limitations, the supplemental dwelling can be categorized as an "ohana SDU" or a "rental SDU." For ohana use, the occupant must be a qualified relative of the lessee under HHCA section 209. For rental use, the HHCA section 208 requires the renter be native Hawaiian. The Department would verify the status of the occupant or the renter. Ohana use is intended to help lessee families who live in crowded conditions such that different generations could reside in different units but still contribute to the household as a single unit. Rental use, however, is intended as an income producing option for lessees and as providing additional housing options for native Hawaiian families.

RECOMMENDATION:

Staff respectfully requests approval of the motion as stated above.

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 3

NATIVE HAWAIIAN REHABILITATION PROGRAM

SUBCHAPTER 3.1

SUPPLEMENTAL DWELLING UNIT

**§10-3-40.01 Purpose.** The purpose of this subchapter is to provide residential lessees who qualify with the option to build a supplementary dwelling unit that could help ease certain housing issues facing native Hawaiian families like need, overcrowding, and financial strain. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §208)

**§10-3-40.02 Definitions.** As used in this subchapter, unless context clearly provides otherwise, "Dwelling unit renter" means the native Hawaiian who rents, from the lessee, either the primary dwelling unit or SDU individually, or with the native Hawaiian's immediate family, maintaining a common household to the exclusion of others.

"Good-standing" means the status of a lessee who is in compliance with all obligations contained in the residential homestead lease, the act, and this title.

"Ohana occupant" means the qualified relative under section 209(a) of the act who resides in either the primary dwelling or the ohana SDU individually or with the ohana occupant's immediate family.

"Supplemental dwelling unit (SDU)" means a dwelling unit that is supplementary to the primary dwelling, is smaller in size, has a separate entry, and includes its own kitchen, bedroom, and bathroom facilities. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$208)

**\$10-3-40.03 Pilot program.** Upon promulgation of this subchapter, the SDU program shall commence as a five-year pilot program on the islands of Oahu and Hawaii. The program shall be evaluated after three years. If deemed successful, the department may continue the program and expand to other islands, or the program shall terminate at the end of the five-year pilot period. Any SDU completed under the pilot program shall remain subject to this subchapter and any lease amendments made in furtherance of the program, even though the SDU program is discontinued or not expanded to other islands or both. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$208)

**\$10-3-40.04 SDU application and review.** (a) The lessee shall complete the application and return it to the department. Within 30 days, the department shall review the application for completeness and notify the lessee whether the application is complete or incomplete. If an application is deemed incomplete, it will be returned to the lessee with further instruction about how to revise. If the lessee fails to revise the application in accordance with the instructions provided and return the application to the department within 30 days, the application shall be cancelled.



(b) All applications require written approval from the commission before construction may commence. Such approval shall be considered only after a completed application has been submitted to the department, including a plan as to design, material, probable value of the SDU structure and related improvements, and any other information required by the department. The SDU structure and related improvements shall be permitted by and meet all building codes or other ordinances and regulations of the respective counties, except as otherwise provided by the commission. The department may take up to 60 days to render a decision on a completed application and notify the lessee of placement on the commission agenda or of the reasons for denying the application.

(c) The department shall not be required to finance construction of the SDU nor shall the department be liable for any cost or expense incurred in the processing and obtaining of the necessary county permits and approvals.

(d) The lessee shall complete construction of the SDU within one year after receiving notice that commission approval has been granted. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §208)

**§10-3-40.05 Lot requirements.** A residential lot may qualify for the SDU program if it meets the following requirements:

- (1) Constructing an SDU on the lot is compatible with the island plan and the area plan;
- (2) The lot is at least 3,500 SF;
- (3) The lot is not landlocked;
- (4) The lot does not have more than one dwelling unit, attached or detached, already existing on the property;
- (5) Private covenants, conditions, and restrictions do not prohibit SDUs; and
- (6) Respective county requirements for an

additional dwelling unit. The department may, with the approval of the chairman, authorize a waiver of certain county regulatory requirements based upon specific area conditions, unique site characteristics, or other constraints related to the lot. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$208)

**\$10-3-40.06 Lessee obligations, generally. (a)**

To participate in the SDU program, the lessee shall be in good-standing at all times.

(b) The lessee shall reside in either the primary dwelling or in the SDU. If the lessee moves into the SDU, the lessee shall provide the department with an updated mailing address in accordance with section 10-3-10(a).

(c) Failure of the lessee to maintain good-standing shall be cause for lease cancellation pursuant to section 10-3-28. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$208)

**\$10-3-40.07 Supplemental dwelling units. (a)**

Any SDU shall fall within the following floor area maximums: 400 square feet (for lots with an area of 3,500 to 4,999 square feet) and 800 square feet (for lots with an area of 5,000 square feet or more).

(b) A lessee may apply for one of the following programs at the time of application:

- (1) Ohana SDU is specifically for non-rental, ohana use purposes. The ohana occupant shall establish the required biological relationship to the lessee to the satisfaction of the department before taking occupancy. The department may allow the ohana occupant to contribute toward

household expenses such as utilities and mortgage payments, if applicable, but rent shall not be charged.

- (2) Rental SDU is specifically for rental purposes, to supplement income for the lessee and potentially help to provide housing for native Hawaiians. The dwelling unit renter shall be qualified under the act by the department but is not required to establish a qualified relationship to the lessee. The department shall prioritize applications from lessees with a verifiable potential tenant currently on a waitlist.
- (A) The minimum rental period agreement on the unit shall be six months;
  - (B) The lessee shall provide a standard lease agreement to the tenant; and
  - (C) Each agreement shall carry a rider written by the department and signed by the lessee and dwelling unit renter that provides the general obligations of the department, waiver of liability, and guarantees made by the lessee.

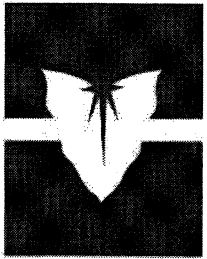
(c) The lessee shall submit a request to the department if the lessee wants to change the program use of the unit. The department shall provide a response to the lessee within 30 days of receipt of the request. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$208)

**\$10-3-40.08 Landlord-tenant code compliance.**

The residential landlord and tenant code, HRS ch. 521, is applicable only so far as it does not conflict with the act, this title, and the lease itself. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$208)

**§10-3-40.09 Fair housing act compliance.** Lessee must remain in compliance with the section 804 of the fair housing act, 42 U.S.C. §3604 insofar as it does not conflict with the act, this title, and the lease. [Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act §208)

**§10-3-40.10 Existing structures, non-compliance.** If one or more structures that have not been approved by the department or are unpermitted, or both, exist on the lot, the lessee may be allowed to come into compliance through the SDU process. However, if the existing structure or structures are unsafe for human habitation, the lessee may be required to bring the structure into compliance with county building codes, including demolition of the structure at the lessee's expense. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §208)



# HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

## Department of Hawaiian Home Lands Proposed Rule Changes

You're invited to attend a Beneficiary Consultation meeting in your community to discuss important proposed changes to DHHL's administrative rules:

<b>Declaration of Conditions, Covenants, and Restrictions Communities (DCCR)</b>	<b>Multi-family, Rentals, and Kupuna Housing</b>	<b>Supplemental Dwelling Units</b>
Proposes ways for the Department to enforce CCRs in existing DCCR communities and to standardize the relationship between the Department and DCCRs.	Proposes to expand residential lease offerings to include multi-family housing. Also proposes rental, rent with option to purchase, and kupuna housing programs.	Proposes a pilot program on Oahu and Hawaii for residential lessees on qualifying lots to build a supplemental dwelling unit.

Please visit (<http://dhhhl.hawaii.gov/po/beneficiary-consultation/>) for the latest information or call DHHL Administrative Rules at (808) 620-9280. All meetings are subject to change.

EXHIBIT C



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DEPARTMENT OF HAWAIIAN HOME LANDS

# **Beneficiary Consultation**

## **Proposed Changes to DHHL Administrative Rules**

1

- 6:00 p.m. Pule/Opening
- 6:15 p.m. Presentation
  - Declaration of Covenants, Conditions, and Restrictions (DCCRs)
  - Multi-Family, Rentals, & Kupuna
  - Supplemental Dwelling Units (SDUs)
- 7:00 p.m. Break out discussion groups
- 8:45 p.m. Next Steps
- 9:00 p.m. Closing

2

EXHIBIT D

- Provide information about proposed rule changes so that beneficiaries have a better understanding about these housing options and the possible impacts on the trust.
- Find out what about these topics is important to beneficiaries so that the draft rules can be made better.

3



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DEPARTMENT OF HAWAIIAN HOME LANDS

# Rulemaking Process

4

EXHIBIT D

- Every State agency has administrative rules.
- Rules govern how the department implements the HHCA.
- Rules make those operations public.
- DHHL's rules are known as Title 10, Hawaii Administrative Rules.

5

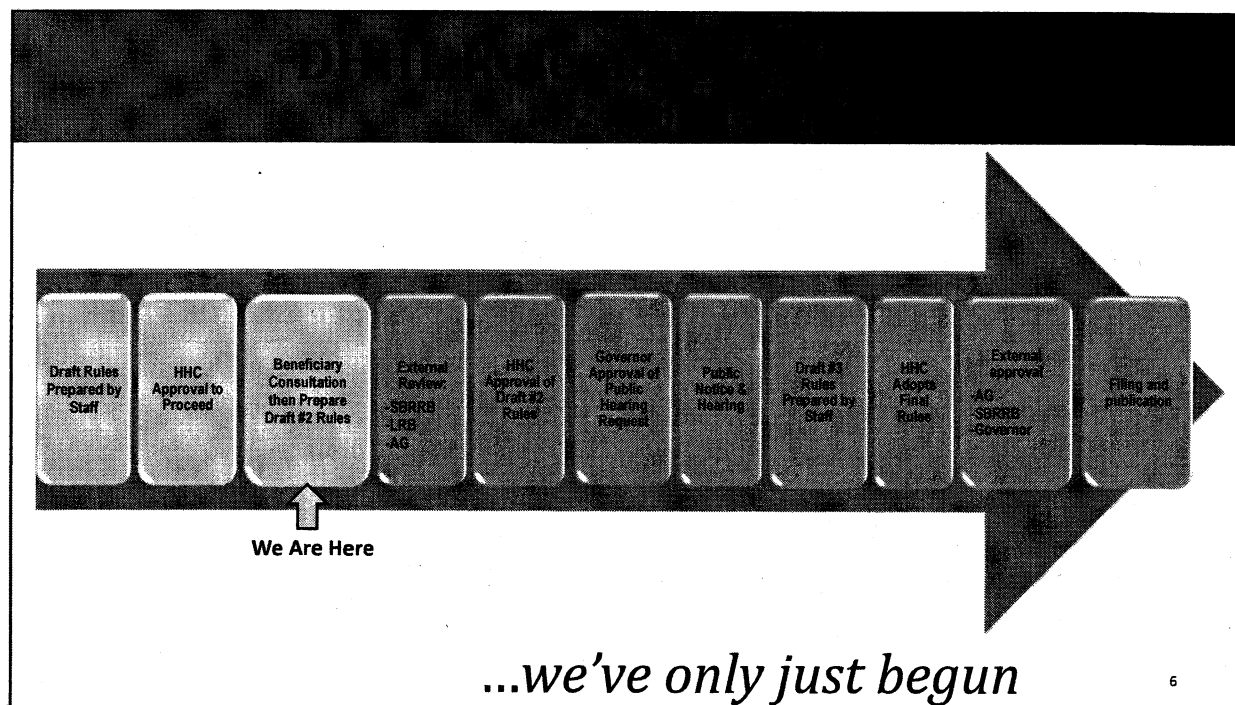


EXHIBIT D





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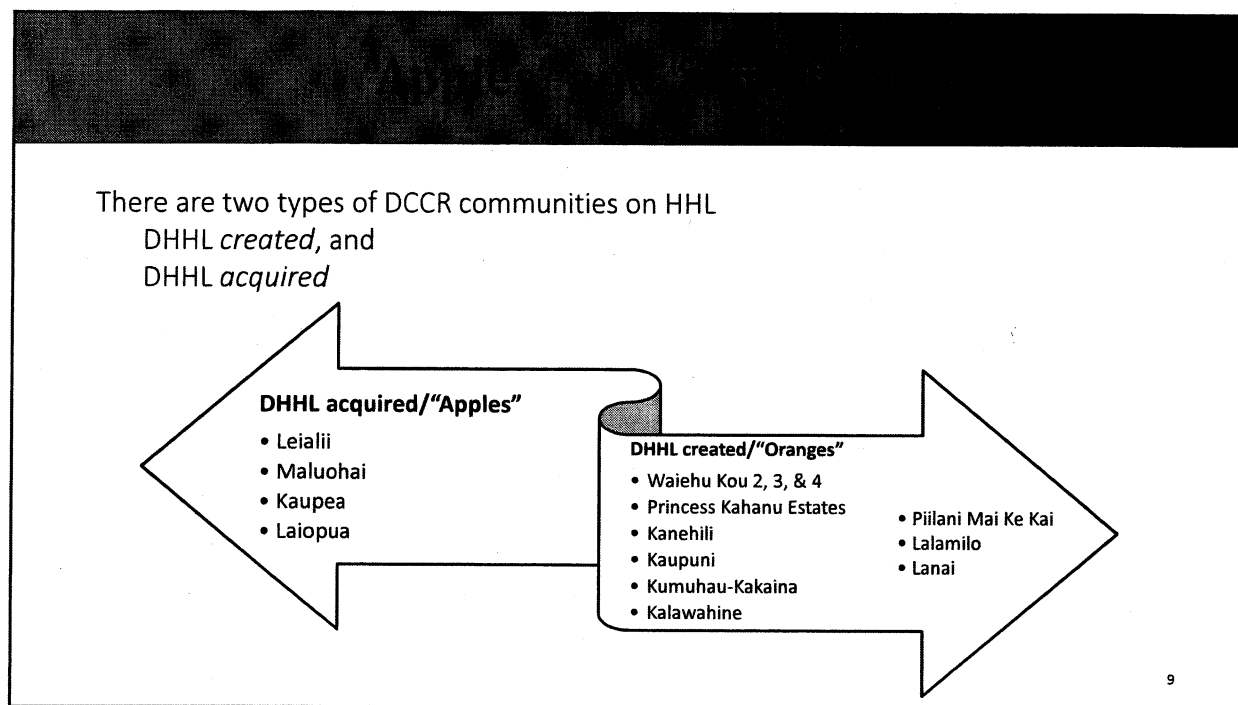
# **Declaration of Covenants, Conditions, and Restrictions (DCCRs)**

7

- DCCRs are planned development communities or condominium regimes that are legally organized under HRS.
- Residents are automatically members of the association and are subject to rules about living in that community, including payment of assessments for upkeep of common areas. Failure to follow the rules can lead to fines and additional enforcement measures under the CCRs.
- The association is responsible for enforcement of the CCRs.

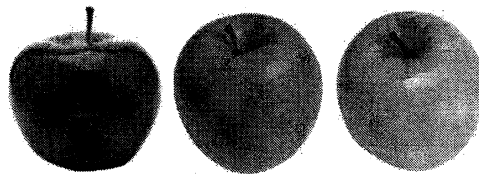
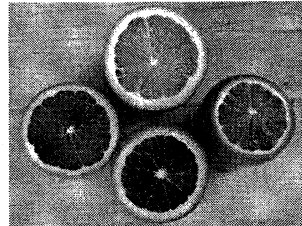
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EXHIBIT D



- HHCA section 207.5.
  - “DHHL should have promulgated administrative rules before incorporating the DCCRs into the homestead leases issued to Kalawahine Project residents.” *Kalawahine v. DHHL* (2015).
  - Translation: Because there are no administrative rules, DHHL cannot enforce the DCCRs for communities that are “Oranges.”
- 10

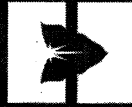
- Authorize the Department to help DCCR associations enforce their community rules.
- Help current and future lessees understand the obligations of living in a DCCR community.
- Help to ensure uniform relationships between the Department and the DCCR associations.



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- The DCCRs are part of your homestead lease. Under the proposed rules, if the DCCRs are not followed, it can lead to lease cancellation. Are there other enforcement measures DHHL should consider in DCCR communities?
- All lessees in DCCRs are required to pay monthly assessments to the association for upkeep of common areas and to keep the association going. What types of common areas are needed in homestead communities?
- DCCRs include design restrictions on how you build your house. What types of design restrictions should/not be part of the DCCRs?

12



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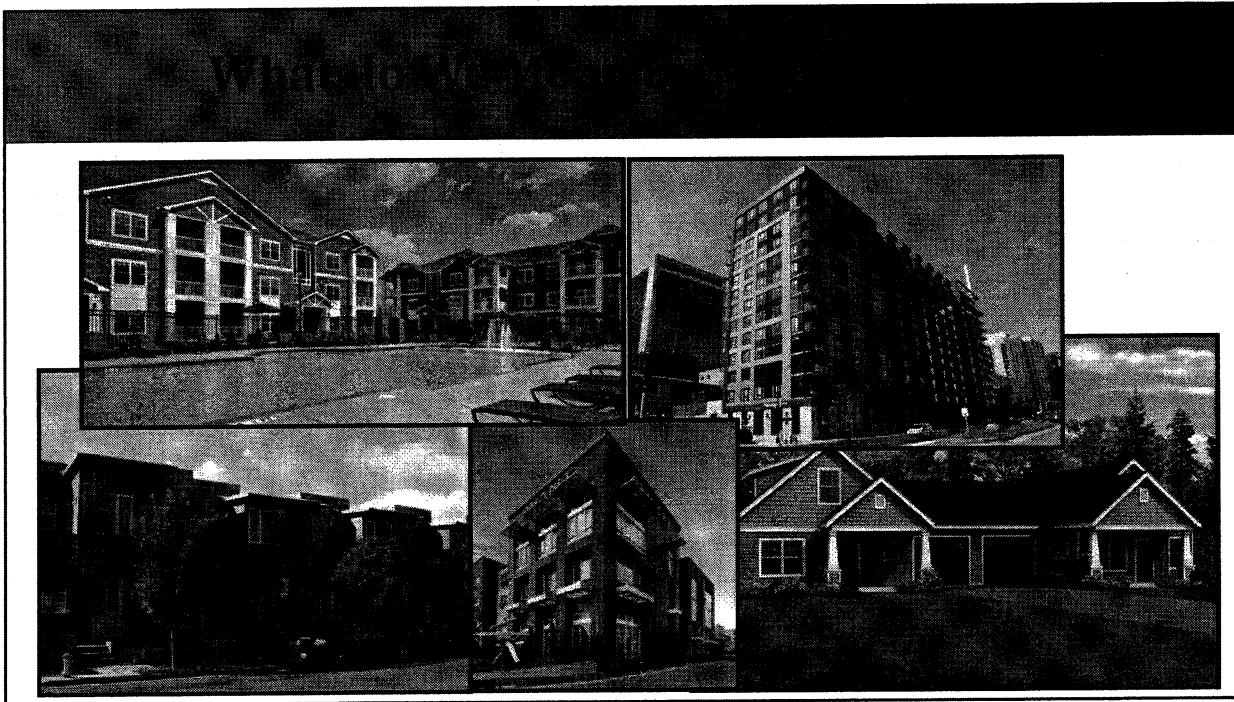
# Multi-Family, Rentals, Kupuna Housing

13



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EXHIBIT D



- HHCA section 207.5.
- There is a need for more housing but space is limited. Multi-family is high-density so we can use less land and provide many families with homes.
- Multi-family can be more affordable than single-family homes.

- HHCA section 207.5.
- Rentals can be an affordable alternative to owning a home.
- Rentals can offer a smaller, more manageable space for kupuna.
- Affordable rentals can help beneficiary families save and prepare to buy a home.
- Rentals could be multi-family or single-family rent with option to purchase.

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- Offers would be made to residential area or island wide waiting lists based on where the development is located.
- The rental agreement would control the rights and responsibilities between the renter and management company.
- Renters would remain on the waiting list as homestead applicants until they become lessees.
- Successorship would be governed by HAR 10-3-8 (application). A qualified successor can take the rental unit if they meet program requirements or succeed to the application.

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EXHIBIT D

- Kupuna housing would be offered based on age requirements.
- A kupuna lessee who accepts kupuna housing offer must transfer or surrender the homestead lease and would become a renter.
- A spouse eligible under HHCA section 209 and qualified for the kupuna housing unit, may succeed to the rental agreement.

19

- Should DHHL do multi-family housing? Leases? Rentals? Both?
- Are there other housing options DHHL should provide or support beyond multi-family, rentals, and single-family homes? How do we keep housing affordable for beneficiaries?
- Who should be allowed to rent on Hawaiian Home Lands?
- What are some criteria that DHHL should consider in selecting a management company? Why?

20

EXHIBIT D



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## **Supplemental Dwelling Units (SDUs)**

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- HHCA 208.
- Improvements like additional living space require Department approval.
- Building another dwelling or adding living space to your existing home without DHHL approval is a lease violation. It can delay a transfer request or result in excluding the unapproved structure from an appraisal for DHHL.

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EXHIBIT D



## Why Add Another Dwelling?

- The rules provide a transparent, standard application process for Department approval of building another dwelling on a residential lot.
- More living space can ease crowding that lessee families sometimes face.
- Parity with the counties.

23

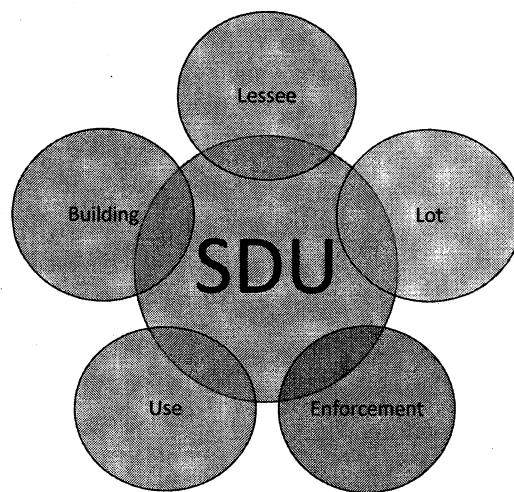
- Pilot project for residential lots on Oahu and Hawaii Island.
- Lessee must be in good standing.
- Your lot would need to meet county standards for adding a dwelling and you would need to get all county required approvals and permits.
- DHHL approval would be required before construction could begin.

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EXHIBIT D

- Lessee must live on the lot in either the main dwelling or in the SDU.
- Ohana purposes:
  - Qualified relative under HHCA 209(a) can live in SDU or main dwelling. No rent but can contribute to household expenses.
- Rental purposes:
  - Qualified native Hawaiian can rent for minimum term of six months. No short term rentals.

25



26

EXHIBIT D

- Do you support supplemental dwelling units on HHL? Why?
- When should SDUs be allowed? What criteria should DHHL use to make that determination?
- The proposal is a pilot project for residential lots on Oahu and Hawaii Island. What do you think about that?
- Who can live in an SDU on HHL?
- Size of an SDU has an impact on the value of the structure. Should DHHL limit the size of the SDU based on an appraisal cap to limit liability for the trust and keep units on HHL affordable?

27



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DEPARTMENT OF HAWAIIAN HOME LANDS

## Discussion Kuleana

28

EXHIBIT D

- Be creative!
  - Work toward future solutions/aspirations.
- Disagreement is ok as long as we are respectful of each other.
- Everyone gets a turn first, then repeats.
- Cell phones off or on silent.
  - Take all calls/texting outside.

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

30

EXHIBIT D



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## Group Discussions

31

- Review and compile notes from today, and comments received by August 30, 2018;
- Consider suggested and possible changes;
- Prepare and submit a report for the Commission;
- Submit the proposed amendments to the Commission for approval to move forward with the public hearing process.

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EXHIBIT D

- Think about today's discussion;
- Talk to family, friends, neighbors;
- Submit comments by August 30, 2018;
- Check the website for updates  
<http://dhhl.hawaii.gov/po/beneficiary-consultation/>

33

- Green sheets.
- Email: [dhhl.rules@hawaiianhomelands.org](mailto:dhhl.rules@hawaiianhomelands.org)
- Mail:  
Department of Hawaiian Home Lands  
DHHL Administrative Rules  
P.O. Box 1879  
Honolulu, HI 96805
- Call: Hokulei at 620-9280 or your district office.

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EXHIBIT D



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DEPARTMENT OF HAWAIIAN HOME LANDS

# Gallery Walk

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EXHIBIT D

3/28/2018

**FAQs:  
Declaration of Covenants, Conditions, and Restrictions (DCCR) communities  
Proposed Administrative Rules**

**What are Declaration of Covenants, Conditions, and Restrictions (DCCR) communities?**

DCCRs are documents that create what are called "master-planned communities." These communities are organized as Hawaii nonprofit corporations and must comply with Hawaii Revised Statutes chapter 421J. They have their own specific rules intended to keep the neighborhood and lots in it clean, well maintained, and safe. The idea is that with these types of rules in place, the neighborhood becomes a more desirable place to live and property values are maintained for the long term. DCCR communities are governed by an association with an elected board. All owners in the community are members of the association and pay dues or assessments that go toward maintaining common areas or supporting community events. If you live in a DCCR community, you are a member of the association and subject to its rules.

**Are all homesteads DCCRs?**

No. On Hawaiian Home Lands, there are 15 DCCR communities subject to HRS 421J. Most of these are on Oahu but Maui, Lanai, Kauai, and Hawaii also have DCCRs.

**If DCCRs are rules for a specific homestead, why does DHHL need rules for them, too?**

There are two basic reasons. The first is that section 207.5 of the Hawaiian Homes Commission Act requires that rules be adopted for single-family and multi-family DCCR communities, and for rentals owned by the Department. The second reason is that administrative rules govern how the Department interacts with and relates to the beneficiaries and the public. These rules say how the Department will interact with its DCCR associations and lessees in those neighborhoods.

**I live in an existing DCCR, how can these rules help us when the DCCRs were in place before these rules?**

The draft rules include a provision for existing DCCR associations to "opt-in" by a majority vote of the association. If an association "opts-in," the Department will be able to assist with the enforcement of the governing documents.

**If I'm moving into, or thinking about moving into, a DCCR community, how do I know what the rules are? What documents do I need?**

If you are receiving a new award, you will get the governing documents with your lease documents. If you are buying a lease or are getting one as a successor you can get the documents from the seller or you can ask DHHL for the documents during the transfer or succession process. To obtain replacement documents, a lessee should contact the association board.

You need a copy of all the major documents: the Declaration creating the community, the association Bylaws, and any amendments that have been adopted. The Declaration and any amendments will tell you about the community and its rules; the association Bylaws will tell you how the association is organized, what it can do, and your rights as a member.

**I'm a DCCR association board member, what documents should we be sure are current?**

Associations vary and compliance requirements can be different. However, all associations formed as a Hawaii nonprofit corporation must have the following governing documents, at a minimum:

- Organizing documents: The articles of incorporation and bylaws.

EXHIBIT E



3/28/2018

- Managing conflicts of interest: A policy or procedures on managing conflicts of interest.
- Federally required policies that address operational matters and documents: The federal law requires nonprofit corporations to develop policies that (1) address staff complaints and suspected financial impropriety/misuse of resources and that (2) establish standards for document retention and destruction. Typically, the documents that address these matters are referred to as the whistleblower policy and document retention policy.

All these governing documents must be compliant with current federal and State laws.

For nonprofit corporations that are DCCR associations, the documents must also be consistent with Hawaii's Planned Community Associations law, HRS 421J, and the recorded Declaration (or other documentation establishing the association as a planned community).

For nonprofit corporations that have obtained tax-exempt status, the documents must also be compliant with current federal law applicable to the tax-exempt status.

\*\*\*All governing documents must have been properly approved and filed, as necessary.

EXHIBIT E

3/28/2018

**FAQs:  
Multi-Family, Rentals, and Kupuna Housing  
Proposed Administrative Rules**

**Are “rentals” about lessees renting their houses out to someone else?**

No. Rentals refers only to rental units owned by the Department and managed by the Department or a management company.

**Who can rent from the DHHL?**

Anyone who is a beneficiary of the HHCA and meets the qualifications of the rental program. Each rental development could have different financial requirements to meet a range of needs. The proposed rule also would allow for a variety of possible rental options like rent with option to purchase, kupuna housing, and multi-family housing.

**What is multi-family housing?**

Multi-family housing in the proposed rule can be apartment or condominium units in low-rise or high-rise buildings, or town house developments. It is possible that multi-family developments could have rental units or leased units, or both, and could even include some commercial spaces on the lower floors or surrounding area.

**Do I lose my place on the waitlist if I decide to rent from the Department?**

No. You keep your place on the waitlist until you are awarded a Hawaiian Home Lands lease.

**How would kupuna housing work?**

Kupuna housing would be provided as a rental option. To be eligible, you need to be a beneficiary under the HHCA and meet the age requirement. Your spouse could live with you and could succeed to the rental agreement if your spouse is eligible under section 209 of the HHCA and qualifies for kupuna housing. Other aspects would be governed by the rental agreement and applicable law.

**Would kupuna housing include assisted living residences?**

No. Tenants must be able to function and live independently – no medical or other assistance would be offered.

EXHIBIT E

3/28/2018

**FAQs:  
Supplemental Dwelling Units (SDU)  
Proposed Administrative Rules**

**What is an "SDU"?**

SDU stands for "supplemental dwelling unit." It's a second dwelling built on your lot and is smaller than your existing house.

**Who can have an SDU on their lot?**

For the first 5 years, the program will be a pilot project available only to residential lessees on Oahu and Hawaii who are in good standing, and live on a lot that is big enough and meets county requirements for building another dwelling. The program will be evaluated after 3 years and if it is found to be successful, the program may be expanded to other islands.

**What is the process to get approval for an SDU?**

You would need to submit a Request for Improvements with an SDU application to the Department, which includes obtaining the necessary county approvals and permits. Once your application is complete and approved, the Department would bring it forward for final approval by the Hawaiian Homes Commission. Construction can begin only after approval from the HHC.

**Who can live in the SDU?**

There are several options:

- A native Hawaiian, as defined by the HHCA, can rent the SDU;
- 'Ohana qualified under section 209(a) of the HHCA, can live in the SDU;
- You can live in the SDU and a native Hawaiian can rent or qualified 'ohana can live in the primary dwelling.

**What are the county requirements?**

Please refer to information provided by the City and County of Honolulu and Hawaii County. The City and County has published FAQs about their ADU requirements, which can be found online: [http://www.honolulu.gov/Portals/0/pdfs/construction/ADU\\_FAQ\\_Final.pdf](http://www.honolulu.gov/Portals/0/pdfs/construction/ADU_FAQ_Final.pdf). Hawaii County has information on their website: <http://www.hawaiicounty.gov/pw-building-guidelines/>.

EXHIBIT E

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
2	Common Area	More parking.	Honolulu
3	Common Area	Bigger road (some folks only have 1 lane).	Honolulu
4	Common Area	A way to keep folks out that shouldn't be there (e.g. electric fence).	Honolulu
5	Common Area	A gathering place where the community can come together.	Honolulu
6	Common Area	Parking limitations on junk cars.	Honolulu
7	Common Area	E.g. River- who cleans the river? Proper maintenance of common areas.	Honolulu
8	Common areas	We are almost completely landlocked, common area is only sidewalk. Would like a community center--a multi-functional center on land above Leialii (we can get grants)	Lahaina, Maui
9	Common Areas	No need common areas - have a county park.	Keaukaha, Hilo
10	Common areas	Laundromat, community garden, help people with 5 acres clean the land.	Keaukaha, Hilo
11	Common areas	Kauhale - kapuna care, keiki care, imu.	Keaukaha, Hilo
12	Common areas	Community should design common areas, volunteer time instead of use homeowner dues.	Keaukaha, Hilo
13	Common areas	DHHL should take care of the 'aina.	Keaukaha, Hilo
14	Common Areas	Community center. Health Center. Prison.	Keaukaha, Hilo
15	Common Areas	Put in roads not up to county standards. Homeowners association collects money to maintain roads.	Keaukaha, Hilo
16	Common Areas	Need swimming pool, like Kroc center.	Keaukaha, Hilo
17	Common Areas	Roads should be like Seabees made- Marston-Manning aluminum mesh.	Keaukaha, Hilo
18	Common Areas	Should have good fire protection-sprinkler systems - for common areas/facilities.	Keaukaha, Hilo
19	Common Areas	Fund a hui to take care of kupuna yards, Hawaiian Homes repairs.	Keaukaha, Hilo
20	Common areas	Parks for children. Should always be part of communities. Next generation.	Kona
21	Common areas	Nice landscaping. Sacred area preserves- sidewalks. Frontal (gateway) areas to neighborhoods. Neighborhood pride.	Kona
22	Common areas	Improvements mean association fees increase. Gotta think about that. Can we use grants for these areas.	Kona
23	Common Areas	Lo'i	Kona
24	Common areas	Sometimes in communities, cars encroach on other people's properties. 4 people = 4 cars. Community overflow parking area?	Kona
25	Common Areas	Covered bus stop for kids- public and school buses (so don't have to cross the street, etc.)	Honolulu
26	Common Areas	Drain smells- cleaning of	Honolulu
27	Common Areas	Security to protect homes and community members.	Honolulu

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
28	Common Areas	Street lights throughout the community for safety.	Honolulu
29	Common Areas	Mixed-use community center.	Honolulu
30	Common Areas	Save \$, don't plant trees (large ones can affect/damage cement).	Honolulu
31	Common Areas	Guest parking.	Honolulu
32	Common Areas	Water for watering yards.	Honolulu
33	Common Areas	Playgrounds and community center.	Honolulu
34	Common Areas	Community garden.	Honolulu
35	Design restrictions	Fence backyard	Molokai
36	Design restrictions	Limit animals (i.e., 2 dogs)	Molokai
37	Design restrictions	Height restrictions for trees/shrubs (safety issues)	Molokai
38	Design restrictions	No canopy tents (permanent)	Molokai
39	Design restrictions	2 story height limits for Molokai. Where need for more housing, maybe 3 stories	Molokai
40	Design restrictions	Number of chickens/animals	Molokai
41	Design restrictions	No drugs	Molokai
42	Design restrictions	Trees and where to plant. Leaves on lawns.	Molokai
43	Design restrictions	Encourage native plants	Molokai
44	Design restrictions	Set color scheme	Molokai
45	Design restrictions	Color conducive to environment	Molokai
46	Design restrictions	Design-Hawaiian	Molokai
47	Design restrictions	Height limit on trees	Molokai
48	Design restrictions	Junk cars off the lot	Molokai
49	Design restrictions	Clean yard--if not, looks ugly	Molokai
50	Design restrictions	Limit number of animals--no roosters	Molokai
51	Design restrictions	Two story limit	Molokai
52	Design restrictions	Limit color, size, design	Molokai
53	Design restrictions	No limit on size	Molokai
54	Design restrictions	Maybe height, but if you have acreage and can afford it, then should be allowed	Molokai
55	Design restrictions	Common sense: --rules need <u>respect</u> both ways --rules need <u>responsibility</u> both ways	Molokai
56	Design restrictions	No "monster" houses/should have size restrictions	Kauai
57	Design restrictions	Should not be a size restriction on how small the house it	Kauai
58	Design restrictions	Pigs not in residential area?	Kauai
59	Design restrictions	Lighting (too bright); noise	Kauai
60	Design restrictions	We should get out of design review business--no design restrictions other than county code; an unnecessary function	Puakukalo, Maui
61	Design restrictions	We could have PV w/ DHHL paying for it	Puakukalo, Maui
62	Design restrictions	No pigs! Or fighting chickens	Puakukalo, Maui
63	Design restrictions	Don't block your neighbor's view	Puakukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
64	Design restrictions	Don't block the sidewalk--no dead cars!	Puakukalo, Maui
65	Design restrictions	Limits on trees/trimming requirements--many have broken up the sidewalk (county tells DHHL which trees to plant)	Puakukalo, Maui
66	Design restrictions	Ensure value of property--better rules for how we negotiate with out neighbors; too vague now	Puakukalo, Maui
67	Design restrictions	Do not regulate where clothes lines go	Puakukalo, Maui
68	Design restrictions	Want: --Land for a charter school; --Area for retail-- for cottage industries; --Area for community gardens; --For every subdivision, provisions for cemetary, golf course, amenities for communities...native Hawaiian association could govern; --Park; --Clotheslines; --Two story houses (take out limitation on alteration of units because intergenerational families); --Allow farm animals/livestock because to ban them is anti-cultural. We are an agriculture-based culture. Allow if community agrees.	Puakukalo, Maui
69	Design restrictions	Don't Allow: --Junk cars; --Raising farm animals/livestock	Puakukalo, Maui
70	Design restrictions	Kula, Waiohuli is zoned for agriculture; it is a community decision not to have large animals Note: residential lease built to rural code (county); lease says "quiet enjoyment"	Puakukalo, Maui
71	Design restrictions	Note: Height restriction in county code--if build on land that was graded initially, second floor may exceed height restriction	Puakukalo, Maui
72	Design restrictions	Obscene colors; we shouldn't have those.	Lahaina, Maui
73	Design restrictions	Puts more burden on beneficiaries.	Keaukaha, Hilo
74	Design restrictions	No design requirements - HHCA is the controlling document. Section 207.5 has not received consent of Congress. Paid us back with land with DCCRs.	Keaukaha, Hilo
75	Design restrictions	No design restrictions	Keaukaha, Hilo
76	Design restrictions	Why make restrictions?	Keaukaha, Hilo
77	Design restrictions	Should be affordable, doesn't matter what it looks like.	Keaukaha, Hilo
78	Design restrictions	Let us work the land - should always know the rules and regulations - not have to go other places (county, etc.)	Keaukaha, Hilo

	A	B	C
1	Topic	Comment	Meeting
79	Design restrictions	Have more land awards and less residential lots - not DCCR's. People desperate, will take the house anyway. Let beneficiaries have input on design of houses, communities.	Keaukaha, Hilo
80	Design Restrictions	No monster homes. Kauhale. High density homes are the problem.	Keaukaha, Hilo
81	Design Restrictions	Consistent w/ homes in area. If no containers, don't allow.	Keaukaha, Hilo
82	Design restrictions	Restrictive when people tell you what you can have/cannot have in your yard. Hampers living style. Weekly inspections too much.	Kona
83	Design restrictions	Do you provide design restrictions? Are there options? How big, how high, colors, etc. Construction of home must be within restrictions.	Kona
84	Design Restrictions	Hard to identify where you would draw the line.	Honolulu
85	Design Restrictions	Some people might not be able to comply (e.g. Kupuna who can't cut grass as often).	Honolulu
86	Design Restrictions	Some value in having house colors that work with eachother in community.	Honolulu
87	Design Restrictions	If restrictions, there has to be enforcement.	Honolulu
88	Design Restrictions	Should start with president of association- notify first vs. DHHL comes to your door and neighborhood pilikia starts.	Honolulu
89	Design Restrictions	Should have alternative dispute resolution process for resolving	Honolulu
90	Design restrictions	Specify that you can have a wall if houses are too close to each other - don't restrict this.	Honolulu
91	Design Restrictions	Restrictions on parking or make more (1 person can't hog all of the guest spots).	Honolulu
92	Design Restrictions	Maybe no need color paint restrictions. Maybe no need restriction on type of fencing (these seemed destructive to community).	Honolulu
93	Design Restrictions	No restrictions!	Honolulu
94	Design Restrictions	Restriction on size of houses (no mega-houses) this affects your neighbors.	Honolulu
95	Design Restrictions	Who determines what is tasteful?	Honolulu
96	Design Restrictions	Restrict parking of unsightly/junk/abandoned cars (affects health and safety). Especially re: access of emergency vehicles.	Honolulu
97	Design Restrictions	Homeless are parking cars in our community and living there (need to be living in community to park there).	Honolulu
98	Design Restrictions	Currently you have to get approval to make design changes? Answer: Yes.	Honolulu
99	Design Restrictions	Community watch/reporting process.	Honolulu
100	Design Restrictions	Pet-friendly policies. Could be DHHL. Could be property management company.	Honolulu
101	Design restrictions	We want things that don't bother, affect neighbors	Kapolei
102	Design restrictions	Don't want restrictions on house paint color --but some people like having a color scheme with some options	Kapolei
103	Design restrictions	We want to be "harmonious" with neighborhood (in real estate terms)	Kapolei
104	Design restrictions	Landscaping--don't restrict	Kapolei

	A	B	C
1	Topic	Comment	Meeting
105	Design restrictions	We need higher <u>fences</u> for privacy (but this might be county building codes)	Kapolei
106	Design restrictions	Self-help/Habitat houses may not have fences...you have to get on your own--this should be a requirement for privacy purposes	Kapolei
107	Design restrictions	Work with association to ensure that issues are addressed and community members needs are heard and met	Kapolei
108	Design restrictions	Fences for Kaupea	Kapolei
109	Design restrictions	Some people like restrictions on house colors, some don't like restrictions--how about a range of options	Kapolei
110	Design restrictions	Kaupea--don't restrict native plants for each area	Kapolei
111	Design restrictions	Get rid of restrictions on clotheslines (but maybe enclose within your fence)	Kapolei
112	Design restrictions	Clotheslines--maybe in backyard (but with sight line guidelines)	Kapolei
113	Design restrictions	Colors may affect value of other houses	Kapolei
114	Design restrictions	--counterpoint: western mentality is to make money vs ohana home	Kapolei
115	Design restrictions	Allowances for fruit trees/food providing	Kapolei
116	Design restrictions	Minimal design restrictions--each individual pays for own home	Kapolei
117	Design restrictions	Often the developer determines the design guidelines--you choose this when you decide to move in there--you take pride in your homestead	Kapolei
118	Design restrictions	DCCRs can be amended--community needs to come together to decide on changes--come to association meetings	Kapolei
119	Design restrictions	Each association should control design guidelines, no in administrative rules	Kapolei
120	Design restrictions	DCCRs can be amended as community evolves--community needs to come together to discuss	Kapolei
121	Design restrictions	Some people don't want to have to ask/talk with others about what I can do with my home	Kapolei
122	Design restrictions	Some like rules	Kapolei
123	Design restrictions	Habitat homes are not same color and design. We'd like to have a say in these decisions, not just DHHL	Kapolei
124	Design restrictions	Design guidelines are important to lessees who plan to sell home; may affect "comps" in neighborhood (clarification that DHHL does not value homes based on comps)	Kapolei
125	Enforcement	Get together with family and see how you can help them	Molokai
126	Enforcement	Cars (6-8) parked in other's driveway, trash cans	Molokai
127	Enforcement	3 strikes, you are out	Molokai
128	Enforcement	Severity--depends on that--shouldn't be straight to lease cancellations	Molokai
129	Enforcement	Penalties and fines before lease cancellation	Molokai
130	Enforcement	Noise issues--rule for quiet hours	Molokai
131	Enforcement	If we create rules, will it affect existing communities? A: no, would be new homesteads	Molokai
132	Enforcement	Will the rules be retroactive to the existing 14? (A: Existing DCCR communities would need to opt-in)	Molokai



	A	B	C
1	Topic	Comment	Meeting
132	Enforcement	Due diligence--3 notices/3strikes --First, contact/assessment/check-in --Letter with deadline (warning) --Second letter (fine) --Third certified (lease violation) Also send letters by email	Molokai
133	Enforcement	What about kupuna that may not know?	Molokai
134	Enforcement	Statewide implications. No DCCRs on Molokai, so why discuss on Molokai?	Molokai
135	Enforcement	No habitual violations	Molokai
136	Enforcement	For kupuna, have a point of contact if thru the letters, kupuna does not respond, contact point person	Molokai
137	Enforcement	If association is big, then rules are good; if small community (46 in Kapaakea) not all are part of association, but if there are rules, then maybe issues, want Kapaakea to stay as is.	Molokai
138	Enforcement	So its for planned communities	Molokai
139	Enforcement	Have all current rules so equal opportunity to know rules/policies that affect native Hawaiians	Molokai
140	Enforcement	Is there any violations now and what are you doing about it? A: need rules to enforce	Molokai
141	Enforcement	Is this for new communities or existing?	Molokai
142	Enforcement	What are the larger problems the existing communities are having?	Molokai
143	Enforcement	HHC take the responsibility to enforce the rules not the association--make the rules part of the lease	Molokai
144	Enforcement	Parking--association can work with County to deal with those issues--follow up	Molokai
145	Enforcement	PMKK--who is collecting funds?/where?/how?/why? What are the common areas? Who is management company? We need to know this first.	Kauai
146	Enforcement	Q: Is DHHL deciding not to take responsibility for enforcement of DCCRs and letting associations do it themselves? A: We are late to the game but rules would lay out steps for consistency from community to community; e.g. cultural values--we want the rules to be appropriate to HHL	Kauai
147	Enforcement	Q: Are all DCCRs different? A: yes	Kauai
148	Enforcement	Q: Board manages/directs management company. The association can fire the management company if they're not working out.	Kauai
149	Enforcement	C: PMKK reduced dues to minimal--small common areas for now; might go up later if bigger/more common areas	Kauai
150	Enforcement	Have steps: -Notice: written 30 days to pay with fine -Notice: written 60 days increase fine -Notice: written 90 days increase fine	Kauai

	A	B	C
1	Topic	Comment	Meeting
151	Enforcement	Q: what is appeal process upon cancellation of lease? A: There is a contested case process	Kauai
152	Enforcement	Due process--letter of correction with time frame	Kauai
153	Enforcement	Q: who will enforce? Association can't. DHHL? Not enough staff on island to enforce	Kauai
154	Enforcement	Neighbors can't enforce on neighbors. Need reasonable rules we can live with. DHHL or management company needs to be the "hammer"	Kauai
155	Enforcement	It would be helpful to have examples of current processes. The association doesn't have power to remove neighbors	Kauai
156	Enforcement	Contested case process can't enforce until we have admin rules	Kauai
157	Enforcement	We don't want to see anyone kicked out for \$500	Kauai
158	Enforcement	Give opportunity to pass lease on to another qualified lessee (family member)	Kauai
159	Enforcement	Q: why does there have to be an association? Is there another option? Why these rules necessary? What if we don't have family to pass on to? I don't really understand. Generally, we act with common courtesy. <u>Shouldn't this be an option household by household?</u> A: DCCR's can be changed over time and can evolve over time. Some people like rules to protect, for example, from raising pigs next door, for safety purposes, to keep value of land up, for quality of life	Kauai
160	Enforcement	Q: does PMKK have option to opt out of DCCRs? Unwind the process and not be a DCCR community?	Kauai
161	Enforcement	Q: Are DCCRs same for all associations? A: No, depends on community; may vary. Lease cancellation would be the same	Puakukalo, Maui
162	Enforcement	Q: If we're an "orange" can't enforce right now, right? A: Currently, yes. Administrative rules could change that so that DHHL can help enforce	Puakukalo, Maui
163	Enforcement	Q: Does this mean all projects going forward will have DCCRs? A: No, not necessarily	Puakukalo, Maui
164	Enforcement	If you don't follow the rules, then your lease should be cancelled	Puakukalo, Maui
165	Enforcement	In Waiehu Kou 3 signed contract between association and lessee. Phase 4 disbanded. 40% delinquency rate right now. DHHL can't enforce now. But with administrative rules, you can opt-in. I'm going to recommend we don't opt-in. DHHL doesn't have capacity. We can file civil suit but we would rather incentivize vs. becoming the hammer. Phase 2 took hammer approach.	Puakukalo, Maui
166	Enforcement	To opt-in, we would need to provide reporting information to DHHL, if I understand correctly. Also, we may need to be a 501(c)(3)? Is that what they're saying? This is too burdensome on associations.	Puakukalo, Maui
167	Enforcement	Associations meant to empower associations	Puakukalo, Maui
168	Enforcement	Currently there is option to have civil action before lease is cancelled. I support this.	Puakukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
169	Enforcement	If you're an orange, DHHL can't currently cancel lease because no administrative rules in place. I'm not in favor of hammer approach.	Puakukalo, Maui
170	Enforcement	Incentives--Waiehu Kou 4--if you're fully compliant, you get plot of land to do whatever you like, garden, etc.	Puakukalo, Maui
171	Enforcement	Give options. It causes problems between neighbors to have to enforce	Puakukalo, Maui
172	Enforcement	Let them know what money is for--education	Puakukalo, Maui
173	Enforcement	Payment plan--still need to pay but over time	Puakukalo, Maui
174	Enforcement	Waiehu Kou 4 does not have an association; would like to have an association. Now it is just any kine; we would like to revisit having an association all the young ones no like step in but kupunas would like an association needs to come from membership	Puakukalo, Maui
175	Enforcement	We established a collection policy and have a management team, 3rd person enforce (we had a law firm research and see what power board has). Letters first, we know what each procedure costs (\$50-180); we are sensitive to our neighbors, we use laws but apply with logic, mercy, grace--take case by case by the board; there may be extenuating circumstances	Puakukalo, Maui
176	Enforcement	Q: what's effective date for administrative rules? A: we need to ask Hokulei	Puakukalo, Maui
177	Enforcement	My concern is what about the fees, specifics, etc.--will these be general and applied to all of us? Or will they be customized base on each individual community? A: DCCRs are applied specific to community and should evolve as community evolves; they can be amended. Assessments depend on size of community and based on common areas. What is common across all DCCRs would be what options should be in place other than lease cancellation	Puakukalo, Maui
178	Enforcement	Declarant needs to incorporate educating those getting lease during the building of the community so that they are fully aware of DCCRs by the time they move in	Puakukalo, Maui
179	Enforcement	All community members should be convened and have training before they move in but also get to influence DCCRs	Puakukalo, Maui
180	Enforcement	DCCRs should evolve as community changes, they need to change	Puakukalo, Maui
181	Enforcement	People sign documents and don't realize what they're agreeing to	Puakukalo, Maui
182	Enforcement	In contract, people should know there is an existing association and they should get bylaws when they sign the lease	Puakukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
183	Enforcement	Beyond orientation, board members need to have <u>real board training</u> ...If they don't fully understand roles and responsibilities, we have screwed up communities (especially around enforcement)	Puakukalo, Maui
184	Enforcement	Q: What happens to Waiohuli leases awarded...do these DCCRS affect undivided interest awards? A: No. They are forming a non-profit and will be governed by bylaws	Puakukalo, Maui
185	Enforcement	No enforcement.	Keaukaha, Hilo
186	Enforcement	3-6 months to become current. Give them a certain time to pay.	Keaukaha, Hilo
187	Enforcement	First offense, one smaller penalty, then 2nd, 3rd it gets tougher.	Keaukaha, Hilo
188	Enforcement	Take money from the budget to pay dues.	Keaukaha,
189	Enforcement	DCCRs should be in alignment with native hawaiian values - not working for the way we live.	Keaukaha, Hilo
190	Enforcement	Criminal to cancel leasees if they don't pay assessment. There should be help for them.	Keaukaha, Hilo
191	Enforcement	Enforcement of rules that aren't right for native Hawaiians is wrong.	Keaukaha, Hilo
192	Enforcement	Why have people paying the homeowners association when the money should go to the trust? HHCA is what we should follow.	Keaukaha, Hilo
193	Enforcement	Don't want O'ahu people coming here and telling us what to do.	Keaukaha, Hilo
194	Enforcement	Fees in Laiopina are high- causing hakaka.	Keaukaha, Hilo
195	Enforcement	What about fixed income? Any drastic increase could impact them. Limit the amount of increase.	Keaukaha, Hilo
196	Enforcement	How can you take lease away for non-payment of dues if everything else is ok?	Keaukaha, Hilo
197	Enforcement	Like idea of getting everyone involved- self-policing- association helps everyone correct problems.	Keaukaha, Hilo
198	Enforcement	Warning, then fines.	Keaukaha, Hilo
199	Enforcement	Reasonable time period, every 30 days.	Keaukaha, Hilo
200	Enforcement	Put money into an escrow account.	Keaukaha, Hilo
201	Enforcement	Concerned about how often dues are increased.	Keaukaha, Hilo
202	Enforcement	Other issues besides dwelling units not being paid? Ex. Cars on streets, etc.	Kona
203	Enforcement	Proposed rules? Are there existing rules that govern DCCRs? People already past due. Not fair that those in compliance subsidizing those not. Who is supposed to enforce?	Kona

	A	B	C
1	Topic	Comment	Meeting
204	Enforcement	How does board communicate with community?	Kona
205	Enforcement	Shock and disappointment to hear that people agree with cancelling leases for non-compliance suggestion: Find away to help- e.g. repayment plan as a last ditch effort. Shouldn't kick people out right off the bat- department mission is to house Hawaiians.	Kona
206	Enforcement	Why isn't DHHL stepping in to enforce?	Kona
207	Enforcement	Rules will hopefully allow DHHL to enforce, however communities must opt in to rules.	Kona
208	Enforcement	Association board has authority to enforce payment of dues? Association has 1st authority to enforce.	Kona
209	Enforcement	Struggle w/ DCCRs now 18 years later finding out that department could not help enforce. Frustrating. Cart before the horse. On our own to enforce against neighbors. Not fair that some pay while others don't.	Kona
210	Enforcement	Lease cancellation for non-compliance is a good idea. Effective and fair.	Kona
211	Enforcement	Just like any other bill. Responsibility for homeowners.	Kona
212	Enforcement	Who is responsible for developing rules? Rules being made by people not living there. This should change- awardees sign to accept DCCRs without even reading them first.	Kona
213	Enforcement	La'i Opuia DCCRs already made, there would be more ownership of rules if lessees involved in rulemaking. Hawaiians with opportunity to live there making rules.	Kona
214	Enforcement	Problem is no one comes to association meetings. Which would allow changes/votes to be made. People are complacent.	Kona
215	Enforcement	Could it be that Board is disconnected? Can they be more accessible?	Kona
216	Enforcement	Who elects board? People need to be present to vote?	Kona
217	Enforcement	Plan non-threatening event. Meet people's needs.	Kona
218	Enforcement	Need to address/create a process for talking story with neighbors where privacy isn't violated.. To find out circumstances.	Honolulu
219	Enforcement	Need 3rd party to assist with enforcement- like DHHL.	Honolulu
220	Enforcement	Ability to kick off crappy association president that acts as a barrier to getting things done (non-profit law applies here)- in the government documents.	Honolulu
221	Enforcement	No nepotism with choices of property management company- avoid conflict of interest.	Honolulu
222	Enforcement	Charge daily fees for violations and have fee come back into community. This has to be transparent in the reporting from property management company.	Honolulu
223	Enforcement	Are you comfortable with everyone in the community knowing your business? This has to be clear at the outset.	Honolulu
224	Enforcement	Currently only HHC is authorized to cancel lease. Hearing before hearing officer. Time from start to finish can vary.	Honolulu

	A	B	C
1	Topic	Comment	Meeting
225	Enforcement	Kalawahine- 2 Committees- Design Committee (within association) --> DHHL, worked well. Management specialists- annual assessment; management specialists would pursue violations.	Honolulu
226	Enforcement	Someone to monitor and enforce- not neighbor to neighbor.	Honolulu
227	Enforcement	Create a fair process with time between notice of violation and next step so there is an opportunity to correct violation (also for evidence gathering if we are taking it to HHC).	Honolulu
228	Enforcement	Ho'oponopono- opportunity to help fellow lessees (these are previous assets).	Honolulu
229	Enforcement	A process for the community to come together to support individuals who need help.	Honolulu
230	Enforcement	A representative in community to talk with people who are in violation.	Honolulu
231	Enforcement	We need to know who our neighbors are and help them. But also respect privacy issues, we need to have insight into issues but also know limits of sharing info.	Honolulu
232	Enforcement	As new people move into community who weren't there when established, it can be challenging- they might not be as engaged.	Honolulu
233	Enforcement	Create projects within community that could incentivize participation (e.g. clean up river, help kokua neighbors). Would be different for each community.	Honolulu
234	Enforcement	How do you come up with monthly assessment? Answer: Depends on activities community wants- \$ ÷ by # of leases	Honolulu
235	Enforcement	A mediation process for disputes (alternative dispute resolution).	Honolulu
236	Enforcement	Warnings sent but informal process to talk story first and see if it can be resolved. As more warnings given, less flexibility.	Honolulu
237	Enforcement	Association could step in to help, but we'd need to have some rules about how much authority association would have.	Honolulu
238	Enforcement	Requires support to enforce- need to be enforceable DCCRs.	Honolulu
239	Enforcement	How many enforcement officers does DHHL have?	Honolulu
240	Enforcement	Letters (board first, then attorney sends). How long do you do this before you enforce?	Kapolei
241	Enforcement	Grant or other financial assistance for families who might be unable to pay temporarily	Kapolei
242	Enforcement	HRS 514B tells you what steps you/association can take	Kapolei
243	Enforcement	May depend on whether we are "apples" or "oranges"--When lessee changes out and property manager doesn't know, makes it hard for them to enforce	Kapolei
244	Enforcement	DHHL could have classes on this topic--help each other to learn (how to read the documents)	Kapolei
245	Enforcement	Some people feel DCCRs are too restrictive, others feel it helps keep the property nice and values up. Note: you are signing an agreement; don't sign if it doesn't work for you!	Kapolei
246	Enforcement	Need neighbors to be more harmonious	Kapolei
247	Enforcement	Continuing education	Kapolei

	A	B	C
1	Topic	Comment	Meeting
248	Enforcement	Our board was given DCCRs but now we are working on modifying/amending them (e.g. use of garage as living area prohibited)	Kapolei
249	Enforcement	Technical assistance, financial literacy, and outreach to lessee about their particular situation and work with them	Kapolei
250	Enforcement	Part of VOKA--different situations --if dues aren't paid to VOKA, DHHL "makes whole" --homestead associations--if dues aren't paid, DHHL doesn't pay for that *this is an issue we need to talk about	Kapolei
251	Enforcement	In documents for Maluohai, it says if we don't pay fees, we can be taken to contested case hearing	Kapolei
252	Enforcement	Can DHHL look for other options to support lessees if they have circumstances that prevent them from paying? Not imposing non-Hawaiian agencies/rules on us, which further disempowers us	Kapolei
253	Enforcement	When you sign your lease, you agree to certain terms--contractual	Kapolei
254	Enforcement	Have a noncompliance "court" assistance; some associations take care of this	Kapolei
255	Enforcement	Come together as a community to resolve differences; how hard is it to discuss issues? Instead of fees, courts, penalties, etc.--many people move to Hawaiian Home Lands because they have financial challenges/issues--a more informal way to resolve and help each other	Kapolei
256	Enforcement	Be allowed to explore other ways; otherwise just distancing native Hawaiians from empowerment	Kapolei
257	Enforcement	In some circumstances, 75% of community follows rules but 25% doesn't, it is challenging...we try to talk with them but they have different priorities	Kapolei
258	Enforcement	When unexpected challenges occur, talk with VOKA (Kaupea example) and figure out how to work with lessee to make a plan	Kapolei
259	Enforcement	Kaupea deals with DHHL and VOKA (puts number of violations per community into newsletter)	Kapolei
260	Enforcement	Nanakuli doesn't have association and DCCRs --sometimes I wish we had some rules to help with community pride (keep clean, etc) and help each other--would like to have some rules community would abide by	Kapolei
261	Enforcement	We want to see what's being done with our dues	Kapolei
262	Enforcement	Community association is an additional expense and someone is mandating what I can/can't do--I don't see the benefit	Kapolei
263	Enforcement	With association, we can give lessees leeway--community is different in how they deal with violations	Kapolei
264	Enforcement	Some "body" that oversees/inspects for violations hard when neighbors have to police other neighbors	Kapolei
265	Needed common areas	Community center/community garden	Molokai

	A	B	C
1	Topic	Comment	Meeting
266	Needed common areas	Garbage fees	Molokai
267	Needed common areas	Maintenance of landscapes	Molokai
268	Needed common areas	Parks	Molokai
269	Needed common areas	Open space for parking (boats, etc.)	Molokai
270	Needed common areas	Play yard	Molokai
271	Needed common areas	Gathering place	Molokai
272	Needed common areas	Theater--Molokai style	Molokai
273	Needed common areas	Park	Molokai
274	Needed common areas	Weight room	Molokai
275	Needed common areas	Community center	Molokai
276	Needed common areas	Kitchen	Molokai
277	Needed common areas	Exercise walkway	Molokai
278	Needed common areas	Concerns with liability--no common areas	Molokai
279	Needed common areas	Park--beautification; work with County to share costs for maintenance	Molokai
280	Needed common areas	Stream	Molokai
281	Needed common areas	Community center	Molokai
282	Needed common areas	Ball field	Molokai
283	Needed common areas	Playground for kids	Molokai
284	Needed common areas	Park with a community center and kitchen	Kauai
285	Needed common areas	Park and playground (can be passive park--doesn't need community center)	Kauai
286	Needed common areas	Small park for kids to play and sports (baseball, soccer, basketball) and neighborhood center. We understand these require upkeep. Look at military model-3rd party contract for enforcement	Kauai
287	Needed common areas	Our ancestors designed villages so that every part had a purpose	Kauai



	A	B	C
1	Topic	Comment	Meeting
288	Needed common areas	Q: is it worthwhile to have common areas? Do people use? Is it worth it for the assessments we would have to pay?	Kauai
289	Needed common areas	Sidewalks, fencing--can add costs to upkeep; we can keep it super simple and cost effective or it can be more extravagant; depends on what the community wants	Kauai
290	Needed common areas	Also maintenance? Community members might have to supplement--do the work	Kauai
291	Needed common areas	Rent out space to others but consider liability issues with this model	Kauai
292	Needed common areas	Park	Puakukalo, Maui
293	Needed common areas	Tree trimming for sidewalks (would like to have voice in what trees are planted)	Puakukalo, Maui
294	Needed common areas	Community centers (but not saddled on lessees) so maybe separate from common areas	Puakukalo, Maui
295	Needed common areas	Abandoned vehicles (county) removal	Puakukalo, Maui
296	Needed common areas	Money should be focused on common good of community programs, etc. Not always physical space. All our money goes to paying insurance on these small strips of grass	Puakukalo, Maui
297	Needed common areas	Waiehu Kou 1, 2, 3, 4--no community centers; no place for kids to run and play; they have to run in bushes and road. We need recreation area for kids.	Puakukalo, Maui
298	Needed common areas	Q: who owns land between 3 and 4, Kope Gulch? Can we acquire for community center? For playground? Maybe otherside of the highway? No building because would require flood insurance. What about a basketball court? A: Under FEMA, it's a 100 year flood zone. Liability for that would be on HHL trust. When we had to develop the area, high water mark and Federal requirements..if it gets blocked, water could flood Waiehu Kou 3. We were trying to make it pono with a process for folks to ask DHHL to use it but with proposal and would hold harmless clause and have insurance.	Puakukalo, Maui
299	Needed common areas	Q: what about in front of Waiehu Kou 2? A: drainage area; DHHL looked at filling it up and building more houses but iwi are all around the area and it's needed as a retention basin	Puakukalo, Maui
300	Needed common areas	Something needs to be done with heavy rains, it gets crazy. There has to be consideration re: drainage	Puakukalo, Maui
301	Needed common areas	Q: what about a training center--skills training for community?	Puakukalo, Maui
302	Needed common areas	In our community, people who use the facility pay	Puakukalo, Maui
303	Needed common areas	Parks--viable area, not flood zone. There should always be land for parks	Puakukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
304	Needed common areas	Note: I don't think DHHL should make DCCR communities because it isn't culturally appropriate. We are all individuals, it is difficult to apply general rules to everyone.	Puakukalo, Maui
305	Needed common areas	Community should get to decide it's own rules.	Puakukalo, Maui
306	Needed common areas	Community center should be up to the community. There are grants available.	Puakukalo, Maui
307	Needed common areas	Area for parking. Fees would be covered by monthly assessment (administered by association)	Puakukalo, Maui
308	Needed common areas	Incorporating Hawaiian values--activities--an area where we can meet to do these things. (cultural practices have been changing over time)	Kapolei
309	Needed common areas	Sidewalks (whose kuleana are they? DHHL?)	Kapolei
310	Needed common areas	Green area and trees	Kapolei
311	Needed common areas	Community garden to grow kalo--also where people could unite, meet, for keiki to connect to aina	Kapolei
312	Needed common areas	Park for kids to come together	Kapolei
313	Needed common areas	Community imu	Kapolei
314	Needed common areas	Strong leadership--in context of community--what works best	Kapolei
315	Needed common areas	Having a park for the kids	Kapolei
316	Needed common areas	Community center and office for association--and come together for meetings and classes	Kapolei
317	Needed common areas	Only lessees should be able to comment--other perspective is sometimes spouse who should have a say since they're paying...but can't vote	Kapolei
318	Needed common areas	Neighborhood policing	Kapolei
319	Other	Multi-family homes is a slippery slope...it may lead to being the only thing offered-not the original intent of the trust	Kauai
320	Other	The more options there are, the more requirements on the lessee who might want simple property to grow kalo, etc., like original intent. Ag award not done on Kauai in 30 years. Why? A: If you're on the residential list, you'll get those offers. Our Chairman is working on ag awards, subsistence ag; 3 acre lots, starting in Honomu on Hawaii Island	Kauai
321	Other	Q: why pilot program? Why not on Kauai already? A: we have land on Hawaii Island. Don't have staff capacity currently.	Kauai
322	Other	Q: Kalawahine case, 207.5 controls. A: different interpretations of sections of the HHCA	Kauai

	A	B	C
1	Topic	Comment	Meeting
323	Other	Can we get DHHL to buy-out the telephone company? We have junk phone service right now.	Puakukalo, Maui
324	Other	Develop training curriculum so that lessees can become property managers	Puakukalo, Maui
325	Other	Q: What are the reserve sections in rules? A: Reserve sections can be used to add new sections in the future. Basically, if it turns out later that we forgot something or circumstances require something totally new, we can use the reserve sections to amend and add the new stuff.	Puakukalo, Maui
326	Other	Don't do DCCR's - don't like.	Keaukaha, Hilo
327	Other	Need examples- a model of what DCCR's look like. We don't know enough to say.	Keaukaha, Hilo
328	Other	Don't like accepting DCCR communities (apples) just to keep surrounding property values high.	Keaukaha, Hilo
329	Other	Not starting at the beginning- why are we talking about something that shouldn't have been allowed to happen.	Keaukaha, Hilo
330	Other	Applies to other types of leases with larger lots?	Keaukaha, Hilo
331	Other	It's an insult.	Keaukaha, Hilo
332	Other	DHHL should provide families with financial challenges with help - someone from the office to help. (101 Financial)	Keaukaha, Hilo
333	Other	Where is the money from the shopping centers? We should all have nice homes? Our houses are falling down. Arizona houses. DHHL not helping us.	Keaukaha, Hilo
334	Other	Where's the money for Panaewa + Keaukaha?	Keaukaha, Hilo
335	Other	Need more self-help programs, where families help each other.	Keaukaha, Hilo
336	Other	Partner with habitat for humanity - blitz homes.	Keaukaha, Hilo
337	Other	Why is revenue from Walmart etc. filtering back to build lots + homes? Infrastructure?	Keaukaha, Hilo
338	Other	Our families not supposed to be living in chicken coops.	Keaukaha, Hilo
339	Other	Purpose of HHCA is to rehabilitate native Hawaiians. Purpose of Act.	Keaukaha, Hilo
340	Other	Can we get copies of other communities comments?	Keaukaha, Hilo
341	Other	Kuleana fits the concept of 'Aina Ho'opulapula- lots of wait listers out there- need to help.	Keaukaha, Hilo
342	Other	Put powerpoint on website.	Keaukaha, Hilo

	A	B	C
1	Topic	Comment	Meeting
343	Other	Clarify what is acquired vs. created. It refers to how the land parcel was acquired and the DCCRs established.	Kona
344	Other	Would like to know how many units DHHL actually has/can turn around and in what timeframe? Really	Honolulu
345	Other	Can someone grow and or use pakalolo on lot (for medical reasons)? Answer: Special circumstances re: medical marijuana	Honolulu
346	Other	What will you learn from (SDU) pilot? Do with information found/learned? A: need rules first--will try to work out kinks	Molokai
347		Q: You're working on administrative rules and we're recipients of the Act, when we give information, will it lead to actual changes? A: Yes. Each round of rulemaking we've done, we've made changes based on beneficiary input. It is a balance tho, between beneficiary input and what DHHL has to factor in as a matter of law and policy. For example, we did consultation for water rules last year and we asked beneficiaries if you're delinquent on paying your water bill, what should the department do other than shutting off your water. Beneficiaries on Molokai suggested making payment in ways other than cash, like with produce from their farms. The HHC agreed to try but only up to 5% of the unpaid amount can be paid through goods or services. The rule was changed because of the consultation process.	Lahaina, Maui
348		Q: When you make amendments, do we have a say, again? A: Yes, you can get involved. There's a section in the rules that describe how amendments can be submitted.	Lahaina, Maui
349		Q: Other meetings sometimes they come with decisions already made; they're only there because it's required by law. Is this like that? A: No. We <u>want</u> to take your input and actually do something with it.	Lahaina, Maui
350		Q: Leialii is an "apple"/DHHL acquired DCCR. Because Kalawahine lawsuit took so long, DHHL hasn't helped us. Is the department willing to help us in court cases with folks who aren't paying dues? A: Once the rules are in place, DHHL will be able to help enforce the CCRs but we can't help the DCCR communities until the administrative rules are in place	Lahaina, Maui
351		Q: Will you help with the financial part--the court cases, etc.? A: The draft rules say the association must try to collect first but after that process, the association can come to DHHL for help	Lahaina, Maui
352		Q: So you're saying there weren't any rules in place before? That's absurd! A: Correct--there were no administrative rules for DCCRs because there were two interpretations of how to implement sections in the Act related to housing development. Kalawahine clarified those questions.	Lahaina, Maui

	A	B	C
1	Topic	Comment	Meeting
353		Where do you come in? We need the help, financial help and enforcement help, and back up! We don't control the leases. But we have to take legal action and we have to foot the bill. We can only go so far. We don't want to have to do this.	Lahaina, Maui
354		You should have someone from Hawaiian Homes come out every few months and check on conditions of homes and yards. That would help.	Lahaina, Maui
355		Before, we had no input. We were just told what to do. It is good to have this opportunity now, but how long do we have to wait for help? A: Princess Kahanu was first DCCR community. The department instituted because it seemed like a good idea at the time to increase the value of the homes and community. It is helpful to hear now what wasn't done right so we can address it.	Lahaina, Maui
356		Q: Why do we need an association? A: To help make sure the rules are adhered to	Lahaina, Maui
357		Hawaiian Homes is not doing its duty to support beneficiaries. You just make it and drop us.	Lahaina, Maui
358		Create a special department to make loans to us. We don't qualify at outside institutions	Lahaina, Maui
359		Your DCCRs are not made for the Hawaiian people. It's for the people living around us. Not in alignment with our values. You're looking at expanding and putting in particular neighborhoods. You can't tell us you're doing it for the Hawaiians; it's not increasing the property value for us. Our houses are depreciating.	Lahaina, Maui
360		The rules aren't made for the people who are going to occupy the property. A: You can amend the DCCRs and should amend them to make sense for your community's needs.	Lahaina, Maui
361		When we got our leases, the book with rules was there but many people never opened it. It's those folks' fault for not reading but maybe they can't read as well. We need to help them understand.	Lahaina, Maui
362		What you need is to provide money. HHL doesn't have anything. You're putting in all these subdivisions but many people are not going to live there. They would go the bushes. You have to think as the department how to build in those areas and make communities where these people want to live. What do <u>we</u> really know about design guidelines? No HRS that says HHL have to get regulations from the county (e.g., electricity--why not do your own power on your own lands)	Lahaina, Maui
363		The designs of these houses are terrible. E.g., garage is bigger than the living room. Who designed these?	Lahaina, Maui
364		Leialii--they squished houses on the lots	Lahaina, Maui
365		There's a real problem. It took Hawaiians to sue the state to get even the \$1 HHL has. Not enough. No wonder you can't help. We need to get more money from ceded lands.	Lahaina, Maui

	A	B	C
1	Topic	Comment	Meeting
366		Q: Why do we need an association? A: You're a planned community. C: I didn't know we were a planned community. You're forcing us to follow a lot of rules. A: Association is a powerful tool--you can work to change DCCRs	Lahaina, Maui
367		Park for the children. Can DHHL get it from the state--work together to get an exchange of land.	Lahaina, Maui
368		With Hawaiian Homes, there's no choice. What if I don't want to be in a planned community? Planned communities have gates, this is an "American style" thing.	Lahaina, Maui
369		Number of people at meetings is dwindling over time. We're aging. We don't want our grandchildren to inherit all these problems, e.g., what are we paying for perimeter wall? Shouldn't be lessees, should be DHHLs	Lahaina, Maui
370		If there was no association, would DHHL take care? No, they wouldn't do anything. When people don't pay, we put a lien on them. They shouldn't be kicked out; we're not kicking them out. I don't need an association; I don't need someone telling me how to live.	Lahaina, Maui

	A	B	C
1	Topic	Comment	Meeting
2	Housing Options & Affordability	My siblings live with me. I have good credit. They do not.	Honolulu
3	Housing Options & Affordability	Issue for lots of families is that they do not qualify for mortgage. Rent-to-own good solution.	Honolulu
4	Housing options & affordability	"Piggy-back" Palolo Valley 1970 Program, if you paid rent, state would provide extra to family so they can move up to another house.	Honolulu
5	Housing Options & Affordability	Why doesn't DHHL give out loans at lower interest? 3%	Honolulu
6	Housing options & affordability	Rent-to-own Maluohai model is good.	Honolulu
7	Housing options & affordability	Multi-family units would keep it more affordable.	Honolulu
8	Housing options & affordability	Rent-to-own model is good. Do that more.	Honolulu
9	Housing Options & Affordability	Do more rent-to-own on Oahu. Jobs are here.	Honolulu
10	Housing options & affordability	I was a renter and lucky to get turn key house. It was a struggle but I got to understand the federal government rules and it worked for us at Hoolimalima	Kapolei
11	Housing options & affordability	Financial advising. Kupuna can't afford to get house but they're still on the waiting list so a small house can be an option	Kapolei
12	Housing options & affordability	DHHL give financial help to buy a home	Kapolei
13	Housing options & affordability	Building close to rail, kupuna can give up cars and visit family	Kapolei
14	Housing options & affordability	Is there a height restriction along the rail?	Kapolei
15	Housing options & affordability	Is more land available to get a lot? Option to get a bigger lot	Kapolei
16	Housing options & affordability	Rapid changes have taken place. I'm from Nanakuli and the beauty of the place has changed from when I was a child	Kapolei
17	Housing options & affordability	Is there a vision of rehabilitated state? Have a conversation with beneficiaries about vision of rehabilitation	Kapolei
18	Housing options & affordability	Not paying for infrastructure, return to DHHL instead of selling and making profits. It should go to next one on the list.	Kapolei
19	Housing options & affordability	Tiny homes	Kapolei
20	Housing options & affordability	Why does it have to be SDU, why not tiny homes?	Kapolei
21	Housing options & affordability	Has DHHL ever considered pre-fabricated houses?	Kapolei

	A	B	C
1	Topic	Comment	Meeting
22	Housing options & affordability	DHHL should purchase existing buildings and renovate for beneficiares	Kapolei
23	Housing options & affordability	Compare to cost of preparing structure. DHHL might purchase. There are a lot of buildings out there	Kapolei
24	Housing options & affordability	RV's, trailers with nice parts to consider that. Like a trailer park. Affordable cost.	Kapolei
25	Housing options & affordability	Ownership, condo style to buy in (design) people can buy in	Kapolei
26	Housing options & affordability	I want to be able to buy fee simple, what can DHHL do? Oahu has least amount of land. Look at DHHL to help applicants to get into a home that's affordable	Kapolei
27	Housing options & affordability	Would that mean I would get off the DHHL waiting list?	Kapolei
28	Housing options & affordability	Don't go with tiny homes, it's not acceptable. DHHL has land, should have homes	Kapolei
29	Housing options & affordability	All individual choice, there should be options to housing by beneficiary choice	Kapolei
30	Housing options & affordability	An option should be a house that's affordable	Kapolei
31	Housing options & affordability	Should not just be restricted to DHHL. Homestead associations that are 501(c)(3)s and housing authorities, we should have best interests of community in mind. We can do it for less. We can bring the products to people in an affordable way. Need to allow us to sit at the table and help. You're taking too long.	Kauai
32	Housing options & affordability	We have products that plenty people would appreciate but we can't even talk about it. Instead of saying "should <u>DHHL</u> ," can we say "Should DHHL and native Hawaiian organizations and authorities and NPOs together do multi-family housing?"	Kauai
33	Housing options & affordability	Q: Kupuna housing--why didn't it work? 15 years	Kauai
34	Housing options & affordability	Q: How does this idea fit in with HHCA-99 year leases at the rate of \$1? A 99 year lease on an apartment? A: Not quite as simple with multi-family units. DHHL has to consider how it would work. Some folks do want condo/apartment options. Younger folks.	Kauai
35	Housing options & affordability	\$212,000 mortgage in Keaukaha- all built by student and other free labor. How is that? (Answer: Davis bacon nothing to do with us)	Keaukaha, Hilo
36	Housing options & affordability	Affordable what you're able to pay	Keaukaha, Hilo
37	Housing options & affordability	DHHL supplement kupuna, it would help.	Keaukaha, Hilo



	A	B	C
1	Topic	Comment	Meeting
38	Housing options & affordability	Why didn't DHHL step in and help us? In order to have Hawaiian home lands you have to have lots of money. Self help/no interest rate/no down payment/ see never awarded that.	Keaukaha, Hilo
39	Housing options & affordability	Rent to own was success in Kapolei?	Keaukaha, Hilo
40	Housing options & affordability	How was the credit in Kapolei, single family? A: Has been successful. A: 85 families converted after 15 years. Took time and why DHHL did it. Lots of families couldn't do it. Learning process renters differ prospective than owner.	Kona
41	Housing Options & Affordability	Location- Waimanalo project too far out.	Kona
42	Housing Options & Affordability	Transportation- Kupuna can't drive. Waimanalo project was a "BIG DOWNER."	Kona
43	Housing Options & Affordability	Whole thing needs to be revised. People need to know.	Kona
44	Housing options & affordability	Is rental parameters included?	Kona
45	Housing options & affordability	Not included and should have been verified and included prior to not after.	Kona
46	Housing options & affordability	Rent to own good idea. Like idea and village up there is waiting.	Kona
47	Housing options & affordability	Where did that take place? A: Kapolei. Lots comes down to financial stacking private developer. Negotiating with developer to make rents affordable.	Kona
48	Housing Options & Affordability	Is DHHL planning Kupuna Housing?	Kona
49	Housing Options & Affordability	Duplex housing. Good planning. Need to know. Meetings and picture wasn't what it was.	Kona
50	Housing Options & Affordability	10741 Rental Housing offer?	Kona
51	Housing options & affordability	Hawaiian-owned companies should bid for these jobs. Create job opportunities for them to bid	Lahaina, Maui
52	Housing options & affordability	Financing, monies have to come from our own, not borrow from outside	Lahaina, Maui
53	Housing options & affordability	Based on income for kupuna housing	Lahaina, Maui
54	Housing options & affordability	DHHL moving at a snail's pace, it's frustrating. DHHL should have built 2,000 houses	Lahaina, Maui
55	Housing options & affordability	Follow the lease who qualifies and educate those on the list to buy a house	Molokai
56	Housing options & affordability	Rent towards homeownership	Molokai
57	Housing options & affordability	Should be subsidized. Ex: Kalae USDA rents around \$100, that's good	Molokai

	A	B	C
1	Topic	Comment	Meeting
58	Housing options & affordability	Kupuna move into housing has to give up and succeed to children	Molokai
59	Housing options & affordability	Senior center kupuna apartments during Gov Cayetano's administration	Molokai
60	Housing options & affordability	Q: does DHHL have rules for selling their homes? Because how will multi-family be treated?	Molokai
61	Housing options & affordability	Administrative rules: put in that you cannot transfer lease and keep unit affordable even in transfers	Molokai
62	Housing options & affordability	Rule by DHHL purchase house but cannot sell for a certain number of years	Molokai
63	Housing options & affordability	Multi-family: older children lives with can take advantage to pass to children	Molokai
64	Housing options & affordability	I like rent to own	Molokai
65	Housing options & affordability	Rental: first priority should be the Hawaiians	Molokai
66	Housing options & affordability	Keeping things affordable as it affects the affordability	Molokai
67	Housing options & affordability	Waitlist should be a priority for every list--first priority	Molokai
68	Housing options & affordability	One on list should be able to get first	Molokai
69	Housing options & affordability	Target the waitlist	Molokai
70	Housing options & affordability	Rent-50% on the list then 25% next (grandchildren) <u>AGREE</u>	Molokai
71	Housing options & affordability	What happened to the self-help program? Owner builder?	Paukukalo, Maui
72	Housing options & affordability	Train homesteaders	Paukukalo, Maui
73	Housing options & affordability	Vertical, who can afford that? Public-private partnership; look at community development corporation	Paukukalo, Maui
74	Housing options & affordability	"Big houses" is that what we're going to be? DCCR should come into "big houses" Families with kupuna at home with medical assistance	Paukukalo, Maui
75	Housing options & affordability	Fill up vacant lots	Paukukalo, Maui
76	Housing options & affordability	Qualifying for DHHL incubation center to prepare	Paukukalo, Maui
77	Housing options & affordability	Banks not financing on DHHL; in house with stipulations	Paukukalo, Maui
78	Housing options & affordability	DHHL should develop their own financing	Paukukalo, Maui
79	Housing options & affordability	Get legislature	Paukukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
80	Housing options & affordability	HUD guidelines do not work; DHHL should have its own	Paukukalo, Maui
81	Housing options & affordability	Training along lines of assisted purchase properties to expand inventory	Paukukalo, Maui
82	Housing options & affordability	DHHL options: money making--why don't we generate income to get native Hawaiians on the land	Paukukalo, Maui
83	Housing options & affordability	Affordable housing doesn't work on Maui	Paukukalo, Maui
84	Housing options & affordability	Is DHHL going to open Waiehu Kou IV? Do we have any more land?	Paukukalo, Maui
85	Housing options & affordability	DHHL has to acquire more land	Paukukalo, Maui
86	Housing options & affordability	Take that mac nut farm and do something with it--PURCHASE	Paukukalo, Maui
87	Housing options & affordability	Where is program for Big Island and Oahu?	Paukukalo, Maui
88	Housing options & affordability	DHHL offers three times, no responses, placed of deferred list	Paukukalo, Maui
89	Housing options & affordability	Called Oahu DHHL for change for Kihei, on list for a long time, no address change, house built in 1968, number was up there.	Paukukalo, Maui
90	Housing options & affordability	You can put storage on agriculture lots	Paukukalo, Maui
91	Housing options & affordability	Do organic farm then sue them after...sorry	Paukukalo, Maui
92	Housing options & affordability	Need community center	Paukukalo, Maui
93	Housing options & affordability	We need water, see if we can take that back	Paukukalo, Maui
94	Housing options & affordability	Should not supercede Royal Order	Paukukalo, Maui
95	Housing options & affordability	Drill our own well for water	Paukukalo, Maui
96	Housing options & affordability	Allow other types of construction: tiny homes; container; 3D print--super affordable; pre-fab--50% up for materials	Paukukalo, Maui
97	Housing options & affordability	Cost of containers: 12x20 size; 12x40 size	Paukukalo, Maui
98	Housing options & affordability	--DHHL purchase existing houses --Need more "kupuna housing" include medical assisted --Improvement to existing houses of kupunas like mow yards, ADA access, assist homestead associations, DHHL to help ADA compliance	Paukukalo, Maui
99	Housing options & affordability	Put on house lot, don't want "ghetto"	Paukukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
100	Housing options & affordability	Build townhouses for families they are beautiful	Paukukalo, Maui
101	Housing options & affordability	Using DHHL, stick to mandate for our people first. Pre-rental and pre-ownership financial literacy	Paukukalo, Maui
102	Housing options & affordability	Go down the list first	Paukukalo, Maui
103	Housing options and affordability	Yes, should be able to lease, beneficial for financing a house on a lot because could help the family with equity. Smaller home, become lessee, and it's a benefit to them	Kapolei
104	Housing options and affordability	DHHL can't do any equity on their home	Kapolei
105	Housing options and affordability	Can people give a cultural thing in exchange for rent? Or students give back; give free rent during their studies like a free voucher	Kapolei
106	Housing options and affordability	What was Waimanalo experience?	Kapolei
107	Housing options and affordability	Disagree with getting lease and turning around and selling. It's a privilege. Should not be buying and selling, buying and selling.	Kapolei
108	Housing options and affordability	Should have a 10-15 year period before you can sell.	Kapolei
109	Housing options and affordability	Buying lots to profit and using it to live on aina.	Kapolei
110	Management company	Issues within development should be managed by those living in it and oversight by DHHL, with capacity	Kapolei
111	Management company	If multi-family is built, who is responsible for that complex?	Kapolei
112	Management company	Is DHHL going to maintain multi-family complex? Is it lessee or renter?	Kapolei
113	Management company	Company that has compassion and cares "better one now"	Kapolei
114	Management company	Who's going to manage it	Kapolei
115	Management company	Look for beneficiary owned management company. We have 15 years to build capacity and instill in communities	Kapolei
116	Management company	Cultural accordance, preserve the culture	Kapolei
117	Management company	DHHL should have their own property management company	Kapolei
118	Management company	Keep management company honest and engaged with company	Kapolei
119	Management company	Why can't DHHL manage their own instead of paying a management company?	Kapolei
120	Management company	Is the department going after federal monies?	Kapolei
121	Management company	Is DHHL going after tax credits?	Kapolei
122	Management company	--not as an agency Years of experience	Kapolei

	A	B	C
1	Topic	Comment	Meeting
123	Management company	Q: what if neighborhood association becomes landlord vs DHHL? Is this an option or is lease just for individuals? Can DHHL lease to NH beneficiary organization who can then be landlord? How would buildings get built? Grants/tax credits?	Kauai
124	Management company	Don't get anyone from the mainland. From island where land is.	Kauai
125	Management company	Q: If DHHL is landlord, doesn't it have to follow existing rules? A: Nanakuli housing example; DHHL controls land, someone else manages	Kauai
126	Management Company	No support. Farm out to beneficiary management.	Keaukaha, Hilo
127	Management Company	Not Native Hawaiian should be native Hawaiian	Keaukaha, Hilo
128	Management company	Habitat for humanities.	Keaukaha, Hilo
129	Management Company	Work state/DHHL the get money.	Keaukaha, Hilo
130	Management Company	DHHL should do it.	Keaukaha, Hilo
131	Management company	No, why hire outside?	Keaukaha, Hilo
132	Management Company	Is there evaluation of management company? What is the criteria for selecting.	Keaukaha, Hilo
133	Management Company	You get 2 landlords, but just adding another layer. Have management- other kick them out.	Keaukaha, Hilo
134	Management company	Culturally sensitive; no collusion or political	Molokai
135	Management company	Create jobs	Molokai
136	Management company	People skills to manage and accounting skills, capability, and ALOHA, and compassion	Molokai
137	Management company	Be Hawaiian and compatible	Molokai
138	Management company	Concept of Native Hawaiian managing and in good standing	Molokai
139	Management company	DHHL creates their own management company	Molokai
140	Management company	DHHL to hire and set the rules for management company to follow	Molokai
141	Management company	Show genealogy	Molokai
142	Management company	Handle overall management	Molokai
143	Management company	Laws not good on our Hawaiian people	Molokai
144	Management company	NO EDITING	Molokai
145	Management company	Consider community/recreational area to congregate	Molokai
146	Management company	Association buffers with management company	Paukukalo, Maui
147	Management company	Rentals should be association and more supportive	Paukukalo, Maui
148	Management company	Hawaiians should do the management	Paukukalo, Maui
149	Management company	Waiehu Kou II handles common area fronting homes (Commercial Property does Waiehu Kou)	Paukukalo, Maui
150	Management company	Helps along line of native values	Paukukalo, Maui
151	Management company	Why would DHHL hire a management company?	Paukukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
152	Management company	Enough finances and a license to do it	Paukukalo, Maui
153	Management company	Bid for property management	Paukukalo, Maui
154	Management company	Coordinate with DHHL for support on homestead issues	Paukukalo, Maui
155	Management company	Broken sprinkler charges to homeowner	Paukukalo, Maui
156	Management company	Striping roads	Paukukalo, Maui
157	Management company	Speed bumps	Paukukalo, Maui
158	Management company	Mowing common areas	Paukukalo, Maui
159	Management company	Went after DHHL for vacant lots lack of maintenance	Paukukalo, Maui
160	Management Company Criteria	Management company should work alongside associations.	Honolulu
161	Management Company Criteria	Hawaiian-owned company- prioritize.	Honolulu
162	Management Company Criteria	Be respectful of tenants. Treat tenants well. There is stigma of low-income, they need to treat with respect.	Honolulu
163	Management Company Criteria	Understand responsibilities of homestead trust operation. Should understand DHHL purpose.	Honolulu
164	Management Company Criteria	A reputable company. Sensitivity to Hawaiian culture.	Honolulu
165	Management Company Criteria	Would be nice if native Hawaiian owned, but don't know if that exist. Should at least have cultural sensitivity.	Honolulu
166	Management Company Criteria	Cultural aspect should come from DHHL.	Honolulu
167	Management Company Criteria	Should be professional.	Honolulu
168	Management Company Criteria	Enforcement should come from outside community. Neighbor shouldn't enforce on neighbor.	Honolulu
169	Management Company Criteria	Experts that understand home loans.	Honolulu
170	Management Company Criteria	People that work with the community, good relationship with the community. Property management should answer to the board of community.	Honolulu
171	Management Company Criteria	Management company should have experience in affordable housing management in Hawaii.	Honolulu
172	Management Company Criteria	Has to be some kind of cultural awareness.	Kona
173	Management Company Criteria	Hawaiians need to take care of each other. Got to be local in heart.	Kona

	A	B	C
1	Topic	Comment	Meeting
174	Management Company Criteria	Who should be responsible?	Kona
175	Management Company Criteria	Address people's needs and move faster than molasses on a cold day.	Kona
176	Other	In Waimanalo, we talked to our council member to address parking issue.	Honolulu
177	Other	Why not develop in Hau'ula Ko'olau Loa? DHHL no lands there.	Honolulu
178	Other	If kupuna wanted to move to kupuna housing how to transfer home lease to kids?	Honolulu
179	Other	1/32 quantum going to be less than that	Kapolei
180	Other	All these meetings, this last one, do we get a follow up meeting?	Kapolei
181	Other	Get a better room and sound system, it's hard to hear, so we don't fight. On these administrative rules, is there a follow up meeting	Kapolei
182	Other	I don't have a computer, how do I get palapala?	Kapolei
183	Other	What is the experience of Waimanalo's multi-family? I would like to hear lessons learned	Kapolei
184	Other	Coming up with rules is so stringent	Kapolei
185	Other	Could you bring Waimanalo feedback to us at Kapolei	Kapolei
186	Other	If the term is 15 years, what if you want to do it in 10 years?	Kapolei
187	Other	Where are we looking possibly doing this? Would it be when the rules are done that I can come in and get a permit?	Kapolei
188	Other	Are we in the process of promulgating these rules?	Kapolei
189	Other	Need land in Kauai, too. Not only Honoumuli	Kauai
190	Other	Rehabilitation process- how does it affect my children?	Keaukaha, Hilo
191	Other	Where is DHHL monies going? Got plenty of land.	Keaukaha, Hilo
192	Other	To finance, is money coming from DHHL selling land?	Keaukaha, Hilo
193	Other	Nanakuli 2nd road how are they doing?	Keaukaha, Hilo
194	Other	Does DHHL have land near resort? Lands close to the jobs.	Keaukaha, Hilo
195	Other	What is awarded that?	Keaukaha, Hilo
196	Other	For each of the lots what island is awarded that.	Keaukaha, Hilo
197	Other	Build your own house. Owner builder. Start with studio. Get them on the land. Kit minimum order 25. Homes can withstand 165 miles land.	Keaukaha, Hilo
198	Other	Nice if agency to define what's good for its people. Not HUD standards.	Keaukaha, Hilo
199	Other	DHHL does 50% below & tracked by DHHL, Fed funding does come into play.	Keaukaha, Hilo
200	Other	201 says who you are on land. 50% successors on the land. Don't fiddle with the act.	Keaukaha, Hilo
201	Other	I agree (to comment above).	Keaukaha, Hilo

	A	B	C
1	Topic	Comment	Meeting
202	Other	Why do they need us? Why didn't you do rules? Can we make rules?	Keaukaha, Hilo
203	Other	Why should we be paying? Give the people free. We deserve free and give us free. Not small kind old timer. Houses from Arizona. Fix first they need help.	Keaukaha, Hilo
204	Other	Ground zero I have not.	Keaukaha, Hilo
205	Other	What is DHHL doing? Was 21 on list now 59. Have one child serving in marines. I'm 75%, have not. You guys too slow. More money. More staff.	Keaukaha, Hilo
206	Other	Still on waiting list. 38 years, come on, we waiting.	Keaukaha, Hilo
207	Other	Like to know when you going to come with answers. Work with judiciary. More rules.	Keaukaha, Hilo
208	Other	Don't make rules so hard/stiff.	Keaukaha, Hilo
209	Other	DHHL has to look at ways to make money. Get around legislative rules, make money, Big Money	Lahaina, Maui
210	Other	The state controls us too much	Lahaina, Maui
211	Other	Newsletter on status statewide to beneficiaries/waitlist applicants	Molokai
212	Other	Who boards up the houses? A: DHHL enforcement or Sheriff's	Paukukalo, Maui
213	Other	Vacant lot, who can get and what is the process? Where are lands?	Paukukalo, Maui
214	Other	Is it possible on DHHL lands: 20 capable Hawaiians approach land use authority and use eminent domain for Waiehu private lands. Have a coop partner, authority of native Hawaiian beneficiaries, a community development entity.	Paukukalo, Maui
215	Other	Undivided interest? Infrastructure needed for residential--water, sewage, lights, roads are expensive	Paukukalo, Maui
216	Other	Keokea, Waiohuli--advance notice; DHHL needs to address timeline, 1 year	Paukukalo, Maui
217	Other	Need to have DHHL enforce the rules	Paukukalo, Maui
218	Property management	Management company should be from island, as opposed to the mainland. Different kind of concepts, understandings, culture. Should be offered to Hawaiians.	Lahaina, Maui
219	Property management	Work from within, get some people who are skilled at property management	Lahaina, Maui
220	To do or not to do	Don't want it to be like another KPT Hawaiians can't live like that.	Honolulu
221	To do or not to do	Papakolea Regional Plan wanted to incorporate bowl-a-drome. Bowl-a-drome should have community benefit to Papakolea.	Honolulu
222	To do or not to do	There are people renting in Kalawaihine, causing parking problem. Too many cars.	Honolulu



	A	B	C
1	Topic	Comment	Meeting
223	To do or not to do	Papakolea parking problem. Multi-family would contribute to the areas parking problem.	Honolulu
224	To do or not to do	Are you looking at developments like KPT? That would be scary.	Honolulu
225	To do or not to do	Condominium by Stadium Bowl.	Honolulu
226	To do or not to do	Design multifamily so not boxy.	Honolulu
227	To do or not to do	Development of multi-family should meet characteristic of the area.	Honolulu
228	To do or not to do	What kind of fees in multi-family? That should determine whether lease or rental.	Honolulu
229	To do or not to do	All the jobs are in town.	Honolulu
230	To do or not to do	Use good quality material, more expensive but if it's going to be 99 year lease. Worth it.	Honolulu
231	To do or not to do	We went to DHHL meeting on bowl-a-drome.	Honolulu
232	To do or not to do	Is there one in Kapolei? Answer: DHHL did two projects, rent to own Kupuna housing (Waimanalo).	Honolulu
233	To do or not to do	Would description of multifamily be statewide or region specific? Rules could allow for individual region.	Honolulu
234	To do or not to do	How long for kupuna housing in Papakolea? PCDC has disposition for HHL in Papakolea looking at kupuna housing.	Honolulu
235	To do or not to do	Where has DHHL done multi-family? Answer: Kapolei & Waimanalo.	Honolulu
236	To do or not to do	Would homestead lease in multi-family be same? Answer: Yes, 99 year lease. Allows you to transfer to family.	Honolulu
237	To do or not to do	For condominiums, how many units? Answer: That would be project specific.	Honolulu
238	To do or not to do	Where would development be for multi-family? Answer: We would need to do more studies.	Honolulu
239	To do or not to do	Is condo or 2 story shared unit multi family? Answer: Yes.	Honolulu
240	To do or not to do	What is minimum unit? Answer: HUD = 4 or more.	Honolulu
241	To do or not to do	In rent to own, can you pass on to successor if still renting. Answer: No.	Honolulu
242	To do or not to do	Example of rent-to-own? Answer: Kapolei Maluohai.	Honolulu
243	To do or not to do	What was the percentage of successful conversion. Answer: Don't know.	Honolulu
244	To do or not to do	How many lands would be taken away from single family? Answer: Wouldn't be competing.	Honolulu
245	To do or not to do	How do we get as many units to address wait list?	Honolulu
246	To do or not to do	How do you address fee for common areas? Water, grass etc.	Honolulu
247	To do or not to do	In multi-family, should it be homestead lease or rental? Answer: Could be like the symphony condominium. Low income on portion.	Honolulu
248	To do or not to do	Would it be for all beneficiaries?	Honolulu

	A	B	C
1	Topic	Comment	Meeting
249	To do or not to do	Do we have DHHL in Kaka'ako? Answer: No.	Honolulu
250	To do or not to do	Where in town is DHHL land? Bowl-a-drome.	Honolulu
251	To do or not to do	I like the idea in general.	Honolulu
252	To do or not to do	Address need for younger beneficiaries provide options for them.	Honolulu
253	To do or not to do	Supportive of multi-family housing (group sentiment).	Honolulu
254	To do or not to do	I would allow both rental & homestead lease.	Honolulu
255	To do or not to do	Discourage of renting	Kapolei
256	To do or not to do	Affordability is important	Kapolei
257	To do or not to do	They had \$600M	Kapolei
258	To do or not to do	Don't want to do pilot project	Kapolei
259	To do or not to do	Important to consider before rentals approved	Kapolei
260	To do or not to do	Cost \$500,000 + to build a complex, maybe drop the price so it's affordable. Affordable is \$250,000?	Kapolei
261	To do or not to do	Rules and security, don't want another Kuhio Prince Tower	Kapolei
262	To do or not to do	Make maintenance fees low and people can afford. Put plans in now.	Kapolei
263	To do or not to do	DHHL needs revenue and people pay rent outside, why not rent to them?	Kapolei
264	To do or not to do	Maluohai all single family homes	Kapolei
265	To do or not to do	Would it be a lease?	Kapolei
266	To do or not to do	Will it be DCCR?	Kapolei
267	To do or not to do	How is project in Nanakuli doing so far?	Kapolei
268	To do or not to do	What are we talking about "affordable"?	Kapolei
269	To do or not to do	Does rental take them off the list?	Kapolei
270	To do or not to do	Would rental fees be a set fee?	Kapolei
271	To do or not to do	How about tiny homes?	Kapolei
272	To do or not to do	When you say "renters" who are you referring to?	Kapolei
273	To do or not to do	Why DHHL can't get property and build rentals?	Kapolei
274	To do or not to do	Why doesn't DHHL do more rent to own?	Kapolei
275	To do or not to do	How DHHL get legal authority?	Kapolei
276	To do or not to do	Does DHHL have an understanding, vision, and state Hawaiians are in?	Kapolei
277	To do or not to do	Great idea. Lots of homeless. Engaging in some kind of home for them to rent to 50% Hawaiians	Kapolei
278	To do or not to do	Support multi-family homes. Ulu Ke Kukui project turn to condos or multi-purpose homes. Has to be for Hawaiians 50% quantum or more on the list. Affordable living quarters	Kapolei
279	To do or not to do	Want them to have a place to live	Kapolei
280	To do or not to do	Agree with multi-family complex of units like rent 10-15 years	Kapolei
281	To do or not to do	I agree it's like a stepping stone; multi-family is a good stepping stone	Kapolei
282	To do or not to do	I like the idea	Kapolei
283	To do or not to do	It's cheaper	Kapolei

	A	B	C
1	Topic	Comment	Meeting
284	To do or not to do	It can have a lower maintenance yard	Kapolei
285	To do or not to do	Rent and offer lessees, not everybody can afford single family homes. Do both	Kapolei
286	To do or not to do	For Hawaiians, take them off the streets	Kapolei
287	To do or not to do	I agree, I like multi-family	Kapolei
288	To do or not to do	Yes, I'm for multi-family because there is so very little land on Oahu. Land exchange for places like Bowl-o-Drome	Kapolei
289	To do or not to do	Cost to move into smaller dwelling is more affordable for the yonger ones	Kapolei
290	To do or not to do	I'm in favor of rentals; leases take so much paperwork	Kapolei
291	To do or not to do	DHHL should do rent to own	Kapolei
292	To do or not to do	Make destination "home ownership." DHHL doing other options. Not every Hawaiian is going to be a homeowner. If rental that's what you're looking at (create more options)	Kapolei
293	To do or not to do	Do both rental and leases and rent to won in multi-family	Kapolei
294	To do or not to do	Great if option (rental) if something in wording if also can grow kalo or do something on the land	Kauai
295	To do or not to do	History of DHHL does not bear it out--build houses with mortgage. DHHL use most of land for that option	Kauai
296	To do or not to do	Concern that options delay the process	Kauai
297	To do or not to do	Concern: is this addressing wait-listers? Commercialization, I'm not for that. We were restricted once we had to borrow money from <u>banks</u> . Original families in Anahola didn't have to do this. If DHHL can fully go out for Fed money, start <u>giving</u> us homes/land. No one can qualify. There is the land. Don't do multi-family opportunities--go back to original options--no qualification/just <u>rehabilitation</u> --get us on land (we can go to DHHL and pay back vs. paying bank)	Kauai
298	To do or not to do	Why put them in rentals? Put them in houses. If want to build, let them build.	Kauai
299	To do or not to do	If ohana is together, got land, children got the "kala"	Kauai
300	To do or not to do	Does not pertain to us	Kauai
301	To do or not to do	in some cases, yes	Kauai
302	To do or not to do	Puts more Hawaiians in houses	Kauai
303	To do or not to do	Our family and people need houses	Kauai
304	To do or not to do	More manageable for kupuna	Kauai
305	To do or not to do	Got to have the credit, renting builds credit	Kauai
306	To do or not to do	Building well thought out and developed...security, etc.	Kauai
307	To do or not to do	Good for oahu, not us (Hilo)	Keaukaha, Hilo
308	To do or not to do	Lack of land. Bowl-o-drome.	Keaukaha, Hilo
309	To do or not to do	Rehabilitate - Live in high rise apartment/condominiums.	Keaukaha, Hilo
310	To do or not to do	Held to a standard	Keaukaha, Hilo

	A	B	C
1	Topic	Comment	Meeting
311	To do or not to do	Concern- Like kuhio park terrance/major wright housing. How does it work? (Answer: No)	Keaukaha, Hilo
312	To do or not to do	Kauhale wanted it - 2-3 lots for 7 houses went nowhere	Keaukaha, Hilo
313	To do or not to do	50-60 years. Broken promises. Same song over and over.	Keaukaha, Hilo
314	To do or not to do	FYI- Utilize Section 8 - Rent to own from state- 15 year period. Problems DCCR. Works in the above situation.	Keaukaha, Hilo
315	To do or not to do	As Hawaiians lot more deserving.	Keaukaha, Hilo
316	To do or not to do	Yes, after address issues on current properties (then this is crossed out and says "no, misleading")	Keaukaha, Hilo
317	To do or not to do	DHHL here long time, no such things.	Keaukaha, Hilo
318	To do or not to do	Big island, not for our island. Taking land and gone sell to someone else.	Keaukaha, Hilo
319	To do or not to do	Don't want multi-fmily. Give us homes.	Keaukaha, Hilo
320	To do or not to do	Misleading saying multi-family. No, not for it now.	Keaukaha, Hilo
321	To do or not to do	Is it exsclusive to DHHL beneficiaries? On ear mark residential? General lease.	Keaukaha, Hilo
322	To do or not to do	Still for Hawaiian people?	Keaukaha, Hilo
323	To do or not to do	What land you going to use for that?	Keaukaha, Hilo
324	To do or not to do	Need stats on Nanakuli Village Rentals.	Keaukaha, Hilo
325	To do or not to do	Where will multi family occur?	Keaukaha, Hilo
326	To do or not to do	Does act allow to be created? Act does not allow it.	Keaukaha, Hilo
327	To do or not to do	Isn't define the rules?	Keaukaha, Hilo
328	To do or not to do	Would you get HUD support?	Keaukaha, Hilo
329	To do or not to do	Is rules only for residential? Not pastoral.	Keaukaha, Hilo
330	To do or not to do	Multi-Family common areas- is that tacked on? Sidewalks, county garbage road.	Keaukaha, Hilo
331	To do or not to do	Where is that in Hilo?	Keaukaha, Hilo
332	To do or not to do	Why ask in the first place? Get the answer. Then bring to us.	Keaukaha, Hilo
333	To do or not to do	What are you really trying to do, move people on the list? Row home give specific time 10 years. Will you help to secure their home?	Keaukaha, Hilo
334	To do or not to do	Is it new ones you're going to build? Likes the option.	Keaukaha, Hilo
335	To do or not to do	Concern with high density and noise. Hope DHHL does not build close units. Be mindful of closeness, not helpful.	Kona
336	To do or not to do	Single home available as option. I want my home.	Kona
337	To do or not to do	Individual if DHHL rents them who maintains the building? A: Handles by design, not talking about the details.	Kona
338	To do or not to do	What would be the biggest you could make it? A: Could be 2 or 3 bedrooms. Not to create limitations.	Kona
339	To do or not to do	Would single family homes still be offered? A: HUD housing ladder, small unit. With build up other opportunitites and could transfer. Expands opportunities.	Kona

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
340	To do or not to do	Very much an idea.	Kona
341	To do or not to do	Yes good idea.	Kona
342	To do or not to do	Some families takes away from doing yard.	Kona
343	To do or not to do	No time.	Kona
344	To do or not to do	Grandma can live next door.	Kona
345	To do or not to do	Good; children can decide what they want to do or where they want to live.	Kona
346	To do or not to do	I like that DHHL is looking at more options. All options good. Good design and consideration to needs of the community. Pride.	Kona
347	To do or not to do	Good idea, go in and quality, rent money can go to mortgage now, get mortgage, and get single family home.	Kona
348	To do or not to do	Looking at children and grandchildren, multi-family is a good option. Not a ghetto type building but take pride, do it right. Not like Mayor Wright Housing. The concept is for a new generation. And can be ownership not just "housing."	Lahaina, Maui
349	To do or not to do	Cannot be just one level	Lahaina, Maui
350	To do or not to do	Sorry, can't put Hawaiians in that	Lahaina, Maui
351	To do or not to do	Looking at my children, they live in multi-family housing, they aren't yard people. You could build multi-family in our subdivisions. There could be enough land so our kids have a place to live and kupuna could be taken care of all close by in one community.	Lahaina, Maui
352	To do or not to do	This is about options for our kids and grandkids.	Lahaina, Maui
353	To do or not to do	Build all the options and we will fill them all	Lahaina, Maui
354	To do or not to do	Monies to pay for rent/Molokai multi-family housing	Molokai
355	To do or not to do	Young people can't afford, help young ones. Land available	Molokai
356	To do or not to do	DHHL consider-- --youth meet 50% qualification rarely --one point: everybody living in home and friction, agree rental is different	Molokai
357	To do or not to do	Q: kupuna housing. Mom lessee, significant other is not Hawaiian but children have, so spouse has nothing	Molokai
358	To do or not to do	Keep in spirit of what was formulated by the DHHL Act: Commission	Molokai
359	To do or not to do	Rental association and/or board should be created	Molokai
360	To do or not to do	Keep it in Hawaii and spirit of Hawaiian Home Commission	Molokai
361	To do or not to do	Can consider it due to cost of building a home	Molokai
362	To do or not to do	Keep bowling alley for income	Molokai
363	To do or not to do	Waitlist already 50%	Molokai
364	To do or not to do	Give alternative--transition from rental to house (lease award)	Molokai
365	To do or not to do	Some units affordable	Molokai

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
366	To do or not to do	Income criteria: mix income of families	Molokai
367	To do or not to do	Water is concern on Molokai #1 priority	Molokai
368	To do or not to do	Multi-family taking away true ownership rather than single ownership	Molokai
369	To do or not to do	Don't support multi-family	Molokai
370	To do or not to do	I disagree to have rental as a lease	Molokai
371	To do or not to do	Q: would it bring waitlist down? (A: no, stay on waitlist until a homestead lease is issued)	Molokai
372	To do or not to do	Support multi-family living due to homelessness: --security for children --status of Oahu Hawaiian population	Molokai
373	To do or not to do	Caregiver independence	Molokai
374	To do or not to do	Homeless. Molokai families don't have to go back on list	Molokai
375	To do or not to do	Leases and multi-family do both	Molokai
376	To do or not to do	We should do multi-family and we support	Molokai
377	To do or not to do	Rent to own can be one of the options	Molokai
378	To do or not to do	Good plan: multi-family	Molokai
379	To do or not to do	Do both multi-family and kupuna	Molokai
380	To do or not to do	Pilot project on Molokai-option to move to-do survey for Molokai	Molokai
381	To do or not to do	Affordable, kupuna are on fixed income	Molokai
382	To do or not to do	Duplex design good pilot project for Molokai	Molokai
383	To do or not to do	DHHL build in landlord tenant rules	Paukukalo, Maui
384	To do or not to do	Prioritize this. 50 lots in Leialii. Build lease homes first.	Paukukalo, Maui
385	To do or not to do	Segregate the priorities	Paukukalo, Maui
386	To do or not to do	<u>Leases always priority</u>	Paukukalo, Maui
387	To do or not to do	Who's going to build the houses, big houses? Hawaiians or outside? Use Hawaiian developers	Paukukalo, Maui
388	To do or not to do	Trailer homes, why cannot? Only houses for wealthy people	Paukukalo, Maui
389	To do or not to do	Where does land and money come from?	Paukukalo, Maui
390	To do or not to do	Rental pool--allocate priority sign up to be notified. Keep separate or a new list Options hits more people. Important not to lose place on DHHL waitlist. Inclusion and increase inventory	Paukukalo, Maui
391	To do or not to do	Project: financial qualification and risk. Do not pass applicants. Design to meet what is affordable, analysis to make ends meet	Paukukalo, Maui
392	To do or not to do	Not fair to applicants to do this	Paukukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
393	To do or not to do	Group consensus: --Tiny houses --Tiny land--give me a piece of land	Paukukalo, Maui
394	To do or not to do	Is it subject to "stipulations"? Rules to adhere to?	Paukukalo, Maui
395	To do or not to do	50% native Hawaiian rental is not easy--what entry does rental have in all of this?	Paukukalo, Maui
396	To do or not to do	Do we have to follow county rules?	Paukukalo, Maui
397	To do or not to do	What do they want this agency to agree to do? Do you want to do this? Do you want to try this?	Paukukalo, Maui
398	To do or not to do	If going to offer rental, how much will it take away leases? From building lease homes?	Paukukalo, Maui
399	To do or not to do	Rentals for those who cannot afford single family house	Paukukalo, Maui
400	To do or not to do	Multi-family option. Rent to own.	Paukukalo, Maui
401	To do or not to do	Do multi-family and award lots to live in house with children.	Paukukalo, Maui
402	To do or not to do	Do a rental-only proposal	Paukukalo, Maui
403	To do or not to do	Like idea of renting multi-family units Economic arm: 6 top, 6 bottom on vacant land for homestead Revenue generating on association homestead Develop simultaneous rental and lease homes--10 vacant in every 100 Add to mix of home offerings	Paukukalo, Maui
404	To do or not to do	Yes, do multi-family, rentals, and kupuna housing	Paukukalo, Maui
405	Who should rent	Transitional housing. Make it very affordable at first, and allow to move up to housing.	Honolulu
406	Who should rent	Renting is good, keeps you on list, when you ready you can get lease.	Honolulu
407	Who should rent	Renters should be at least 25% quantum.	Honolulu
408	Who should rent	Use the same rules for other homestead beneficiaries first.	Honolulu
409	Who should rent	Follow the current rules. If there are changes to those rules, then the multi-family, rules change too.	Honolulu
410	Who should rent	Renters should be 25% - 50% Hawaiian.	Honolulu
411	Who should rent	Is DHHL looking at renting to non-Hawaiians for money? No.	Honolulu
412	Who should rent	Should be to Hawaiians first. Include rent-to-own. Good for low-income.	Honolulu
413	Who should rent	Should be at least some Hawaiian rentals.	Honolulu
414	Who should rent	If you exhaust the list and all successors then open it up to general public for income generation.	Honolulu

	A	B	C
1	Topic	Comment	Meeting
415	Who should rent	Should be primarily for beneficiaries. Successors should be able to benefit to.	Honolulu
416	Who should rent	DHHL could consider rentals for trust income.	Honolulu
417	Who should rent	Have units at market rate for non-Hawaiians to offset cost for native Hawaiian renters.	Honolulu
418	Who should rent	Put commercial property as part of development and keep it affordable.	Honolulu
419	Who should rent	Some cases, developer profit can go to community or lessee to make it affordable.	Honolulu
420	Who should rent	Not the cheapest guy. No relatives.	Honolulu
421	Who should rent	What would protect a non-Hawaiian from forcing buying of rental? DHHL is protected because government entity and HHCA.	Honolulu
422	Who should rent	But they don't have financing	Kapolei
423	Who should rent	Can they do section 8?	Kapolei
424	Who should rent	Survey how many are renters. DHHL should build to get them one step closer to ownership, transition and get them off the list. Should be the ones on the list to rent to. Happened in Hoolimalima. Educate people that they understand.	Kapolei
425	Who should rent	Look at homeless, they should all have a home	Kapolei
426	Who should rent	I like the renting part of it but have to be 50%. How do you determine?	Kapolei
427	Who should rent	Hawaiians	Kapolei
428	Who should rent	Does the DHHL Act say 50%?	Kapolei
429	Who should rent	Takes Congress to change the Act	Kapolei
430	Who should rent	Go back to list	Kapolei
431	Who should rent	Back to DHHL Act	Kapolei
432	Who should rent	Not a question	Kapolei
433	Who should rent	Where does it end?	Kapolei
434	Who should rent	Opinion to rent on Hawaiian Home Lands. Blood quantum same process as applicant. Not 50%, too high	Kauai
435	Who should rent	50% intent to rent	Kauai
436	Who should rent	50% is good, is a privilege, but if successor doesn't have, don't want them to be kicked out	Kauai
437	Who should rent	Children can come home to rent then can be able to buy	Kauai
438	Who should rent	J. Tassill evicted. Get back to aina ho'opula pula. Why does general public have.	Keaukaha, Hilo
439	Who should rent	3 children cannot afford house. Rental is good step. Rental part of the act. 1/2 hard time maintaining.	Keaukaha, Hilo
440	Who should rent	Renting comes & goes	Keaukaha, Hilo
441	Who should rent	Renting, how many 50% hawaiian?	Keaukaha, Hilo
442	Who should rent	Hawaiian blood. Many Hawaiians waiting. Got to be 50% Hawaiian.	Kona
443	Who should rent	Please clarify rental units going to Hawaiians.	Kona
444	Who should rent	\$200 a month is affordable for kupuna	Lahaina, Maui



	A	B	C
1	Topic	Comment	Meeting
445	Who should rent	Hawaiians on Hawaiian lands. Not 50%, anyone, for all Hawaiians to rent, not the lease, for the rentals. Hawaiians who can afford have opportunities for other lands; poor Hawaiians can't be turned down.	Lahaina, Maui
446	Who should rent	Don't drop the blood quantum for leases	Lahaina, Maui
447	Who should rent	DHHL should be doing more like "Nanakuli Villages"	Lahaina, Maui
448	Who should rent	Quality--Credit--Passed applicant	Paukukalo, Maui
449	Who should rent	Wrong to limit the Hawaiian	Paukukalo, Maui
450	Who should rent	Native Hawaiians 25% blood quantum holding up families to take of ohana	Paukukalo, Maui
451	Who should rent	25% should be able to rent from us (50%)	Paukukalo, Maui
452	Who should rent	Objective to house native Hawaiian people 25%	Paukukalo, Maui
453	Who should rent	As long as lineage and can prove their lineage 25% whether applicant or lessee	Paukukalo, Maui
454	Who should rent	All Hawaiians should be qualified as long as connected to their kupuna, alive or not, as long as can prove lineage	Paukukalo, Maui
455	Who should rent	Is it rent to own? Give up your lease? At what point is renting going to pay off for me? A: include option for rent to own	Paukukalo, Maui
456	Who should rent	Can I rent to care giver because I cannot move?	Paukukalo, Maui
457	Who should rent	Rentals is a good idea	Paukukalo, Maui

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
2	Appraisal cap	Keep cap so Hawaiians on the list can afford	Kapolei
3	Appraisal cap	We should be allowed to sell for full value	Kapolei
4	Appraisal cap	Need administrative rules to control value	Kapolei
5	Appraisal cap	Whatever we invest into the house, we can get out when we sell	Kapolei
6	Appraisal cap	Address the list	Kapolei
7	Appraisal cap	Waiting list first	Kapolei
8	Appraisal cap	I want my successor to have the option to sell	Kapolei
9	Appraisal cap	Have program to help Hawaiians	Kapolei
10	Appraisal cap	Let people sell at market value while DHHL addresses the waitlist	Kapolei
11	Appraisal cap and affordability	If there's no loan, limit SDU to 1,000 sq ft	Molokai
12	Appraisal cap and affordability	What about mobile homes and tiny homes?	Molokai
13	Appraisal cap and affordability	If lots in flood zone, who's going to lend them money?	Molokai
14	Appraisal cap and affordability	Limit value based on an appraised value of what's already there	Molokai
15	Appraisal cap and affordability	Financial qualifications	Molokai
16	Appraisal cap and affordability	Shouldn't set a monetary value because of inflation. Current market value.	Molokai
17	Appraisal cap and affordability	SDUs should be counted in appraisal value that DHHL has to cover. Is there a way for family to assume liability instead of DHHL?	Molokai
18	Appraisal cap and affordability	Keep it affordable	Molokai
19	Appraisal cap and affordability	Take care of parents. Mother-in-laws wait.	Molokai
20	Appraisal cap and affordability	Does the department have limitations currently on what they would approve, size-wise? A: Depends on the size of your lot, set backs requirements, etc. Right now hale is restricted to having one kitchen. In DCCR communities, those plans must be approved by the association first. If they approve, as long as it meets county requirements, DHHL would likely be ok. A: Lease says you must follow county, state, federal rules primarily for safety reasons	Kauai
21	Appraisal cap and affordability	Why are you asking this? Because have already had problems? A: Looking ahead; e.g., subsistence ag trying with engineer stamp vs. whole extensive county process. Baby steps. Expanding on discussion with HHC re: high prices, affordability for beneficiaries, and practical for trust	Kauai
22	Appraisal cap and affordability	Why Oahu centric/Hawaii Island centric? Different on other islands- less expensive. Bring pilot here, we can make it work. County Council is encouraging ADUs...why can't Hawaiian Homes contribute to the problem solving on Kauai; don't start with Oahu	Kauai

	A	B	C
1	Topic	Comment	Meeting
23	Appraisal cap and affordability	Market rates of housing-why can't we interrupt market since we are only leasing land? Since DHHL, can't you take the market out of it? A: Different kinds of transfers. Very issue going on right now with HHC and transfers. If there are additional units on the lot, there is additional value.	Kauai
24	Appraisal cap and affordability	If appraisal cap, doesn't that take it out of the market? This should have been done already or trust is losing money. Isn't DHHL not supposed to be about buying and selling homes? But about getting Hawaiians into housing? A: yes. A: Some people who have the resources may buy and flip houses; this is an issue that has come up before. A: we use Marshall & Swift/cost to replace model of appraisal. Price of house has to match appraisal value.	Kauai
25	Appraisal cap and affordability	Why would value of SDU be limited? A: Department liable for value; trust pays net proceeds	Paukukalo, Maui
26	Appraisal cap and affordability	Types of funding options to be considered in lieu of cap: longer loan amortization, down payment assistance, etc	Paukukalo, Maui
27	Appraisal cap and affordability	Department needs to exhaust all options to assist beneficiaries, e.g., subsidies	Paukukalo, Maui
28	Appraisal cap and affordability	Department should offer pre-purchase training three years before awards and flexibility in financing.	Paukukalo, Maui
29	Appraisal cap and affordability	Q: Does it need to be one or the other; appraisal cap vs no cap? Is there opportunity for flexibility/multiple options?	Paukukalo, Maui
30	Appraisal cap and affordability	Appraisal cap is good for consistency/parity within neighborhoods (e.g., no mega homes).	Paukukalo, Maui
31	Appraisal cap and affordability	Why are we being penalized for building ohana units?	Lahaina, Maui
32	Appraisal cap and affordability	Value of second unit should not exceed value of the original unit.	Keaukaha, Hilo
33	Appraisal cap and affordability	No limit on value of the second unit.	Keaukaha, Hilo
34	Appraisal cap and affordability	Needs to be a formula to take into consideration the value of existing house and area of lot. Expensive houses taking from others.	Kona
35	Appraisal cap and affordability	Implement a cap so if you build above it, you are responsible.	Honolulu
36	Appraisal cap and affordability	Should not be bigger than the main house.	Honolulu
37	Appraisal cap and affordability	Maybe city will address the issue.	Honolulu
38	Appraisal cap and affordability	Tied into city in 2010 for water.	Honolulu

	A	B	C
1	Topic	Comment	Meeting
39	Appraisal cap and affordability	Lots already are high value.	Honolulu
40	Appraisal cap and affordability	Has to be fair.	Honolulu
41	Appraisal cap and affordability	Use comparables.	Honolulu
42	Appraisal cap and affordability	Kalewahine will be higher	Honolulu
43	Appraisal cap and affordability	Liability and value is different.	Honolulu
44	Appraisal cap and affordability	Pay to the cap.	Honolulu
45	Appraisal cap and affordability	Sell the property for retail value.	Honolulu
46	Appraisal cap and affordability	Publish notice and come back to DHHL if no response.	Honolulu
47	Appraisal cap and affordability	Some compensation to those who put in the improvements.	Honolulu
48	Appraisal cap and affordability	If built illegally, no value for improvements.	Honolulu
49	Appraisal cap and affordability	No caps.	Honolulu
50	Other	Could we do a reverse mortgage on our house?	Molokai
51	Other	Where are the updates to all the laws and rules we have already? Send an update on status of laws and rules to every beneficiary	Molokai
52	Other	How can we help the department help us?	Paukukalo, Maui
53	Other	What is the timeline for creating rules?	Paukukalo, Maui
54	Other	Priority shift: was about getting people off the list and on land, but now priority should be enforcement. We're on our own and it's disappointing and discouraging.	Paukukalo, Maui
55	Other	Department should lead us, tell us who we can turn to for assistance	Paukukalo, Maui
56	Other	Is it to our advantage to have DCCRs?	Paukukalo, Maui
57	Other	DCCRs with no association; how do we change the CCRs if there's no association?	Paukukalo, Maui
58	Other	Fix our own roads, put gates, no one can come in	Lahaina, Maui
59	Other	Beneficiaries should be able to borrow money from Department; ceded lands money	Lahaina, Maui
60	Other	With all the money the department has gotten, why don't we have our own bank or credit union available to make loans? We should have our own.	Lahaina, Maui

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1	Topic	Comment	Meeting
61	Other	Suggestion: Send out materials in advance and in addition to website links for those without computers.	Keaukaha, Hilo
62	Other	Habitat for humanities.	Keaukaha, Hilo
63	Other	What if they're selling it to someone else and DHHL isn't involved?	Kona
64	Pilot project	Work out the kinks on Oahu and Hawaii, <u>then</u> come to Molokai	Molokai
65	Pilot project	Test it out on other islands, then come back to Molokai	Molokai
66	Pilot project	Would like to see Molokai part of this 5 year program--we need the housing	Molokai
67	Pilot project	Add Kauai immediately! Before Oahu and Hawaii Island	Kauai
68	Pilot project	Q: should be a 5 year pilot? A: no, just do it. And include Kauai	Kauai
69	Pilot project	Lessees able to work with community to be able to get SDU program on Maui	Paukukalo, Maui
70	Pilot project	Expand to Maui	Paukukalo, Maui
71	Pilot project	Maui wants to be part of the SDU project. Why is Maui left out?	Paukukalo, Maui
72	Pilot project	Power of people to convince county to work with DHHL	Paukukalo, Maui
73	Pilot Project	Proceed, but 5 years may not be enough to obtain permits.	Keaukaha, Hilo
74	Pilot project	We never hear about how pilot projects are turning out- full disclouse (want dates, feedback).	Kona
75	Pilot project	Where is it being proposed? (Hawaii Island).	Kona
76	Pilot project	Is the SDU not applicable to La'iopine until the pilot program starts?	Kona
77	Pilot Project	Do you have the pilot coming?	Kona
78	Pilot Project	Based on relationship with county planning department.	Honolulu
79	Pilot Project	Kalawahine went through an extensive process to authorize improvements.	Honolulu
80	Pilot Project	Planning departments with the best relationship.	Honolulu
81	Pilot Project	In order to help with the housing crisis, create a way to help people through the process.	Honolulu
82	Pilot Project	Should be across the state or none.	Honolulu
83	Pilot Project	Best working relationship	Honolulu
84	Pilot Project	Neighbor islands may feel they are not as important.	Honolulu
85	Pilot Project	Consider midway of 5 years.	Honolulu
86	Pilot Project	Go for 5 years and review at 3 years.	Honolulu
87	Pilot Project	No permit to extend until cesspool connected.	Honolulu
88	Pilot project	Add in ag lots	Kapolei
89	Pilot project	As rules move, internally develop processes	Kapolei
90	Pilot project	Why not consider ag and pastoral? --Residential lots for houses, ag and pastoral for other uses --Can build workers quarters on ag and pastoral --So focus is on residential lots	Kapolei

	A	B	C
1	Topic	Comment	Meeting
91	Pilot project	Takes more to manage ag and pastoral so keeping the ohana together can help keep lot in compliance	Kapolei
92	Pilot project	Limited to Oahu and Hawaii because administrative relationship with those two counties	Kapolei
93	Pilot project	How is DHHL going to work with the counties? --DHHL already reached out to counties is the expectation	Kapolei
94	Pilot project	Consideration given to lessees not on Oahu and Hawaii so that if program is expanded, their applications given priority	Kapolei
95	Pilot project	Allow for ag lots	Kapolei
96	Pilot project	Good with pilot the way it is proposed	Kapolei
97	Pilot project	Timeline shorter than multi-family	Kapolei
98	Pilot project	As soon as we have rules, we have an SDU program	Kapolei
99	Pilot project	Who will build the SDU? --Entirely the lessee's responsibility	Kapolei
100	Pilot project	Can the DHHL suggest Hawaiian based contractors?	Kapolei
101	Pilot project	Is there a number cap for the pilot project?	Kapolei
102	Pilot project	Need a licensed contractor in the family	Kapolei
103	Support or not	Two houses on a lot is ok on Molokai, so your children and family can live. Not to rent.	Molokai
104	Support or not	Can rent for short term. Kids move away; SDU is a way to have income.	Molokai
105	Support or not	Yes, support on residential	Molokai
106	Support or not	Yes. Age in place. Extended family.	Kauai
107	Support or not	DHHL should take out whole rental "line." Rentals on island already happening but where's the enforcement?	Paukukalo, Maui
108	Support or not	SDU not attached	Paukukalo, Maui
109	Support or not	If lot is big enough, will two or more dwellings be allowed?	Paukukalo, Maui
110	Support or not	If lot is big enough, can I build another bigger house so my original house is the SDU?	Paukukalo, Maui
111	Support or not	Ag lots allow for multiple dwellings (worker's quarters)	Paukukalo, Maui
112	Support or not	Can DHHL use ag lands for residential use? Depends on DHHL Island Plan	Paukukalo, Maui
113	Support or not	Waiehu Kou 2, 3, 4 are DCCRs could SDUs be built there?	Paukukalo, Maui
114	Support or not	What are the effects of SDUs? More cars, people, etc. County requirements must be met	Paukukalo, Maui
115	Support or not	What about existing SDUs? If there isn't DHHL approval, it might be a lease violation. Current proposal requires compliance to build also allows existing to come into compliance.	Paukukalo, Maui
116	Support or not	Waiehu Kou requires association approval for improvements (DCCR communities)	Paukukalo, Maui

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1	Topic	Comment	Meeting
117	Support or not	Support of SDUs on HHL	Paukukalo, Maui
118	Support or not	Benefits: provides housing, keeps ohana together on same lot	Paukukalo, Maui
119	Support or not	Allow SDUs now	Paukukalo, Maui
120	Support or not	Support SDUs	Paukukalo, Maui
121	Support or not	DCCRs should be amended to include SDUs	Paukukalo, Maui
122	Support or not	Support SDUs	Paukukalo, Maui
123	Support or not	County permits are for land taxes	Lahaina, Maui
124	Support or not	Why increase value if taxes will increase?	Lahaina, Maui
125	Support or not	Should allow SDUs. I'm against not getting value from unpermitted improvements.	Lahaina, Maui
126	Support or not	Can you convert garages into living units? Would that be considered an improvement?	Lahaina, Maui
127	Support or not	No one is against SDUs, we don't want the department to work against us. I'm afraid to submit for approval because of losing value.	Lahaina, Maui
128	Support or not	Fix the rules to alleviate worry.	Lahaina, Maui
129	Support or not	County doesn't deny connected units so department shouldn't either.	Lahaina, Maui
130	Support or not	Additional homes--good	Molokai
131	Support or not	Support but need to have on residential <u>and ag</u>	Molokai
132	Support or not	Farmworker housing didn't work. Alternative to find housing	Molokai
133	Support or not	I'm for SDUs on residential and ag	Molokai
134	Support or not	Think of our kids and grandkids--this will affect them	Molokai
135	Support or not	I have a contractual loan, not a mortgage. How does this affect me?	Molokai
136	Support or not	Should be allowed on ag as well as residential	Molokai
137	Support or not	Q: Is there a time period I have to wait for how long I've lived on the lot before I can build an SDU? A: not under the draft.	Molokai
138	Support or not	Should be part of the farm plan	Molokai
139	Support or not	Facilities on Oahu no brainer. Won't work here (Big Island).	Keaukaha, Hilo
140	Support or not	Support of SDU: Proposal for residential yes, but should be expanded to agricultural lots too.	Keaukaha, Hilo
141	Support or not	SDUs are expensive due to water meter, electric, sewage because separate unit.	Keaukaha, Hilo
142	Support or not	Isn't this a third party lease? Allowed if third party is 50% hawaiian.	Keaukaha, Hilo
143	Support or not	Have we perfected the single housing practice? No, then why are we adding more options. Should perfect the primary residence.	Keaukaha, Hilo

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1	Topic	Comment	Meeting
144	Support or not	Supports SDU, but why limited to residential lots? Why not agricultural lots?	Keaukaha, Hilo
145	Support or not	Yes.	Keaukaha, Hilo
146	Support or not	Smaller residential lot sizes would make SDU impractical.	Keaukaha, Hilo
147	Support or not	Support for supplemental dwelling units if financing available. Some not supportive if no financing available.	Keaukaha, Hilo
148	Support or not	We have a housing crisis in this state. Agree- should have on all-residential, agricultural, pastoral. Smaller lots- how are you going to fit? Discriminatory to allow on residential lots. There are residents allowed on pastoral and agricultural lots. Adding another dwelling unit won't diminish what you're doing on the lot (still going to burden).	Kona
149	Support or not	Can we put that in the language now?	
150	Support or not	Only 1 house above us could have another dwelling unit. Too small.	Kona
151	Support or not	Like the idea, where the residential lots permit. Thinking outside the box, couldn't 4 families on 1 acre instead of just one. Like that you have to go through permitting process. DCCRs would allow for that?	Kona
152	Support or not	Makes sense	Honolulu
153	Support or not	More space	Honolulu
154	Support or not	Families that have young adults	Honolulu
155	Support or not	Keep ohana together	Honolulu
156	Support or not	Still a huge list of native hawaiiians	Honolulu
157	Support or not	Thinking of the future or mo'opuna	Honolulu
158	Support or not	Make sure that mo'opuna taken care of.	Honolulu
159	Support or not	People pool \$ together.	Honolulu
160	Support or not	Key issue is parking.	Honolulu
161	Support or not	Planning should consider parking and transportation issues.	Honolulu
162	Support or not	Good that DHHL considering housing options.	Honolulu
163	Support or not	SDU for kupuna.	Honolulu
164	Support or not	Yes.	Honolulu
165	Support or not	Yes without size restriction.	Honolulu
166	Support or not	Support because of cost of living.	Honolulu
167	Support or not	Applicant stays on the list even if residing in the SDU.	Honolulu
168	Support or not	Yes	Honolulu
169	Support or not	Support if have parking.	Honolulu
170	Support or not	Already fighting over parking.	Honolulu
171	Support or not	Support SDU for income.	Honolulu
172	Support or not	DCCR already renting.	Honolulu
173	Support or not	Big enforcement problem.	Honolulu
174	Support or not	SDU for adopted child so may have to build on existing home.	Honolulu
175	Support or not	Pay additional monthly for sewer.	Honolulu
176	Support or not	How to go through permit process.	Honolulu
177	Support or not	Parking garage used for storage so that needs to be considered.	Honolulu



	A	B	C
1	Topic	Comment	Meeting
178	Support or not	No support.	Honolulu
179	Support or not	Yes	Kapolei
180	Support or not	Add in ag lots	Kapolei
181	Support or not	support because multiple families in the home	Kapolei
182	Support or not	More space	Kapolei
183	Support or not	Instead of care home, can care for kupuna. Family together and take care	Kapolei
184	Support or not	DCCR prohibits additional unit --DCCRs would have to be amended --Follow Kanehili DCCR --Need majority --Good topic for DCCR	Kapolei
185	Support or not	Badly needed for some families	Kapolei
186	Support or not	Kanehili has better change because not locked in to a master association	Kapolei
187	Support or not	Not supplemental if adding on to existing house	Kapolei
188	Support or not	Don't you need certain amount of square feet of land/lot --Follow county regulations. Older lots in Waianae, probably not Kapolei	Kapolei
189	Support or not	Can't do it in Kapolei	Kapolei
190	Support or not	New lots should be big enough to accommodate --if lots are bigger, there are less lots to award	Kapolei
191	Support or not	Shopping centers on HHL, what principles does DHHL operate around to determine land uses? --DHHL has Island, Regional, and Area Plans	Kapolei
192	Support or not	Help ohana	Kapolei
193	Support or not	Yes	Kapolei
194	Support or not	Shouldn't be smaller. Allow bigger than original dwelling like in Nanakuli where homes are smaller but lots are bigger	Kapolei
195	Support or not	Build a bigger house and rent the smaller one	Kapolei
196	Support or not	Don't allow monster houses like in Kalihi (20 room housing)	Kapolei
197	Support or not	4 or 5 bedroom house ok	Kapolei
198	Support or not	Size shouldn't really matter if you're building up above garage	Kapolei
199	Support or not	How would rental rules apply? --County will look at ADU regulations for the building --How you use it is where DHHL is involved	Kapolei
200	Support or not	Possible to get or identify construction companies to keep costs down --If construction company had certain pre-approved models	Kapolei
201	Support or not	Is survey required to put up another dwelling	Kapolei
202	Support or not	Similar to ADUs	Kapolei
203	Support or not	Maximum structure size by lot size	Kapolei
204	Support or not	Require either 1 or 2 off street parking depending if ADU or ohana dwelling	Kapolei
205	Support or not	Yes!	Kapolei

	A	B	C
1	Topic	Comment	Meeting
206	Support or not	If lot is big enough, yes	Kapolei
207	Support or not	Go up if lot is too small	Kapolei
208	Support or not	Concern as a neighbor for privacy and safety so build higher fences	Kapolei
209	Support or not	DHHL already allows extension to existing home	Kapolei
210	Support or not	Check on separate entrance issue	Kapolei
211	Support or not	Even the cost could be too expensive for many to afford	Kapolei
212	When to allow/criteria	Yes, good to comply with County law	Molokai
213	When to allow/criteria	On county water system--have to comply with county rules	Molokai
214	When to allow/criteria	DHHL should have its own permitting system	Molokai
215	When to allow/criteria	DHHL should make the county stop allowing swimming pools--wastes water	Molokai
216	When to allow/criteria	DHHL permitting would require a whole other department	Molokai
217	When to allow/criteria	Water is a big issue here. No one should be issuing new water meters	Molokai
218	When to allow/criteria	On Ag. Lots. If the lot is big enough; just needs to be big enough	Molokai
219	When to allow/criteria	On ag should be a limit on number of SDUs. Shouldn't interfere with farming.	Molokai
220	When to allow/criteria	Number should depend on size of ag lot	Molokai
221	When to allow/criteria	I'm on a 1/2 acre.	Molokai
222	When to allow/criteria	In line with area plan, island plan	Molokai
223	When to allow/criteria	Should be enough water--new meter or existing meter	Molokai
224	When to allow/criteria	Only 1 story if you already have a 2 story	Molokai
225	When to allow/criteria	What if I elevate in flood zone but then want to occupy bottom floor?	Molokai
226	When to allow/criteria	DHHL should have its own permitting and rules/codes, and fees can go back to the trust	Molokai
227	When to allow/criteria	Criteria--by acreage	Molokai
228	When to allow/criteria	Sewage and water	Molokai
229	When to allow/criteria	Don't think the county should be approving. Keep it in DHHL. County takes too long.	Molokai
230	When to allow/criteria	Keep it in DHHL. Going thru the county will just confuse things.	Molokai
231	When to allow/criteria	When: now. Criteria: go by county laws; if DCCR neighborhood, must pay assessments and be in compliance/be in good standing; tiny homes model/consider size (limit how big but not how small); detached--separate entrance/kitchen/ etc.; just park in front of lot; rental stalls as common area (DCCRs could)	Kauai
232	When to allow/criteria	Shouldn't be obligated to county rules re: we should be able to hook up to the same water meter, etc. (share costs)	Kauai
233	When to allow/criteria	Resources are a concern	Kauai
234	When to allow/criteria	Space	Kauai
235	When to allow/criteria	Sewage--septic tank upgrade	Kauai
236	When to allow/criteria	Have to get a permit from county since they assess and you want equity, it's a catch 22, unless you're an owner-builder.	Kauai

	A	B	C
1	Topic	Comment	Meeting
237	When to allow/criteria	Q: Can you borrow off of HHL? Get your equity? A: Unless you have a NAHASDA loan	Kauai
238	When to allow/criteria	Build traditional hale/solar catchment/composting toilets. State is allowing on Hawaii Island. Not hooked up to city bill, etc. Something to consider	Kauai
239	When to allow/criteria	Should be consistent with county requirements	Paukukalo, Maui
240	When to allow/criteria	Development standards (zoning and building codes) come into play and must be followed	Paukukalo, Maui
241	When to allow/criteria	Sometimes design of homes, placement, does not allow for SDUs that would meet requirements like setbacks	Paukukalo, Maui
242	When to allow/criteria	SB2524 re: requirements for SDUs. Look at bill language for applicability	Paukukalo, Maui
243	When to allow/criteria	DHHL should come up with its own code. County is too stringent. They take good lands and shut Hawaiians out. We need prime land.	Paukukalo, Maui
244	When to allow/criteria	It's good business to work with the County but don't let them govern what we do	Paukukalo, Maui
245	When to allow/criteria	County building codes are established--DHHL should look at those.	Paukukalo, Maui
246	When to allow/criteria	Maximum square footage? Depends on lot size, follow county rules	Paukukalo, Maui
247	When to allow/criteria	Buildings must meet code	Paukukalo, Maui
248	When to allow/criteria	County has building code for kauhale type dwellings	Paukukalo, Maui
249	When to allow/criteria	DHHL should allow what respective counties allow	Paukukalo, Maui
250	When to allow/criteria	Criteria should follow county code/regulations	Paukukalo, Maui
251	When to allow/criteria	DHHL should explore creating a kanaka code--which is more beneficial for beneficiaries?	Paukukalo, Maui
252	When to allow/criteria	If a loan is required for constructionn, county regulations should be followed	Paukukalo, Maui
253	When to allow/criteria	Example: Kahikinui applies kanaka code. However, design review committee reviews for consistency international building code--requires architect stamp, etc. Run the risk of losing assets due to inability to insure if no permit	Paukukalo, Maui
254	When to allow/criteria	Maui county--no building permit and no water; work with the county	Paukukalo, Maui
255	When to allow/criteria	DHHL needs to assert claims for water; transmission and lines	Paukukalo, Maui
256	When to allow/criteria	Requirement that SDU be smaller should not be considered; some people start small	Paukukalo, Maui

	A	B	C
1	Topic	Comment	Meeting
257	When to allow/criteria	How many SDUs would be allowed?	Paukukalo, Maui
258	When to allow/criteria	Parking/other impact considerations with SDUs differs by community	Paukukalo, Maui
259	When to allow/criteria	Permits for street parking	Paukukalo, Maui
260	When to allow/criteria	Parking areas (DCCR issue; needed common areas)	Paukukalo, Maui
261	When to allow/criteria	Parking is a consideration	Paukukalo, Maui
262	When to allow/criteria	Don't always like county rules, some things should be regulated by DHHL	Paukukalo, Maui
263	When to allow/criteria	DCCRs would apply if DCCR community	Paukukalo, Maui
264	When to allow/criteria	No enforcement or civic engagement	Paukukalo, Maui
265	When to allow/criteria	Q: can associations be combined, e.g., Waiehu Kou? Yes, possible also possible to dissolve but can be complex process	Paukukalo, Maui
266	When to allow/criteria	Have to submit plans to county; proposal is that county rules should be followed	Paukukalo, Maui
267	When to allow/criteria	DHHL should develop its own code with beneficiary input. --Affects insurance requirements, etc. --Offer different options for different scenarios; maybe no code requirements for some	Paukukalo, Maui
268	When to allow/criteria	Q: attached or separate SDUs? A: separate	Paukukalo, Maui
269	When to allow/criteria	Permit required for self-contained, off grid homes?	Paukukalo, Maui
270	When to allow/criteria	SDUs change community make up, more people/families, puts neighbors against neighbors for parking, etc. So there are enforcement issues.	Paukukalo, Maui
271	When to allow/criteria	DCCR communities can control SDU development	Paukukalo, Maui
272	When to allow/criteria	More rules being made when existing rules not enforced	Paukukalo, Maui
273	When to allow/criteria	No need go through County (permits, etc.), money should go back to Hawaiians. Department approval only.	Lahaina, Maui
274	When to allow/criteria	Department should develop a building code	Lahaina, Maui
275	When to allow/criteria	Size of residential lots will determine per county regulations whether can build an SDU.	Keaukaha, Hilo
276	When to allow/criteria	DHHL should create a division to approve building permits rather than go through the county.	Keaukaha, Hilo
277	When to allow/criteria	If houses is old, how do you build second unit not to exceed the first?	Keaukaha, Hilo

	A	B	C
1	Topic	Comment	Meeting
278	When to allow/criteria	What if built upward, would that qualify as an SDU? Whether funding available to cover cost increases by building up.	Keaukaha, Hilo
279	When to allow/criteria	Whether DHHL can advocate to the county on behalf on lessees to obtain exemptions?	Keaukaha, Hilo
280	When to allow/criteria	Cesspools no longer being an accepted practice; cost to convert to septic or connect to a sewer line.	Keaukaha, Hilo
281	When to allow/criteria	County or not? DHHL to work with county to advocate for lessees.	Keaukaha, Hilo
282	When to allow/criteria	Building permits require county approval.	Keaukaha, Hilo
283	When to allow/criteria	Can SDU be attached to the main unit? (Answer: No, then it would not be an SDU).	Keaukaha, Hilo
284	When to allow/criteria	Size of lot and of SDU is a function of county requirements, standards.	Keaukaha, Hilo
285	When to allow/criteria	Still ongoing concerns about rehabilitating the old houses.	Keaukaha, Hilo
286	When to allow/criteria	Hawaii County currently not considering Ohana housing requests.	Keaukaha, Hilo
287	When to allow/criteria	DHHL should advocate to county on behalf of lessees.	Keaukaha, Hilo
288	When to allow/criteria	Are Kawaihae lots big enough? (Yes- 1 acre)	Kona
289	When to allow/criteria	If you have a mortgage on the 1st house, will there be assistance, financings to build an SDU?	Kona
290	When to allow/criteria	Is there a height limitation? If 2 story would wipe out neighbor's view? DHHL won't let until county approves?	Kona
291	When to allow/criteria	Department should pay attention to the number of homes going in. How many people and cars, too close together. People don't follow the rules.	Kona
292	When to allow/criteria	Is application process for SDU or for getting on the list?	Kona
293	When to allow/criteria	Aren't they allowed currently?	Kona
294	When to allow/criteria	Is there already a cop on the main houses? (No.)	Kona
295	When to allow/criteria	Have list approved with counties.	Honolulu
296	When to allow/criteria	Why recreate the wheel	Honolulu
297	When to allow/criteria	Rules require go to counties.	Honolulu
298	When to allow/criteria	Parking/sewer/slope all issues.	Honolulu
299	When to allow/criteria	Look at all infrastructure issues. Parking/sewer, etc.	Honolulu
300	When to allow/criteria	Going up may be an option but cost of foundation is a factor.	Honolulu
301	When to allow/criteria	Grandson returning home so timing important.	Honolulu
302	When to allow/criteria	Once rules created then process developed.	Honolulu
303	When to allow/criteria	Pre-approved design to follow can make it easier, more affordable; same for everyone.	Honolulu
304	When to allow/criteria	Is it possible to make the existing home the SDU and build a larger home?	Honolulu
305	When to allow/criteria	Process of subdividing through county.	Honolulu
306	When to allow/criteria	Internal procedures to follow.	Honolulu
307	When to allow/criteria	Logically the request would come to DHHL first.	Honolulu
308	When to allow/criteria	Expensive to build so subdivision the best option.	Honolulu
309	When to allow/criteria	Is there a square footage requirement.	Honolulu
310	When to allow/criteria	Use county criteria.	Honolulu

	A	B	C
1	Topic	Comment	Meeting
311	When to allow/criteria	Homes in Papakolea already on the slope so SDU may be a challenge.	Honolulu
312	When to allow/criteria	Look at design of the structure.	Honolulu
313	When to allow/criteria	Why bother sending to county?	Honolulu
314	When to allow/criteria	Department to create its own process but long term.	Honolulu
315	When to allow/criteria	Build up as an option.	Honolulu
316	When to allow/criteria	Keep county guidelines but application reviewed in those areas not approved by the county.	Honolulu
317	When to allow/criteria	Create internal process as rules are approved.	Honolulu
318	When to allow/criteria	Have a process for DHHL to consider SDU.	Honolulu
319	When to allow/criteria	County code and department issue.	Honolulu
320	When to allow/criteria	Start it but control the size of the SDU.	Honolulu
321	When to allow/criteria	Shouldn't control the size of the SDU.	Honolulu
322	When to allow/criteria	Multi generations living in the house.	Honolulu
323	When to allow/criteria	Renovate original house and then SDU.	Honolulu
324	When to allow/criteria	Don't have that money 27,000 square foot properties.	Honolulu
325	When to allow/criteria	Work out an option to subdivide larger properties.	Honolulu
326	When to allow/criteria	Parking an issue.	Honolulu
327	When to allow/criteria	Kalawahine is still preservation land.	Honolulu
328	When to allow/criteria	Need to address maps.	Honolulu
329	When to allow/criteria	R5 should be in county records.	Honolulu
330	When to allow/criteria	Balance with obligation to service ammenities.	Honolulu
331	When to allow/criteria	DHHL manage influx.	Honolulu
332	When to allow/criteria	Consider tiny homes to address list.	Honolulu
333	When to allow/criteria	Tiny home with option instead of condominium.	Honolulu
334	When to allow/criteria	What about option to generate income.	Honolulu
335	When to allow/criteria	Figure out enforcement.	Honolulu
336	When to allow/criteria	On issue of SDU- for example no Papakolea lot could have one; parking would be an issue.	Honolulu
337	When to allow/criteria	Have size/space to build then you should be allowed to build	Kapolei
338	When to allow/criteria	Whatever size county allows	Kapolei
339	When to allow/criteria	Criteria is DHHL and lots size	Kapolei
340	When to allow/criteria	DHHL should look at value	Kapolei
341	When to allow/criteria	Stay low income community	Kapolei
342	When to allow/criteria	Ratio between building and land like tiny homes	Kapolei
343	When to allow/criteria	One option is tiny home	Kapolei
344	When to allow/criteria	Lessee of the lot is the owner of the SDU	Kapolei
345	When to allow/criteria	Is the Department ready to handle permits? Lessee has to be in good standing through Homestead Services Division and building plans reviewed by Land Development Division	Kapolei
346	When to allow/criteria	Why even go to the city? --the city issues building permits, which can impact insurance and financing	Kapolei
347	When to allow/criteria	DHHL should get an exemption so dwelling can be larger	Kapolei

	A	B	C
1	Topic	Comment	Meeting
348	When to allow/criteria	Size of home based on size of lot	Kapolei
349	When to allow/criteria	Not a cookie cutter	Kapolei
350	When to allow/criteria	If lot allows larger dwelling, that should determine size of the SDU	Kapolei
351	When to allow/criteria	If you have a named successor, then that successor should be automatic if they pay for the SDU	Kapolei
352	When to allow/criteria	Do owner-builder for SDU	Kapolei
353	When to allow/criteria	Have parking permits	Kapolei
354	When to allow/criteria	Amendment of county requirements for DHHL	Kapolei
355	When to allow/criteria	Use same plumbing for affordability	Kapolei
356	When to allow/criteria	Cost will be outrageous for separate utilities	Kapolei
357	When to allow/criteria	Share sewer and water costs	Kapolei
358	When to allow/criteria	Extension separate and use existing utilities	Kapolei
359	When to allow/criteria	Build a senior cottage in the back for privacy of the senior couple	Kapolei
360	When to allow/criteria	If allowed to go up, will we be dealing with monster homes?	Kapolei
361	When to allow/criteria	Need parking on your lot for SDU no parking in your neighbor's lot	Kapolei
362	When to allow/criteria	Process requirements	Kapolei
363	When to allow/criteria	Who finances SDU? --Lessee is responsible for financing, permitting, and relationship with tenant	Kapolei
364	When to allow/criteria	I have a concern about a kupuna lessee financing and what will happen with the successor because sometimes the successor cannot assume the loan	Kapolei
365	When to allow/criteria	Follow DCCR to build an extension	Kapolei
366	When to allow/criteria	Financing for construction of the SDU with loan	Kapolei
367	When to allow/criteria	The lessee would need a rental agreement and would be responsible under landlord/tenant law	Kapolei
368	When to allow/criteria	Limit to Hawaiians because its on HHL	Kapolei
369	When to allow/criteria	Find out blood quantum of the renter	Kapolei
370	When to allow/criteria	Enforcement is a big question	Kapolei
371	When to allow/criteria	This is too risky to allow renters	Kapolei
372	Who can live in SDU	Person in SDU should be on waitlist	Molokai
373	Who can live in SDU	Ohana first. No short term.	Molokai
374	Who can live in SDU	And waitlist	Molokai
375	Who can live in SDU	Ohana ok--25%. Ok if not on list as long as 50%.	Molokai
376	Who can live in SDU	Rentals--help out firefighters, etc.	Molokai
377	Who can live in SDU	Want to add ag and pastoral for the kids. Instead, families transferring and jumping the list. Other lots could be for families that don't have.	Molokai
378	Who can live in SDU	Good to have your family around you as you get older.	Molokai
379	Who can live in SDU	Ohana can all contribute--residing would be more affordable	Molokai
380	Who can live in SDU	Molokai is economically deprived of jobs. Family is everything, want to be closer to family. Multiple houses, children all around us. Can't afford homestead on their own. Only 1 employer here now. Homesteaders not leaving this island so we need to help the homesteaders. Want our kids to stay here.	Molokai

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
381	Who can live in SDU	Keiki and kupuna--get everybody to live on the homestead. Be all together, family celebrations. Get people on the land.	Molokai
382	Who can live in SDU	Family. Don't do short term rentals	Molokai
383	Who can live in SDU	Beneficiaries. Successors. Extended family.	Molokai
384	Who can live in SDU	Lineal descendants. But even if spouse is not Hawaiian, spouse is still ohana	Molokai
385	Who can live in SDU	What about if they (widow) remarry and spouse is not Hawaiian?	Molokai
386	Who can live in SDU	Raising everyone together will help everyone get along better and prevent problems from happening among successors	Molokai
387	Who can live in SDU	If they all get their own house, they'd get along better	Molokai
388	Who can live in SDU	Family, broaden to extended family--neices, nephews, cousins, aunties, uncles of 25%	Kauai
389	Who can live in SDU	Q: rent only to 50%? A: doesn't blood quantum apply only to lease? For SDU can't I rent to any Hawaiian? R: the farther we get away from the language of the act the more we are open to lawsuits--we want to expand by protect	Kauai
390	Who can live in SDU	I think we should be able to have anyone live for no rent; to rent, 50%	Kauai
391	Who can live in SDU	We need to define "live"	Kauai
392	Who can live in SDU	Q: If we're putting our life savings in to build these things, why can't we rent out to anybody? It is still benefitting native Hawaiian lessees (my husband, my kids) A: Because act stipulates otherwise	Kauai
393	Who can live in SDU	Fourth purpose from Prince Kuhio is merchantilism. Some folks are doing business from home. Self-sufficiency purposes. Have to consider for supplemental income purposes.	Kauai
394	Who can live in SDU	Who enforces 50% living in my house? Lessee rentals in my neighborhood. Why have rules if cannot enforce current rules? How do I find 50% rental under current rules?	Paukukalo, Maui
395	Who can live in SDU	Some NH blood quantum requirements being decreased. DHHL should look at doing same lower blood quantum	Paukukalo, Maui
396	Who can live in SDU	Do rentals affect property taxes?	Paukukalo, Maui
397	Who can live in SDU	If SDUs to be rented, landlord training should be required	Paukukalo, Maui
398	Who can live in SDU	Income from rental should be counted as income for loan qualification	Paukukalo, Maui
399	Who can live in SDU	Rental incentives (HUD vouchers, etc) should be allowed to be considered.	Paukukalo, Maui
400	Who can live in SDU	SDUs for families or rental or both? What about blood quantum?	Paukukalo, Maui
401	Who can live in SDU	Definition of ohana is too restrictive. Aloha vs law; self-determination	Paukukalo, Maui



	A	B	C
1	Topic	Comment	Meeting
402	Who can live in SDU	Relation and any amount of Hawaiian should be allowed	Paukukalo, Maui
403	Who can live in SDU	I'd like to see the department move towards stronger enforcement	Paukukalo, Maui
404	Who can live in SDU	Blood quantum divides us	Paukukalo, Maui
405	Who can live in SDU	If I move and vacate the house, can someone live there, like a caretaker?	Paukukalo, Maui
406	Who can live in SDU	Who will enforce?	Lahaina, Maui
407	Who can live in SDU	Renters must comply with landlord/tenant code.	Keaukaha, Hilo
408	Who can live in SDU	Be careful about use/practice of renting.	Keaukaha, Hilo
409	Who can live in SDU	Renting require a GE license?	Keaukaha, Hilo
410	Who can live in SDU	If your family is on the waitlist, do they come off if they establish an SDU.	Keaukaha, Hilo
411	Who can live in SDU	Ohana: Parents, children, siblings, cousins suggested.	Keaukaha, Hilo
412	Who can live in SDU	Ohana occupant- should be any member of the family- lots of people aren't 25%. What about rest of family?	Kona
413	Who can live in SDU	209(a) refers to the successor lessee. This refers to the occupant. This need to be further discussed.	Kona
414	Who can live in SDU	I have to rent out to 50% Hawaiian?	Kona
415	Who can live in SDU	I have a problem with this question. Opens it up. Too broad- opens up a can of works. Bring it back before us when you have revised draft rules- what to know what's proposed.	Kona
416	Who can live in SDU	Generations to follow.	Honolulu
417	Who can live in SDU	Standard already set.	Honolulu
418	Who can live in SDU	Quantum going down.	Honolulu
419	Who can live in SDU	How will this be enforced? Renter or applicant or apply.	Honolulu
420	Who can live in SDU	Newsletter for renters/space on website.	Honolulu
421	Who can live in SDU	Any legal ramifications for limiting rentals to native Hawaiians.	Honolulu
422	Who can live in SDU	Only rent to list provided.	Honolulu
423	Who can live in SDU	Anybody.	Honolulu
424	Who can live in SDU	Accommodate adopted, hanai or those living in the home.	Honolulu
425	Who can live in SDU	People living in SDU pay for costs.	Honolulu
426	Who can live in SDU	I open to non-Hawaiian, no title or benefit.	Honolulu
427	Who can live in SDU	Lessee is responsible for what happens on the lot.	Honolulu
428	Who can live in SDU	Qualified Hawaiians	Kapolei
429	Who can live in SDU	Ohana living on the lot may not be "qualified"	Kapolei
430	Who can live in SDU	Ohana is ohana, not about blood quantum	Kapolei
431	Who can live in SDU	Control through genealogy	Kapolei
432	Who can live in SDU	Tied to HHCA preserves the intentions	Kapolei
433	Who can live in SDU	How will this be monitored?	Kapolei
434	Who can live in SDU	Issue continues to divide	Kapolei
435	Who can live in SDU	In favor of tying who can live there to the HHCA because the issue is before the Commission	Kapolei
436	Who can live in SDU	We need to keep the integrity of the HHCA intact	Kapolei

	A	B	C
1	<b>Topic</b>	<b>Comment</b>	<b>Meeting</b>
437	Who can live in SDU	Hawaiian	Kapolei
438	Who can live in SDU	As long as can prove Hawaiian, don't care about blood quantum	Kapolei
439	Who can live in SDU	How will this be enforced?	Kapolei
440	Who can live in SDU	Prince Kuhio's vision was 1/32	Kapolei
441	Who can live in SDU	Start with waitlist	Kapolei
442	Who can live in SDU	If Hawaiian needs a place to live then they should be allowed to rent on HHL	Kapolei
443	Who can live in SDU	I support 25% quantum	Kapolei
444	Who can live in SDU	Landlord/tenant but Department will review	Kapolei
445	Who should live in SDU	25% for ohana.	Honolulu
446	Who should live in SDU	If rent, should go to native Hawaiians.	Honolulu
447	Who should live in SDU	Applicant information confidential so need process to inform applicants.	Honolulu
448	Who should live in SDU	Consent form for rental purposes.	Honolulu
449	Who should live in SDU	Family means any blood relation as long as Hawaiian	Kapolei
450	Who should live in SDU	Suggestion to allow adopted family	Kapolei
451	Who should live in SDU	Guidelines should not put DHHL at risk	Kapolei
452		Rent to ohana first	Molokai

Date: 5.7.18 Location: Lihue Kauai Topic: Sp4 & Deeply

COMMENT SHEET

PUBLIC HEARING FOR PROPOSED ADMINISTRATIVE RULE AMENDMENTS

NAME: Shan Cummings

ADDRESS: [REDACTED] Lihue, 96766

COMMENTS:

Very important and engaged.  
More of this is extremely important!

(Mehab Vei DHHL!!  
And especially pretty ugly faced  
pretty bones!!)

Date: 7 May 2018 Location: Hanalei Topic: Multi-Family  
Kauai DCCRS

COMMENT SHEET

PUBLIC HEARING FOR PROPOSED ADMINISTRATIVE RULE AMENDMENTS

NAME: Tom Kanahale

ADDRESS: [REDACTED]  
Lihue, HI 96766

COMMENTS:

No multi-family housing, leasing or rentals. This is what sections  
housing is for! No. No. No.

If this is adopted, then every Hawaiian on <sup>wait</sup> list should first  
be offered LAND, not an apartment, and NOT a mortgage.

These kind of rule changes are a slippery slope. Just like how  
agricultural awards "disappeared," as mortgages come "on line" w/ DHHL,  
soon, apartments will be all DHHL ~~offer~~ is offering. No,  
"in fact" Kanaka maoli. I want land to plant Kalo, plant maik

Date: 5/7/18

Location: KING KAUMUAHI Topic: SDU

**COMMENT SHEET**

**PUBLIC HEARING FOR PROPOSED ADMINISTRATIVE RULE AMENDMENTS**

NAME: Aika Woodward

ADDRESS: [REDACTED] Kapaa, HI, 96746

COMMENTS: To allow lessees who's descendants (children) ~~can~~ does not meet the blood quantum to inherit what was given. ~~But~~ Because it is something that was given to their parent, they grew up on the homestead. it seems unfair to remove them because they don't quite meet that blood quantum / ~~and~~ ~~and~~ we should be allowed to rent SDU to our children and whoever if we want because it is a great way to allow our children to have their own dwelling if not then its a great way for hawaiians to have supplemental income for them to get ahead.

EXHIBIT F

## Beneficiary Consultation Comment on Proposed Admin Rule Changes

JoRina Holland [REDACTED]

Tue 5/8/2018 12:09 AM

To: Lindsey, Hokulei &lt;hokulei.lindsey@hawaii.gov&gt;;

**Name**

JoRina Holland

**Applicant or Lessee?**

Lessee

**E-mail**  
[REDACTED]**Comment or Message**

1. The Dept NEEDS to always consider due process before lease cancellation.
  - a) Blood quantum is being diluted therefore the lessee may only have 1/4 successors and to come this far just to get cancelled is WRONG!!!!
  - b) As members of the DCCR we need to hold them responsible for people throwing their junk into our neighborhood (have pictures if you don't believe me), homeless transplants living on our beaches just 50 feet from our property line (have pictures), and trash on our beaches (have pictures). Who is holding the DCCR accountable? If the association isn't cleaning up the common areas or using the funds responsibly what will the Dept do for the members of the DCCR?
2. Homestead communities always needs a community center with a full kitchen, women's bathroom stalls, men's bathroom stalls, and ohana bathroom. The community center must have a large seating area with tables, chairs, benches, and stage. The center must be equipped with electrical plugs throughout, overhead lighting, and ample parking. A children's playground area. Large grass lawn for outdoor activities such as inflatables for children's birthday party, soccer practice, croquet, etc.

3. Design restrictions on homes should NOT consist on size, color, shape, or parking. If the lessee can afford it then the Dept should allow it.
4. The Dept MUST develop multi-family housing for lease, rent, and both.
5. Renting on Hawaiian Home Lands would begin with the application list, send out the questionnaire for interested applicants, you know the process.
6. Management Company must be based in the islands. Have Hawaiian personnel on their payroll. Be physically located on the island in which they are being considered. Why? To be given the opportunity to serve for the people one must be a part of the people and know the people. We are Hawaiian NOT a statistic!!
7. I support SDUs on HHL because of family growth, financial necessity, and support.
8. SDUs need to be allowed NOW! Criteria needs to meet county codes which follows health and water safety issues.
9. The proposal pilot NEEDS to include Kauai.
10. The SDU may be occupied by the discretion of the lessee.
11. Since the price of land has raised dramatically, the liability for the Dept has increased exponentially, therefore the Dept NEEDS to consider turning the leasehold to fee simple in order to relinquish the liability.

Sent from Department of Hawaiian Home Lands

EXHIBIT F

# Piilani Mai Ke Kai

JoRina Holland [REDACTED]

Thu 5/31/2018 7:45 AM

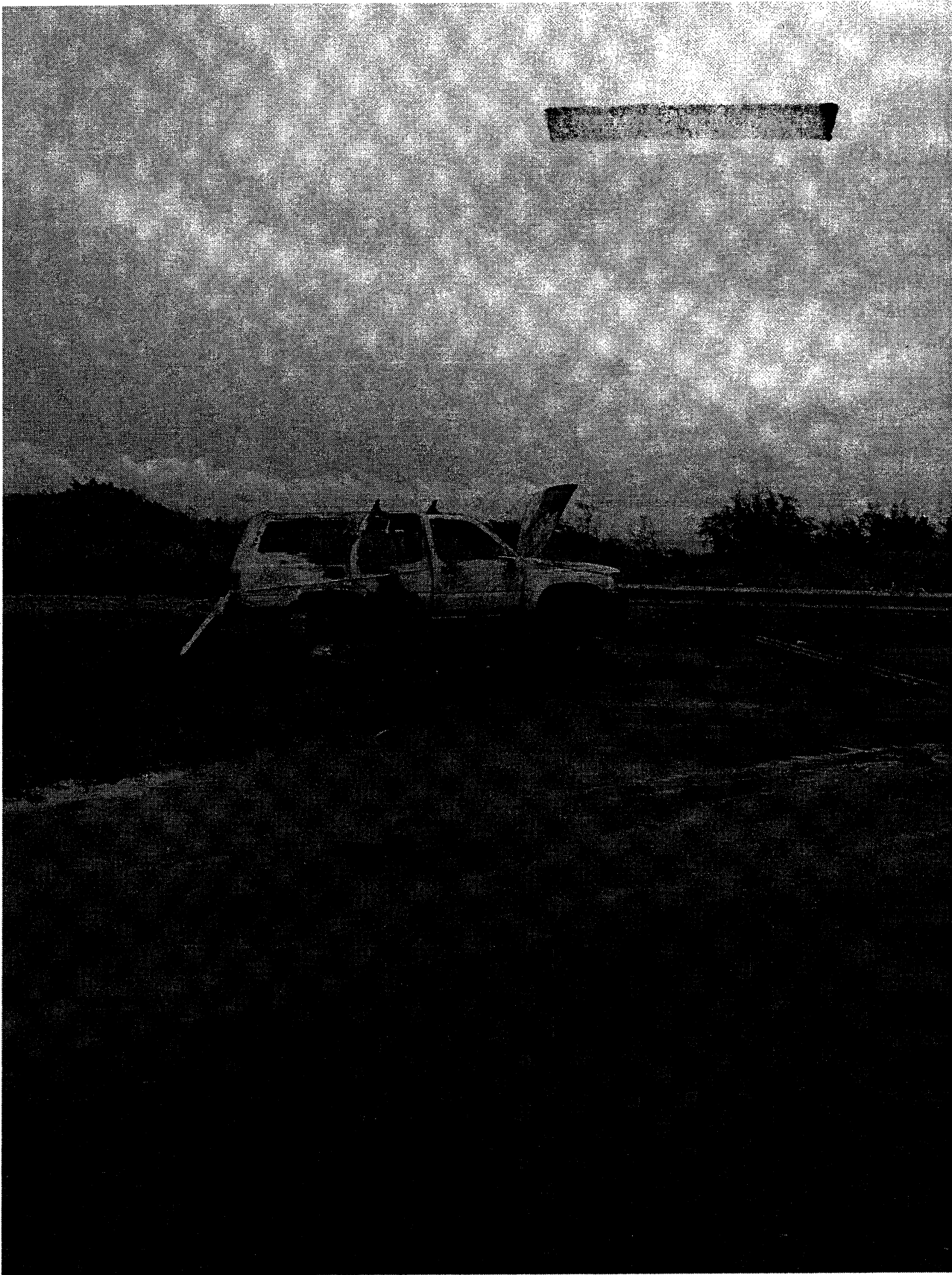
To: Lindsey, Hokulei <hokulei.lindsey@hawaii.gov>;

Aloha,

Noticed a few things at PMKK

1. Kids riding their dirt bikes on our properties.
2. People driving their cars on our properties.
3. Trash left everywhere from on our properties to the beach.
4. Abandon vehicles on the road to the beach.
5. PMKK is a DCCR with a \$60 annual fee - who is responsible for holding the DCCR association responsible for their duties?
6. Who holds DHHL responsible for the homeless, abandoned vehicles, and trash from Ehukai Rd to the beach?

Picture attached.



JoRina Holland  
Accountant



## Proposed rule changes(SDUs)

william aila jr [REDACTED]

Wed 8/1/2018 9:23 AM

To: Lindsey, Hokulei <hokulei.lindsey@hawaii.gov>;

Aloha Hokulei, Mahalo for all your hard work in putting together these rule changes. Whatever can help the beneficiaries are greatly needed. As for the SDUs it would be very beneficial to Ag Lots. I understand as the rules stand now we can have a workman's quarter. I guess each case should be on a case by case basis. We do Ag but for now we do not sell what we grow we give it away. We have daytime jobs. A workman's quarters is not what we need. Another home would be what we need. If we need to get permits, funding, put a lot of time in the process. All of that energy would be well invested into a home rather, then a workman's quarter. I didn't get to share more of my input at Monday night's meeting but I am doing so now for the record. I do support SDU's. Mahalo again for your time. Have a nice day,

EXHIBIT F

## Beneficiary Consultation Comment on Proposed Admin Rule Changes

Lynette Kanani Sang [REDACTED]

Thu 8/2/2018 3:28 PM

To: Lindsey, Hokulei &lt;hokulei.lindsey@hawaii.gov&gt;;

**Name**

Lynette Kanani Sang

**Applicant or Lessee?**

Lessee

**E-mail**  
[REDACTED]**Comment or Message**

Aloha mai kakou! I attended the July 30 Kapolei Beneficiary consultation and participated in the break-out groups. Due to time constraints I was not able to discuss the topic of possibly allowing families to lease land where we can gather and live sustainable lives by providing our own food and building our homes. I don't know what the name of this concept is but I have seen it on Kaua'i, private land. A family consisting of 5 brothers & sisters each on a divided parcel of land which they built homes on.

I also wanted to mention that on a larger scale, maybe setting aside some land where families can gather to hold family reunions. Our family struggle to find a location that can hold the mass amount of family (my family in particular between 500-700) to hold such an event. The public parks are limited in size and only allow permits at some public beaches for 100 people and you can only apply for these permits up to 2 weeks prior to the event. This hinders families from planning for these types of events. Maybe if you have access to some beach property that can accommodate families.

## FW: Proposed Changes to DHHL Administrative Rules

Homelani Schaedel [REDACTED]

Tue 9/4/2018 7:38 AM

To: Lindsey, Hokulei <hokulei.lindsey@hawaii.gov>;  
[REDACTED]

Aloha e Hoku:

My cousin Kau'I told me she sent in her comments (below) but it was kicked back as not deliverable. Although the deadline has passed, please include her comments in your review as she addresses some of the same issues we've discussed in the past.

Mahalo piha,  
Aunty Home

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**From:** Kau'ilani Sang [REDACTED]  
**Sent:** Monday, September 3, 2018 4:53 PM  
**To:** [REDACTED]  
**Subject:** Fwd: Proposed Changes to DHHL Administrative Rules

Sent from my iPhone

Begin forwarded message:

**From:** "Kau'ilani Sang" [REDACTED]  
**Date:** August 31, 2018 at 3:53:25 PM HST  
**To:** [dhhl.rules@hawaiianhomelands.org](mailto:dhhl.rules@hawaiianhomelands.org)  
**Subject:** Proposed Changes to DHHL Administrative Rules

Aloha,

I would like to start off by saying mahalo for providing the opportunity to comment. I realize that these comments are one day beyond deadline but I hope that they may still be considered.

While I was present at the beneficiary consultation held at Hale Pono'i, I felt strongly that the facilitation process restricted the opportunity to have deeper discussion about the design factors that led to the presentation. My main concern can be identified on Slide 9 in the presentation deck. When taking a look at the process timeline, it is my strong belief that the beneficiary voice should be included in the front of the discussions. The consultation event doesn't show up until after decisions about draft rules are already made.

I would like to propose that the Department re-evaluate its process to take into consideration the beneficiary input as a way to design the draft rules and start the process again. Not only might this help mitigate back end buy-in, it provides for a more authentic, closer to ground, set of rules. Much of the commentary we heard at the convening was driven by something proposed that did not include beneficiary voice. If you move to include beneficiary voice at step one, and use some of the other steps to work towards collectively refining, we might get to a better more concerted effort.

With that, I thank you again for the opportunity to provide comments. If you would like to contact me, you may reach me by email here or by telephone at [REDACTED] I strongly urge a reconsideration to restart the process.

Na'u me ke aloha no ka 'āina,  
Kau'i Sang

August 30, 2018

TO: Department of Hawaiian Home Lands  
FROM: M Kapuniai  
RE: Comments to Proposed Admin Rules

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## CHAPTER 7

### PLANNED COMMUNITIES, MULTI-FAMILY COMPLEXES, AND RENTAL HOUSING

I am sorry, but not enough has been done to justify admin rules for  
Planned Communities subject to DCCR, at this point in time.

More research has to be done regarding:

- (1) the reasons for large delinquencies,
- (2) the struggles of the "associations" formed by anyone else but those who have to become members and the officers who are trying diligently to be accountable,
- 3) the drafting process of the DCCRs, no participation by those who have to comply, and, recordation of the DCCRs
- 4) the system where the new lessee has had to accept the unseen, already contrived and recorded DCCRs before selecting their lot  
( I do see that an educational effort ahead of lot selection has been proposed (yeh),
- 5) dictatorial powers allowed the "declarant",
- 6) need more concerted effort to resolve before imposing enforcement
- 7) formation of the "Association" can not be the responsibility of the "Declarant"

Spend more time with the struggling associations and the causes of the  
current situation to arrive at positive resolve.

Back to the drawing board - giant issue

EXHIBIT F

Inclusion of 209-(a) is absolutely incorrect -deals with deceased lessee who has not designated a successor, and is another discriminatory move to decrease our rights as a lessee of this "rehabilitation" program.

10-3-40.04

SDU application and review.

(a) last sentence - If the lessee fails to revise...return...within ( 30 days ) 6 months, the application shall be cancelled.

(It takes you folks years to complete a simple one-lot subdivision, if at all - **STOP BEING UNREASONABLE!!!**

10-3-40.07

Supplemental dwelling units

(b) (1) The only biological relationship is immediate family lineal descendancy as identified in previous subsections.

Sentence #2 (The department may allow...charged.)

The lessee may request that the ohana occupant contribute toward household expenses such as utilities and mortgage payments.

The lessee shall set parameters for occupancy.

EXHIBIT F

August 30, 2018

TO: Department of Hawaiian Home Lands  
FROM: M Kapuniai  
RE: Comments to Proposed Admin Rules

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CHAPTER 3, SUBCHAPTER 3.1

SUPPLEMENTAL DWELLING UNIT

10-3-40.01 Purpose

The purpose of this subchapter is to provide ~~(residential)~~ lessees who qualify, with the option to build a supplementary dwelling unit that ... financial strain.

THIS OPPROTUNITY SHALL BE AVAILABLE TO ALL PROJECT AREAS, INCLUDING FARM AND PASTORAL!!!!

There is no justification for the discrimination, pilot project or not! All families have the same challenge and can benefit, no matter what type of lease is executed!!!!!!

YOU, ALL, HAVE BEEN ILL-ADVISED!!!

DELETE ALL "RESIDENTIAL" verbiage!

10-3-40.2 Definitions.

As used in this subchapter, unless context ... otherwise,

"Dwelling unit renter" means ~~(the native Hawaiian)~~ the immediate family member or lineal descendant who rents, from the lessee, ... others

"Good Standing" means ... obligations contained in the ~~(residential)~~ homestead lease, the act, and this title.

"Ohana occupant" means the ~~(qualified relative under section 209 (a) of the act)~~ immediate family member or lineal descendant who resides ... family.

EXHIBIT F

August 30, 2018

TO: Department of Hawaiian Home Lands  
FROM: M Kapuniai  
RE: Comments to Proposed Admin Rules

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**10-7-41 Rental Housing Offers**

(1) The Department shall notify...

**Insert New (2)**

(2) The Department shall include with the notification to residential applicants, *The Rental Program Parameters*, which have been reviewed and approved by Housing Beneficiary Organizations, and approved by the Hawaiian Homes Commission.

**10-7-42 Kupuna Housing**

(b) If a lessee accepts a kupuna housing offer, the lessee shall (immediately) occupy, within six months, the kupuna housing and, within (six months) 12 months either transfer... lease.

(c) If the list... still available, the (property management company may accept... through (1) & (2)) the department shall initiate recruitment, accept qualified applicants for the Kupuna Rental Housing, and notify the Property Management Company of the potential tenants.

(d) as is

**10-7-43 Rental Agreement Controlling.** The Rental Agreement which has been reviewed by the department and approved by the Hawaiian Homes Commission shall control... till the end.

**10-7-45 Vacant Units.**

To ensure... shall proceed under section 10-7-41 as amended.

EXHIBIT F



STATE OF HAWAII

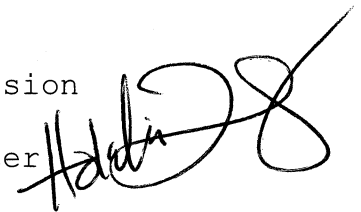
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: For Information Only - Recommended Changes to the  
Draft Administrative Rules for the Multi-Family,  
Rentals, and Kupuna Housing



RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

Based upon comments received through the beneficiary consultation process, the DCCR leaders meeting held in September 2017 (see Exhibit A), and subsequent evaluation to determine the feasibility of incorporating beneficiary comments, staff recommends the following changes to the draft rules. The draft rules, inclusive of the changes listed below are attached as Exhibit B; proposed changes are underlined in the rule text.

- a. **Exhibit B pg. 10-11; §10-7-26(a)-(b) Planned community education:** add language to include the existing association in department sponsored education and trainings for new lessees in new phases or developments. This recommendation is based on Exhibit A and comments from beneficiary consultation.
- b. **Exhibit B pg. 11; §10-7-26(c) Planned community education:** add a new subsection to clarify that planned community associations will conduct orientation for lessees, transferees, and successors moving into their communities. The department will inform the association when transfers and successorships occur. This recommendation is based on Exhibit A and comments from beneficiary consultation.
- c. **Exhibit B pg. 14; §10-7-41(b) Rental housing offers:** add new subsection that reads: "Project-specific parameters

shall be provided to the applicant pool as soon as practicable."

- d. **Exhibit B pg. 15; §10-7-43 Rental agreement controlling:**  
add "The department shall review the property management company's final rental agreement."

#### Analysis of Transcribed Meeting Notes

The chart below summarizes the transcribed meeting notes into patterns or themes and provides a staff response. It also identifies specific suggestions from beneficiary comments that resulted in a recommendation to change the draft proposals.

#### DCCRs:

Question	Draft Provision	Comments/Themes	Response
<b>DCCRs are part of your homestead lease. Under the proposed rules, if the DCCRs are not followed, it can lead to lease cancellation. Are there other enforcement measures DHHL should consider in DCCR communities?</b>	<ul style="list-style-type: none"> <li>• 10-7-35 Compliance required; 10-7-36 Enforcement; 10-7-37 Civil action</li> <li>• 10-7-26 Planned community education; 10-7-27 Association membership; 10-7-28 Payment of assessments; 10-7-29 Alteration of the unit prohibited</li> </ul>	<ul style="list-style-type: none"> <li>• There was a general mix of comments that expressed shock at lease cancellation for what may be minor violations to those who favored cancellation as long as the process was fair. Comments tended to be solution-oriented, focusing on <u>better communication</u>: <i>Education</i> including board training and new lessee orientation so that people know what the DCCRs are and the rules that need to be followed. <i>Community-based</i> problem-solving so that a community member might be the first person to reach out and help. Comments also outlined a <i>fair</i></li> </ul>	<ul style="list-style-type: none"> <li>• The proposal includes an <i>education /orientation component</i> for new lessees. 10-7-26 requires a planned community education/orientation for each new DCCR community. Future lessees of that community are required to attend. <u>Staff recommends</u> changes to 10-7-26 that would clarify the department's role and the associations role in education and orientation for lessees. Staff also recommends adding that the department shall notify the association of lease transfers and successorships to facilitate the association's orientation process.</li> </ul>

		<p><i>process</i> whereby notice would be delivered at certain intervals, penalties would be assessed and increase over time, and only if violations persisted would lease cancellation become an option.</p>	<p>Suggestions from the DCCR leaders meeting in November 2017 indicate such communication steps would help improve the relationship between the department and the DCCR associations.</p> <ul style="list-style-type: none"> <li>• Draft enforcement sections 10-7-35 thru 10-7-37 outline that associations lead enforcement of the CCRs and shall adopt formal procedures. This allows each community to address violations through a process they design. If that process is unsuccessful, the association may pursue civil action. In addition, the association may petition the commission for a contested case hearing if the lessee continues to violate the CCRs after association enforcement processes.</li> </ul>
<p><b>All lessees in DCCRs are required to pay monthly assessments to the association for upkeep of common areas and to keep the association going. What types of common areas are</b></p>	<ul style="list-style-type: none"> <li>• Global.</li> </ul>	<ul style="list-style-type: none"> <li>• Comments expressed a desire for <u>functional community spaces</u> like community gardens and community centers that could be used as gathering places to</li> </ul>	<p>Beneficiary Consultation comments and the notes from the DCCR leaders meeting indicate that common areas are seen as ways to build community and increase</p>

<p><b>needed in homestead communities?</b></p>		<p>build community, that residents could use individually, and that the association could use for community-wide gatherings.</p> <ul style="list-style-type: none"> <li>• Keiki and the next generation was another focus, commenters believed <u>park or playground or ball field</u> area where children could play was good for community and safety.</li> <li>• <u>Cultural spaces</u> for loi, imu, and cultural activities.</li> </ul>	<p>participation in the association. Comments indicate assessments may not be paid because there is no understanding of why there are assessments. Common areas that are visible, obvious, functional community spaces could help make connections between assessments and community facilities.</p> <p>This, however, is better suited for the planning and development process as opposed to administrative rules.</p>
<p><b>DCCRs include restrictions on how you build your house. What types of design restrictions should/not be part of the DCCRs?</b></p>	<ul style="list-style-type: none"> <li>• 10-7-29 Alteration of the unit prohibited</li> </ul>	<ul style="list-style-type: none"> <li>• There were <u>concerns</u> from commenters about why should there be restriction when the <i>focus should be affordability</i>. Commenters were also concerned about whether it created more a <i>burden</i> on both the lessee and the association to comply and review for design especially, given <i>low participation</i> such that residents are not aware of the restrictions or do not believe they should need to ask permission to make changes to their house.</li> <li>• However, commenters also</li> </ul>	<p>Design guidelines are standard for planned communities, it creates a visual cohesiveness and sets standards intended to minimize conflict. Associations can amend the CCRs as the community evolves.</p> <p>The draft proposal includes 10-7-4 Native Hawaiian cultural values, which requires the governing documents to take into account and embody values appropriate for the location, development, and lessees. This provision is intended to ensure future DCCRs are drafted to be better suited for the homelands. Guidelines and parameters are to be developed by the</p>

		<p>believed that <u>size limitations</u> were necessary to prevent oversized homes and <u>designated exterior paint color options</u> were also good.</p> <ul style="list-style-type: none"> <li>• Many also talked about <u>landscaping</u>: <i>tree height</i> restrictions and maintenance requirements; encourage <i>native plants</i>; pet friendly but limits on the number and type of <i>animals</i>; allow <i>clotheslines</i> in certain areas of the yard.</li> <li>• <u>No junk cars</u>.</li> </ul>	<p>department in consultation with beneficiaries, and included in the declaration.</p>
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#### Multi-Family, Rentals, and Kupuna Housing:

Question	Draft Provision	Beneficiary Comment	Response
<p><b>Should DHHL do multi-family housing? Leases? Rentals? Both?</b></p>	<ul style="list-style-type: none"> <li>• Global</li> </ul>	<ul style="list-style-type: none"> <li>• The majority of comments were in support of multi-family, rental, and kupuna housing. Beneficiaries liked that it would create <i>options</i> that could be more <i>affordable</i> than single-family houses; <i>more units</i> would be available; that there could be more <i>rent with option to purchase</i> opportunities.</li> <li>• However, <i>concerns</i> were consistently raised to <i>keep with the spirit of the Act</i>. These concerns</li> </ul>	<p>The rules would authorize the department to issue dispositions for multi-family and rental units. The intent is to add options and product variety to meet different financial situations, it is not meant to replace development of single-family homes. The rules also provide transparency for the process to identify beneficiaries interested in multi-family and rental units.</p>

		expressed that multi-family and rentals should not be done at the expense of or instead of homesteading. It was also expressed that although the Department should do both leases and rentals, rentals should not take priority over leases.	
<p><b>Are there other housing options DHHL should provide or support beyond multi-family, rentals, and single-family homes? How do we keep housing affordable for beneficiaries?</b></p>	<ul style="list-style-type: none"> <li>• Global</li> </ul>	<ul style="list-style-type: none"> <li>• Two major themes appeared: (1) <u>Financial aspects including financial literacy and availability of financing sources; DHHL loans; and subsidies.</u> Commenters thought rent with option to purchase was an opportunity to learn financial responsibility. Comments also thought multi-family offered financial literacy in action opportunities because a lessee could start in a multi-family unit and save for a single-family house. As to the <i>availability of financing sources; DHHL loans; and subsidies.</i> Many commented on the difficulty to obtain financing on Hawaiian Home Lands and that DHHL might expand its loan</li> </ul>	<p>Staff agrees that financial literacy is important for successful homeownership. Multi-family and rental options will provide opportunities for a greater range of incomes and financial capacities. Depending upon the development project, financial literacy training could be available.</p>

		<p>program or find ways to help subsidize beneficiary housing costs. Some comments seemed to express the idea of micro-economy within Hawaiian Home Lands where money could stay within the program or Hawaiian institutions rather than paying outside lenders.</p> <p><i>(2) Housing product/type.</i></p> <p>Commenters tended to think townhouses, duplexes, and rent with option to purchase were options to keep housing affordable. However, commenters were clear that they believed the design of the complex was important, it needs to be a <u>good design, attractive, and conducive to a safe and healthy community.</u></p>	
<p><b>Who should be allowed to rent on Hawaiian Home Lands?</b></p>	<ul style="list-style-type: none"> <li>• Global</li> </ul>	<ul style="list-style-type: none"> <li>• Two types of responses were common. (1) That <i>financial qualifications/low income</i> should rent such that rental units could be used as <i>transitional housing</i> where renters could build credit and financial literacy and capacity to purchase</li> </ul>	<p>The proposal provides a process for identifying potential lessees and renters from the residential waitlists.</p>

		<p>a home. (2) That the identity of the renter should be <i>Hawaiian</i>. This response broke down in to those that favored the waitlist and native Hawaiians; those that would include 25% blood quantum; those that would include any amount of Hawaiian. Despite the nuances in blood quantum, many expressed that Hawaiians should be the priority.</p>	
<p><b>What are some criteria DHHL should consider in selecting a management company? Why?</b></p>	<ul style="list-style-type: none"> <li>• 10-7-41 Rental housing offers</li> <li>• 10-7-42(a), (c) Kupuna housing (offers)</li> <li>• 10-7-43 Rental agreement controlling</li> <li>• 10-7-45 Vacant units</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Characteristics:</i> Cultural sensitivity and awareness; a local or Hawaiian-owned company; or DHHL.</li> <li>• <i>Experience/Capacity:</i> a management company should understand the Hawaiian Home Lands Trust and DHHL; they should be a professional management company; and be able to enforce rules.</li> <li>• </li> </ul>	<p>State procurement processes and regulations would have to be followed if the Department were to select a management company.</p> <p><u>Staff recommends</u> based on written comments specific to 10-7-41 and 10-7-43, adding language that would ensure potential renters have information about the project parameters as soon as practicable and adding language that the department shall review the final rental agreement. Staff believes these provisions help ensure communication between the management company and potential renters. (See Amended Beneficiary</p>



			Consultation Report, Exhibit F, written comments of August 20, 2018 from M Kapuniai.)
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RECOMMENDATION:

None. For information only.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 21, 2017

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: Declaration of Conditions, Covenants, and  
Restrictions (DCCR)/Planned Communities Administrative  
Rules Update

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

At the September 2017 meeting of the Hawaiian Homes Commission, staff presented a workshop about the status of the relationship between the Department of Hawaiian Home Lands and the DCCR associations on Hawaiian home lands. Later that month, the DHHL convened a meeting with the DCCR association leadership to discuss the same topic and to get the DCCR associations' leadership's input on draft administrative rules that would govern the relationship between the associations and the Department (See Exhibit 1, invitation letter). The invitation was emailed to all the DCCR associations; eight associations responded to the invitation and seventeen current and next generation leaders attended the meeting.

The meeting was split into a morning and an afternoon session. The morning was dedicated to the relationship with the Department and the draft administrative rules, while the afternoon was set aside for training conducted by HANO (Hawaii Alliance of Nonprofit Organizations) (See Exhibit 2, meeting agenda). Staff presented two powerpoints, the first focused on the relationship between the DHHL and the DCCR associations and the second highlighted several important provisions in the draft administrative rules (See Exhibit 3 and Exhibit 4). Following the second powerpoint, the attendees were split into two discussion groups. Facilitated discussion about the draft administrative rules focused on four questions:

- What are your association's three toughest/biggest issues?
- How can DHHL best help you address those issues?
- If you were starting over as a DCCR community, what would you change?
- If you were starting over in a DCCR community, what would you most like to know as a new/prospective lessee?

Below are themes that staff has identified from the discussion notes. The complete transcribed discussion notes are attached as Exhibit 5; the draft rules are attached as Exhibit 6.

Question	Comments/Themes	Staff Response
What are your association's three toughest/biggest issues?	<ul style="list-style-type: none"> <li>• <u>Poor enforcement</u>: including payment and collection of assessments as well as compliance with the DCCRs;</li> <li>• <u>Unclear relationship with DHHL</u>: including communication and support, and no enforcement "hammer;" and</li> <li>• <u>Lack of member participation</u>: understanding the purpose and intent of the DCCRs and why the DCCRs matter.</li> </ul> <p>Comments tend to connect difficulty with enforcement of the DCCRs with the unclear relationship with the DHHL. One comment put it plainly: "Board tries to lay down the law...if DHHL doesn't weigh in, we're stuck. We're married; without DHHL's support we cannot move forward."</p>	These are the issues that the Department has heard about from the DCCR associations. These are also the issues that staff identified in the drafting process as priority topics for the draft rules to address.

<p>How can DHHL best help you address those issues?</p>	<p>Many of the solutions suggested involved a combination of DHHL and association action.</p> <ul style="list-style-type: none"> <li>• <u>Enforcement</u>: association should have a collection process for assessments including multiple notifications, clear expectations, and payment schedules; associations can have a management company deal with assessments and collection; and the HHC/DHHL should hold contested cases (throughout the year, not just on island) and cancel leases. The sentiment was clear that real consequences were necessary to demonstrate the seriousness of noncompliance and nonpayment.</li> <li>• <u>Relationship with DHHL</u>: better and timely communication including notification when new owners come in, make sure the DCCRs are part of the escrow disclosure; continue seminars, gatherings, and education; and increase on-island representation (decentralize); be clear about purpose and intent including a purpose clause in the rules that says how</li> </ul>	<p>Regarding <u>enforcement</u>, the draft rules contain provisions that address assessments, collections, and DCCR compliance. The draft rules also outline a process that would lead to a contested case hearing. See draft 10-7-35 thru 10-7-37.</p> <p>Many of the suggestions to improve the <u>relationship with DHHL</u> are more appropriate for Department procedure than for administrative rules. There are, however, a few changes that could be made to draft 10-3-26 regarding planned community education that could clarify that all new lessees, whether new awardee, transferee, or successor, are required to attend a DCCR training prior to lease signing. Staff can also work to develop a purpose clause for the DCCR administrative rules.</p> <p>Much of the <u>member participation</u> suggestions are</p>
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	<p>the associations fit in and improve the larger community.</p> <ul style="list-style-type: none"> <li>• <u>Member participation:</u> association organize community paina; create different ways for people to participate (organizers, "worker bees," etc.); make room on the board for next generation members; association communicate to members in multi-layered ways (in person, website, email, fliers).</li> </ul> <p>The comments reveal a sense that the solutions are connected: if there is clear communication and expectations, and enforcement from DHHL, then it becomes easier for the association to enforce the DCCRs, collect assessments, and build community. But if lessees come in without information and expectations set according to the DCCRs, it is hard for associations to function.</p> <p>A significant majority of the group was clear about wanting to move forward with contested cases and lease cancellation.</p>	<p>strategies for the associations. The DHHL can support those efforts with the education and better communication components identified to clarify the relationship between DHHL and DCCRs.</p>
<p>If you were starting over as a DCCR community, what</p>	<p>Many of the things they would change directly relate to the toughest issues that were</p>	<p>The draft rules are intended to clarify the relationship between the DHHL and</p>

would you change?	identified: better communication from the DHHL, a clearly identified and understood relationship between DHHL and the associations, and new lessee orientation. In addition, comments expressed a desire to be included in the planning of their community as early as possible so that they could have common areas that fit their community vision.	the DCCR associations. The draft also includes provisions for new lessee orientation.
If you were starting over in a DCCR community, what would you most like to know as a new/prospective lessee?	Comments identified wanting to know the critical components of their specific DCCRs. The other comments seemed to revolve around basic, core elements of being a lessee: can I lose my lease?; what are the consequences for noncompliance?; better understand the privilege and responsibility of living on Hawaiian Home Lands.	Information and training about the DCCRs are included in provisions in the draft rules. Other elements are better suited for either DHHL process and procedure in lease signing or the associations themselves in terms of setting expectations for their community membership.

RECOMMENDATION:

None. For information only.

# Important DCCR meeting for Homestead Associations

Freitas Jr, Robert C

Mon 8/28/2017 2:33 PM

Cc: Manuel, Kaleo L <kaleo.l.manuel@hawaii.gov>; Lindsey, Hokulei <hokulei.lindsey@hawaii.gov>;

2 attachments (305 KB)

DCCR Participant Info Form.pdf; DCCR Training Topics Form.pdf;

## **Aloha DCC&R Association Leaders,**

The Department of Hawaiian Home Lands would like to gather together planned community leaders for a meeting and training specifically about DCCR communities. The Department is aware that planned communities on Hawaiian home lands face unique issues and is looking for ways to help make things easier for your communities. To help facilitate this goal, the Department will host and would like members of your board to attend:

WHO: 3 association board members plus 1 next generation leader

WHAT: Meeting and training about DCCR planned communities

WHEN: Saturday, September 23, 2017

9:30 a.m. to 4:00 p.m. (lunch will be provided)

WHERE: Honolulu Airport Conference Room (DHHL staff will make flight arrangements for those who do not live on O'ahu.)

Department staff are planning two activities for September 23.

First, the Department has drafted a set of potential administrative rules that would address planned communities, multi-family complexes, and rental housing. In the morning, we would like to discuss the draft and gather any comments, suggestions, or feedback you have particularly as the draft relates to planned communities.

Second, a training session after lunch is being planned with HANO to help you in your work for the DCCR association. We would like your kokua to make this session relevant and useful to you as an association board member. Emailed with this letter is a survey form, which includes a menu of possible training topics. HANO will design the training based upon the responses that are returned; only one survey per association, please.

Please RSVP by completing the two attached forms and returning them to the Department by Monday, September 4, 2017. To have an accurate headcount, please

EXHIBIT 1

EXHIBIT A

11/7/2017

Mail - hokulei.lindsey@hawaii.gov

provide the names and positions of those who will be attending, even if you do not need airline reservations. You can send your RSVP to [DHHL.Planning@hawaii.gov](mailto:DHHL.Planning@hawaii.gov).

If you are traveling from another island to O'ahu, please be sure the name you provide the Department matches the name on your driver license or appropriate identification for airline travel.

Mahalo for you time and dedication to your communities. If you have any questions, please contact Hokulei Lindsey at 808-620-9280.

Please follow the instructions and if you have problems please contact me,

Thank you,

Bob

Bob Freitas  
HHL Planner  
DHHL Planning Office  
(808) 620-9484

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## AGENDA

### DEPARTMENT OF HAWAIIAN HOME LANDS

#### DCCR ASSOCIATION LEADERS MEETING

September 23, 2017

Honolulu International Airport Conference Center

9:30 a.m. – 4:00 p.m.

- |                       |  |
|-----------------------|--|
| 8:00 a.m. – 9:30 a.m. | Arrival and Sign-in  |
| 9:30 a.m.             | Welcome & Opening  |
| 9:40 a.m.             | DHHL and DCCR Communities after <i>Kalawahine v. DHHL</i>  |
| 10:25 a.m.            | HEALTH BREAK   |
| 10:30 a.m.            | Presentation: Draft DCCR Administrative Rules  |
| 11:15 a.m.            | Break Out Discussion Groups  |
|                       | Round 1 Discussion Questions:  |
|                       | 1a. What are your association's 3 biggest/toughest issues?   |
|                       | 1b. How can DHHL best help you address those issues?   |
|                       | Round 2 Discussion Questions:  |
|                       | 2a. If you were starting over as a DCCR, what would you change?  |
|                       | 2b. If you were starting over as a DCCR, what would you most like to know as a new/prospective lessee? |
| 12:30 p.m.            | LUNCH  |
| 1:30 p.m.             | HANO: Training Topics<br>--Annual Compliance   |
| 4:00 p.m.             | Closing  |

EXHIBIT 2  
EXHIBIT A



HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
DEPARTMENT OF HAWAIIAN HOME LANDS

## DHHL and DCCR Communities

### Roadmap

- Background
- Kalawahine vs. DHHL
- Key issues and what you can expect from DHHL
- Moving forward

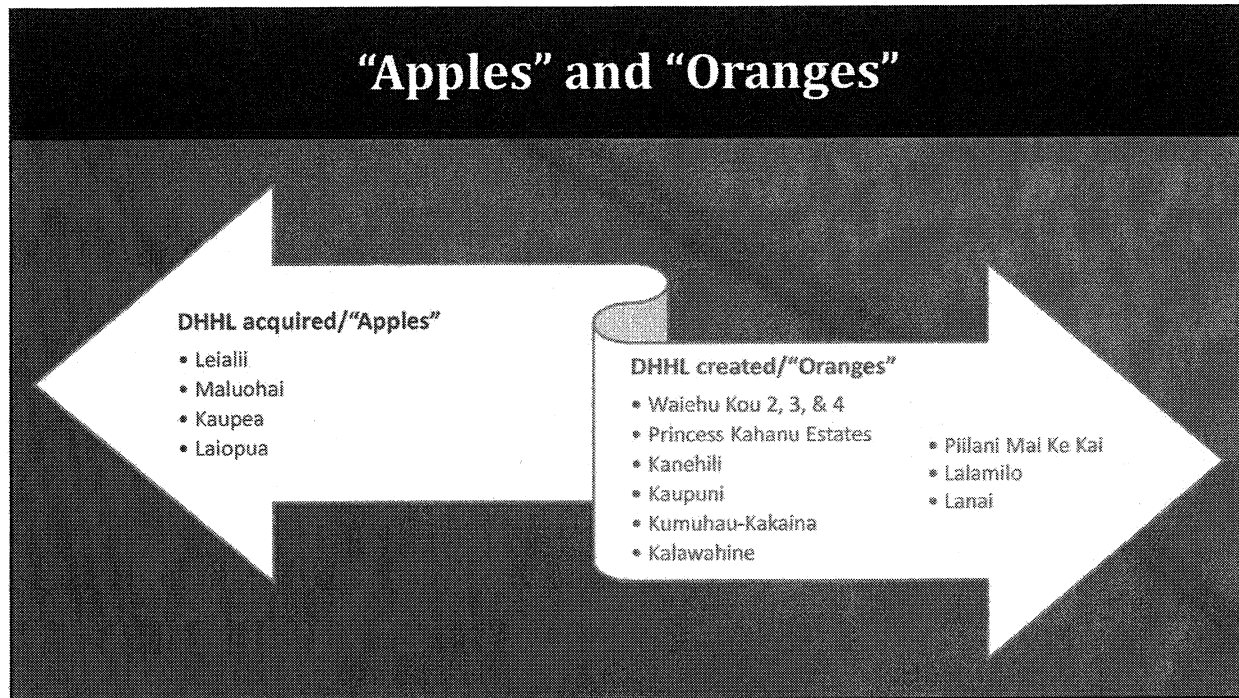
EXHIBIT 3  
EXHIBIT A

## DCCR Communities

Community *Development on going	Lessees on Lot	Lots (Projected)
	61	(1,340)
	30	448
Leialii	104	(357)
Waialeale Kōa	109	109
Waialeale Kōa 3	114	114
Waialeale Kōa 4	98	98
Lanai	29	45
Princess Kahanu Estates	271	271
Maluohai	222 (+1 in process)	226
Kaupea	326	326
Kanehili*	358	403
Kaupuni	19	19
Kumuhau-Kakaina*	52	97
Kalawahine Streamside	92	92
Papa'i Mai Kōa 1*	58 (+22 in process)	177

## “Apples” and “Oranges”

- Two types of DCCR communities exist on Hawaiian home lands:
  - DHHL *created* (11), and
  - DHHL *acquired*
    - Leialii, Maluohai, Kaupea, Laiopua



## Kalawahine v. DHHL

- HHCA section 207.5.
- “DHHL should have promulgated administrative rules before incorporating the DCCRs into the homestead leases issued to Kalawahine Project residents.” *Kalawahine v. DHHL* (2015).
- Translation: Because there are no administrative rules, DHHL cannot enforce the DCCRs for communities that are “Oranges.”

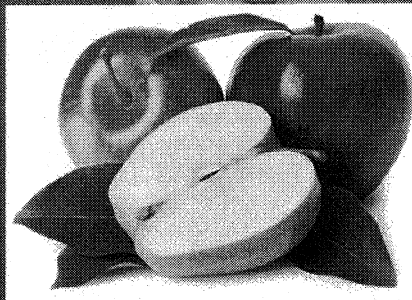
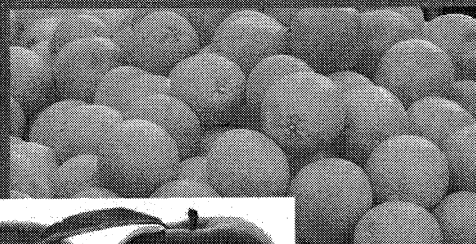


## Kalawahine v. DHHL

- “[I]ndependent of the homestead lease, the Kalawahine Project residents are bound by the DCCRs pursuant to their sales contract with [the developer] . . . the DCCRs . . . remain subject to enforcement by the Association.” *Kalawahine v. DHHL* (2015).
- Translation: Even though a community is an “Orange,” the DCCRs still exist and are enforceable by the association for that community.

## DHHL, “Apples,” and “Oranges”

- Generally...
  - DHHL *acquired* communities are subject to enforcement of the DCCRs by the Department.
  - DHHL *created* communities are subject to enforcement of the DCCRs by their respective Associations.



## DHHL, "Apples," and "Oranges"

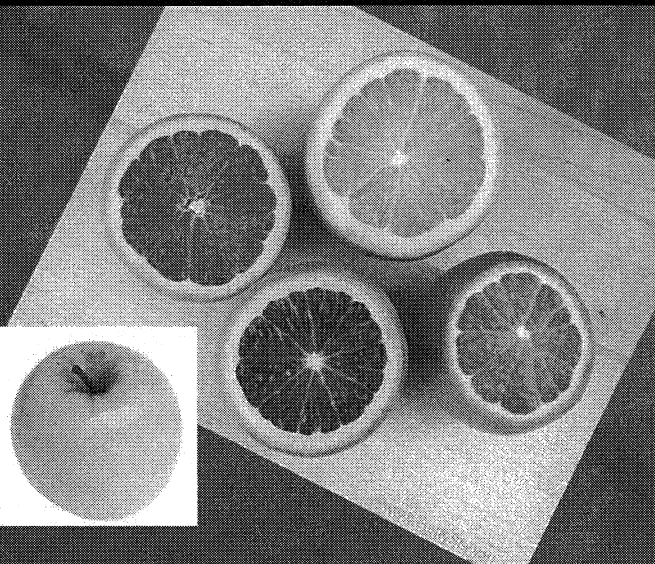
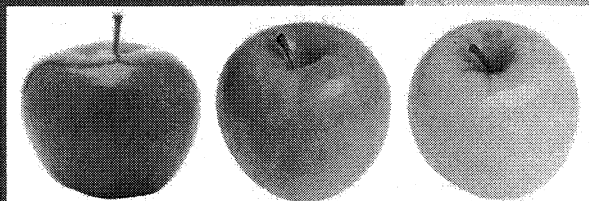
Ultimately, how DHHL relates to each association will depend upon:

- (1) the particularities of the development, and
- (2) the association documents.

## DHHL, "Apples," and "Oranges"

Ultimately, how DHHL relates to each association will depend upon:

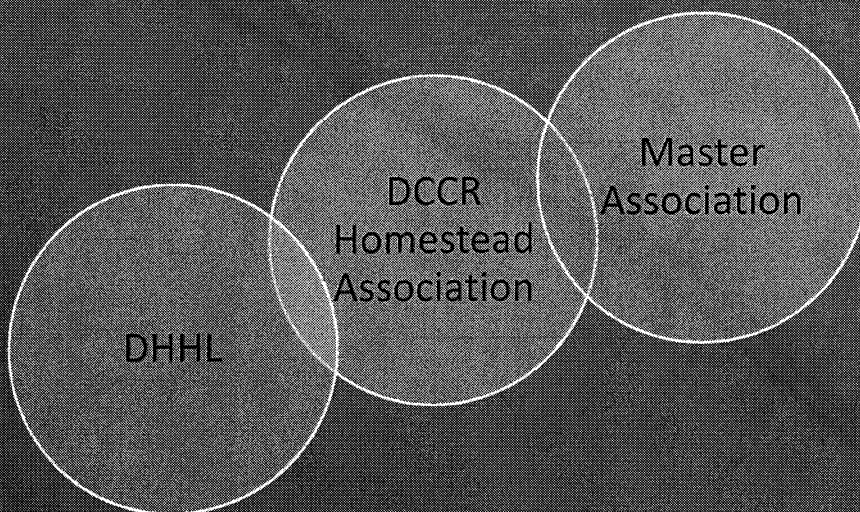
- (1) the particularities of the development, and
- (2) the association documents.



## DHHL and "Apples"

If the community is DHHL *acquired*, there may be a "master association."

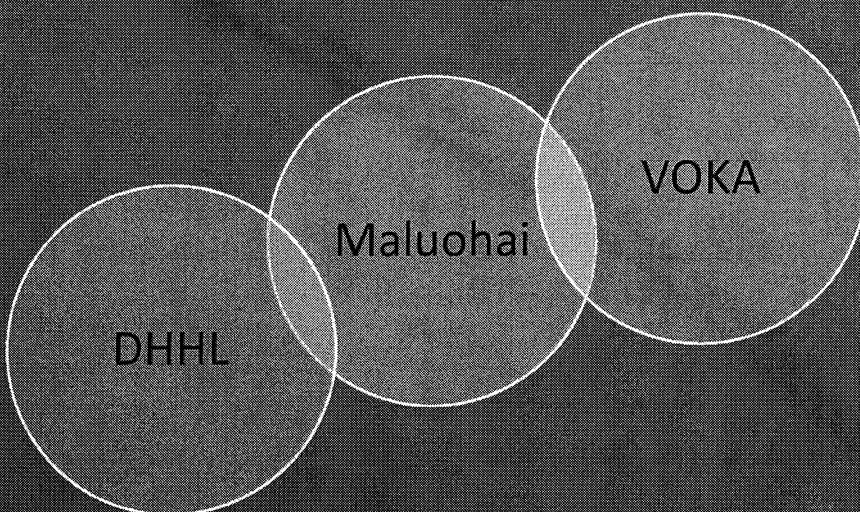
These relationships can vary based on association documents.



## DHHL and "Apples" Example

If the community is DHHL *acquired*, there may be a "master association."

These relationships can vary based on association documents.

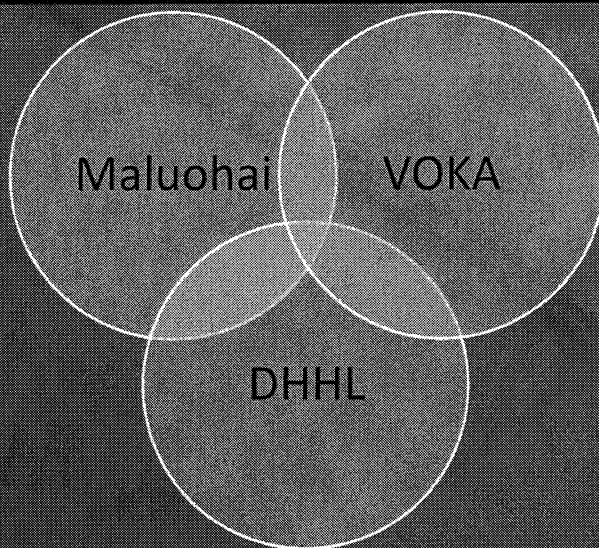




## DHHL and "Apples"

If the community is DHHL *acquired*, there may be a "master association."

These relationships can vary based on association documents.



## DHHL and "Oranges"

If the community is DHHL *created*, interaction between DHHL and the DCCR homestead association may be limited and depends on how the association was created and the association documents.

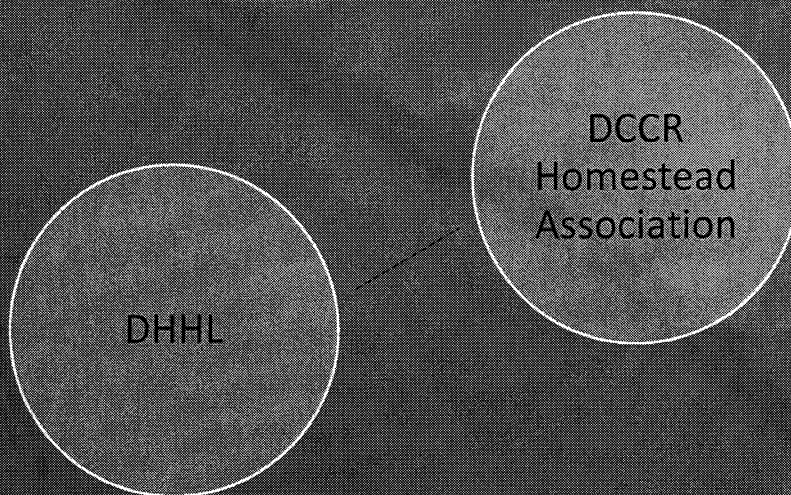


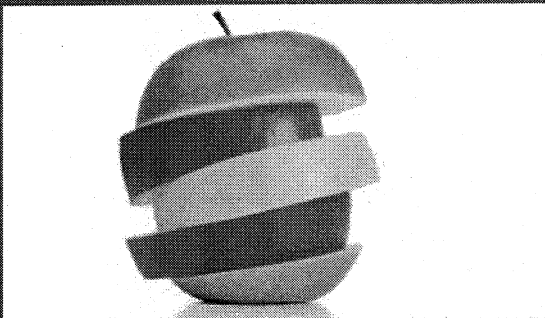
EXHIBIT A



## What You Can Expect on Key Issues Now

- Enforcement issues
  - Delinquent assessments
  - Kanawai procedures are set aside
- Loans and transfer requests
- New lessee/transferee contact information
- Inactive/Not organized associations

## Moving Forward



- Consistency and predictability.
- Clear roles.
- Improve the DHHL-DCCR model.



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DEPARTMENT OF HAWAIIAN HOME LANDS

# Proposed Administrative Rules for DCCR Communities

## Roadmap

- Why adopt administrative rules for DCCR communities?
- Provisions: Consistency of Interaction
- Provisions: Clear Roles

EXHIBIT 4  
EXHIBIT A

## Why Administrative Rules?

- Address the gaps left by the *Kalawahine* lawsuit.
- Consistency of interaction between DHHL and DCCR homesteads.
- Clear roles.
- Improve the DHHL-DCCR model.

## Addressing Kalawahine

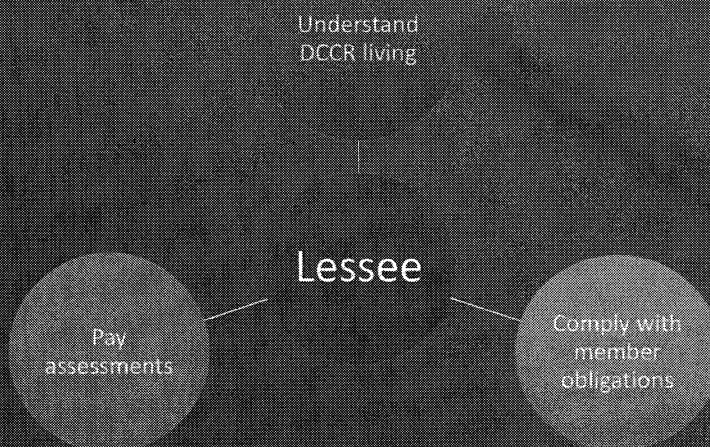
- Provisions to meet requirements of HHCA 207.5.
- Pre-existing DCCR associations must vote to “opt-in” to the administrative rules.



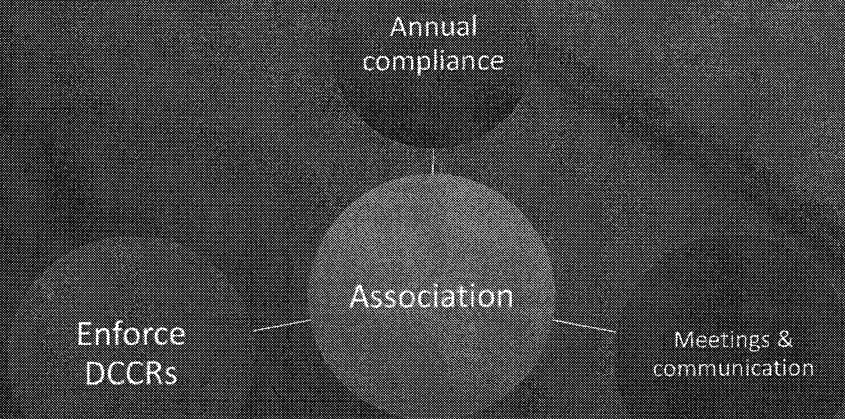
## Ensuring Consistency

- Accounting for assessments from vacant lots.
- Accounting for assessments from unoccupied units.
- Provide your annual budget to the department for record-keeping purposes.

## Clear Roles: Lessee



## Clear Roles: Association



## Clear Roles: DHHL

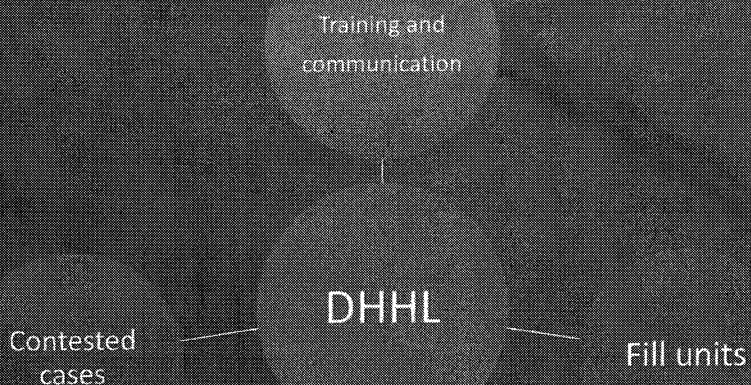
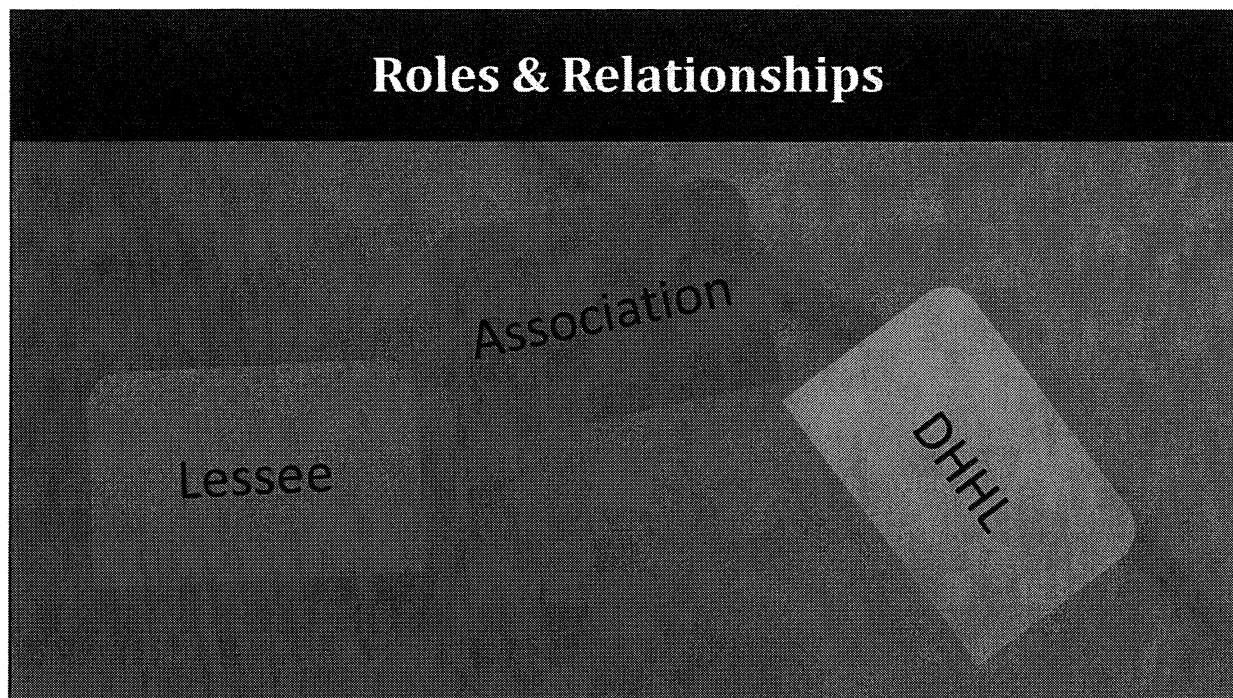
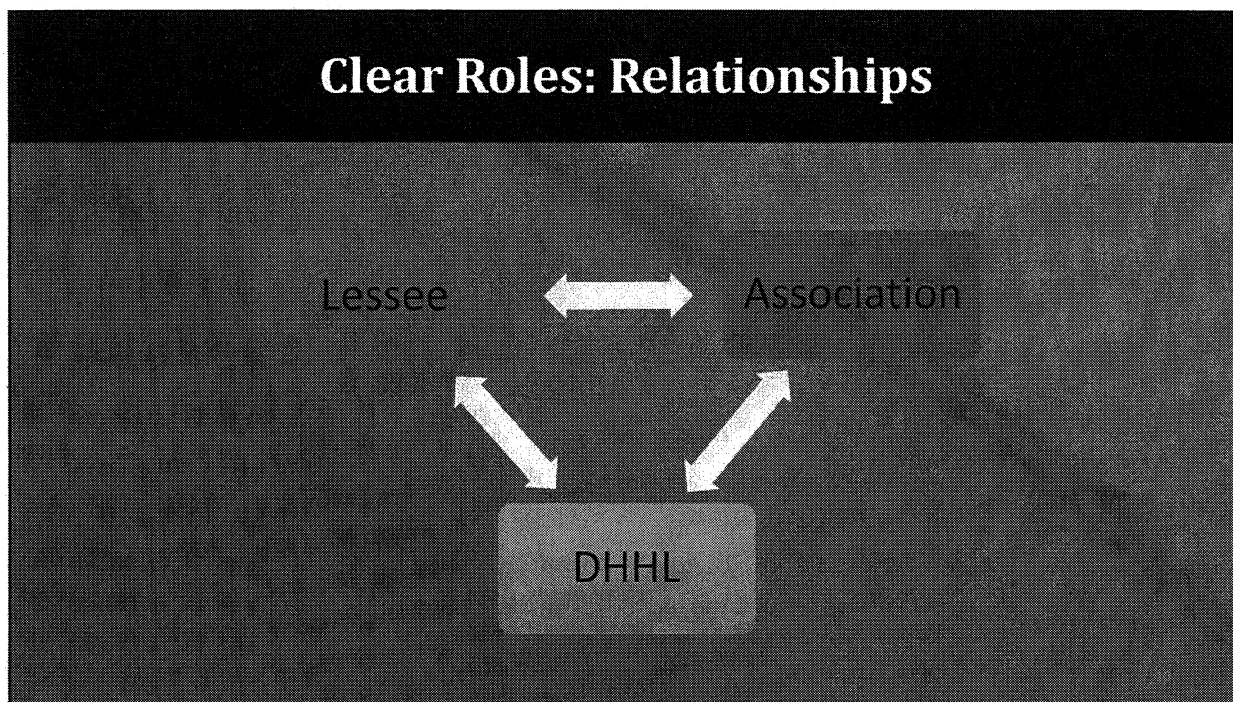


EXHIBIT A

## Roles & Relationships

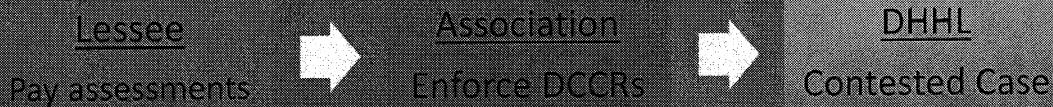


## Clear Roles: Relationships

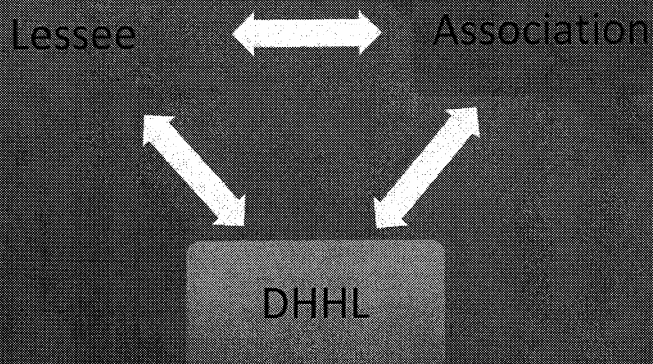




## Clear Roles: Compliance & Enforcement



## Clear Roles: Relationships



## Discussion Questions

### Round 1:

- What are your association's 3 biggest/toughest issues?
- How can DHHL best help you address those issues?

### Round 2:

- If you were starting over as a DCCR, what would you change?
- If you were starting over in a DCCR, what would you most like to know as a new/prospective lessee?

## Additional Comments

Deadline: October 23, 2017

Email: [Hokulei.Lindsey@hawaii.gov](mailto:Hokulei.Lindsey@hawaii.gov)

Mail: DHHL, attn. Hokulei Lindsey  
PO Box 1879  
Honolulu, HI 96805



Toughest issues	Collect dues	1
Toughest issues	Involvement of community	1
Toughest issues	Homeowners involvement	1
Toughest issues	Hui chief model (WK3) communication still a challenge, new members	1
Toughest issues	Hui chief 10 house logic for communication open process get more people involved	1
Toughest issues	Next generation involvement/education	1
Toughest issues	Collection, enforcement, participation	1
Toughest issues	Design issues park/pump issues	1
Toughest issues	Enforcement/security to association	1
Toughest issues	Involvement in design in community areas	1
Toughest issues	We need to better understand <b>purpose and intent</b> of association--board understands but majority of homesteaders don't and maybe DHHL too; or we may have 2 different intents	2
Toughest issues	<b>Enforcement</b> of DCCRs across the board	2
Toughest issues	Getting people involved/ <b>participation</b> --incentive	2
Toughest issues	<b>Compliance</b> --involvement --enforcement	2
Toughest issues	<b>Relationship between boards and DHHL</b> --we're not on same page --we're not getting support	2
Toughest issues	Board tries to lay down law...if DHHL doesn't weigh in, we're stuck. We're "married." Without DHHL's support we cannot move forward.	2
Toughest issues	Ways to inform people and get them involved/engaged	2
Toughest issues	Conveying why DCCRs matter: --Quality of life --Equity --Protection --Property values --To bring decision-making down to our level --To deal with all of the above problems	2
Toughest issues	DCCRs give board and members rules/guidelines/kuleana. Relationship with DHHL is central both to enforce and work with our members	2
Solutions	Next generation	1
Solutions	Collection process for assessments --Letter notices, manager talks to owners, DHHL letter helped, newsletter, updated process and notice. DCCR violation separate from dues	1
Solutions	PKE model discussion, office manager, and assistant; self-management	1
Solutions	Separate management versus local management; communication; relationships input	1
Solutions	Developed capacity to manage and communicate	1
Solutions	Website communication; layer approach	1

Topic	Comment	Group
Solutions	Loans collect fees with mortgage, assessment structured	1
Solutions	Concern park designs	1
Solutions	Community facilities, park, meeting room, etc	1
Solutions	Neighborhood watch program needs volunteers	1
Solutions	Neighborhood watch patrols	1
Solutions	Enforcement through lease cancellation	1
Solutions	Notices over time, no problem for 3 years. Need hammer. Need action.	1
Solutions	WK4 cancellation house gutted, note old debt, transfer accounting DHHL.	1
Solutions	Need to know when new owners come into homesteads	1
Solutions	Escrow DCCR disclosure	1
Solutions	Not fair to cancel lease	1
Solutions	<b>Being clear about purpose and intent</b> --Assets planning and management --Create a purpose clause within the Rules--how we fit in and improve larger community (vision) --Connect to Act 302 (powers and delegation) --Funding mechanism	2
Solutions	<b>Participation</b> --Holiday <u>parties</u> (paina) --Help individuals feel part of the community and the solution --Create different ways for people to participate (worker bees, via technology, attract younger folks) --Board (get youth on and in leadership roles) --Committees	2
Solutions	<b>Relationship between board and DHHL</b> --Continue seminars, gathering, education --DHHL needs to provide timely communication/response --Planning Office on-island representation (decentralize) --Staff or facilities presence in community	2
Solutions	<b>Enforcement/compliance</b> --DHHL needs to have a budget for and put funding in place for associations to help with enforcement issues--positions; ability to hold contested cases throughout the year (not just when on island); contracted mediator --Incentive-driven enforcement--what are the carrots? (oranges) --Increased relationship with DHHL allows us to build necessary mechanisms (apples) --Decentralize (faster response time, improves relationship) --Multiple notification with clear expectations and offer payment schedules/flexibility; then communicate as successes occur	2
If starting over, <u>what would you like to know?</u>	Can I lose my lease?	2
If starting over, <u>what would you like to know?</u>	Consequences of non-compliance	2

If starting over, <u>what</u> <u>would you like to know?</u>	Required to attend presentation before you sign a lease--everything is in plain view and take a test (another way to qualify?)	2
If starting over, <u>what</u> <u>would you like to know?</u>	In transferring/succession of leases, all transferees/successors will need to go thru with same rigor, the presentation/education/test --New lessee orientation --DHHL treat as brand new house --New lessees meet with representative of association/meet with DHHL	2
If starting over, <u>what</u> <u>would you like to know?</u>	Communicate changes to governing documents to everyone	2
If starting over, <u>what</u> <u>would you like to know?</u>	Better understand privilege and responsibility of being on Hawaiian Home lands at all levels (federal, local, etc.) --we're pushing the nation forward (lahui) --DHHL and association have roles	2
If starting over, <u>what</u> <u>would you like to know?</u>	Critical components of DCCRs outlines in a simplified orientation, 1-pager --Education precedes signing --Know your kuleana (single family home, etc)	2
If starting over, <u>what</u> <u>would you like to know?</u>	Investment of time at front end plus follow up --Additional touches before signing	2
If starting over, <u>what</u> <u>would you like to know?</u>	Need education on new home owners certificate process, signed and acknowledged	1
If starting over, <u>what</u> <u>would you like to know?</u>	Design in imu or other space for community uses in DCCR	1
If starting over, <u>what</u> <u>would you like to know?</u>	Cultural value and HHC involvement	1
If starting over, <u>what</u> <u>would you like to know?</u>	Include community facility like PKE	1
If starting over, <u>what</u> <u>would you change?</u>	Need to maintain DCCR support for new DCCR communities, old homestead experiences	1
If starting over, <u>what</u> <u>would you change?</u>	More communication, outreach efforts, change complacency	1
If starting over, <u>what</u> <u>would you change?</u>	Letter/notice concern people. Want to end DCCR to eliminate their delinquent dues; social media	1
If starting over, <u>what</u> <u>would you change?</u>	People do not care about dues payment individual obligations nothing changing in community, things need to be done. Visible change support dues. Do not understand administrative costs	1
If starting over, <u>what</u> <u>would you change?</u>	Need to display changes	1
If starting over, <u>what</u> <u>would you change?</u>	Include waiting list in enforceent disclosure if you do not follow the rules.	1
If starting over, <u>what</u> <u>would you change?</u>	Clear purpose from the beginning	2
If starting over, <u>what</u> <u>would you change?</u>	Have clearly identified and understood relationships between DHHL and the associations	2

If starting over, <u>what</u> <u>would you change?</u>	Undivided interest--start from base level of development at the very beginning --Those who will be living in the community have influence over what the community will look like, feel like, etc.	2
If starting over, <u>what</u> <u>would you change?</u>	Define each parties relationship with each other and to the DCCRS; DHHL to lessees, to associations, and all combos	2
If starting over, <u>what</u> <u>would you change?</u>	Have options to change the rules--e.g., reduce majority/quorum	2
If starting over, <u>what</u> <u>would you change?</u>	Clearly define if and where possible transfer of authority from HHC to associations	2
If starting over, <u>what</u> <u>would you change?</u>	New lessee orientation (DHHL has a role, association has a role) thru design guidelines process --e.g., video shown before signing	2
If starting over, <u>what</u> <u>would you change?</u>	Protocols between DHHL and association on transfers/successors	2
If starting over, <u>what</u> <u>would you change?</u>	Improve communication between board and DHHL --Have office on each island --Notify board of any new lessees moving in so we can welcome them to the neighborhood/open the door --Email blasts to help us feel connected	2
If starting over, <u>what</u> <u>would you change?</u>	DHHL consider spectrum of housing options--vertical; rentals vs own; etc	2
If starting over, <u>what</u> <u>would you change?</u>	Group requested these notes to communicate with their communities	2
Good things about your community	Board is really helpful and getting things done	2
Good things about your community	Board helps us keep up with the problems to help have <u>clean, nice neighborhood</u>	2
Good things about your community	A lot more we can do (limited by lack of open space)--we could go vertical	2
Good things about your community	Building relationships with our neighbors; getting to know everybody (hearing them)	2
Good things about your community	Having collective voice and being able to directly affect things that impact our lives	2
Good things about your community	Laipua will have great polical optunity to influence	2

EXHIBIT A

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-7  
Hawaii Administrative Rules

[ ]

1. Chapter 10-7, Hawaii Administrative Rules, entitled "Planned Communities, Multi-Family Complexes, and Rental Housing", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 7

PLANNED COMMUNITIES, MULTI-FAMILY COMPLEXES, AND  
RENTAL HOUSING

Subchapter 1 General Provisions

- \$10-7-1 Definitions
- \$10-7-2 Applicability of chapter
- \$10-7-3 Method of disposition
- \$10-7-4 Native Hawaiian cultural values
- \$10-7-5 Interpretation
- \$\$10-7-6 to 10-7-9 (Reserved)

EXHIBIT 6 1  
~~EXHIBIT A~~

Subchapter 2 The Declaration

- \$10-7-10 Establishment of the declaration
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- \$10-7-41 Rental housing offers
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## SUBCHAPTER 1

## GENERAL PROVISIONS

**§10-7-1 Definitions.** As used in this chapter and any k<sup>ā</sup>n<sup>ā</sup>wai or governing documents unless otherwise required by the context:

"Assessments" means funds collected by an association from association members to operate and manage the association, maintain property within the planned community or multi-family complex for the common use or benefit of association members, or provide services to association members.

"Association" means a nonprofit, incorporated, or unincorporated organization made up of all of the lessees within a Hawaiian home lands planned community or multi-family complex existing pursuant to covenants running with the land. In certain circumstances, the department may be part of the association.

"Board of directors" or "board" means the governing board or other body, regardless of name, designated in the governing documents to act on behalf of the association.

"Declarant" means the department or any person or entity to which the department has assigned any or all of the rights and obligations of the declarant set forth in the governing documents.

"Declaration" means any recorded instrument, however denominated, that creates a Hawaiian home lands planned community or multi-family complex, including any amendments to the instrument.

"Developer" means a person or entity who is contracted by the department to undertake development of a planned community or multi-family complex for, or in partnership with, the department.

"Governing documents" means the articles of incorporation or other document creating the association, the bylaws of the association, the declaration or similar organizational documents and any exhibits thereto, any rules related to use of

common areas, architectural control, maintenance of units, restrictions on the use of units, or payment of money as regular assessment or otherwise in connection with the provisions, maintenance, or services for the benefit of some or all of the units, the owners, or occupants of the units or common areas, as well as any amendments made to the foregoing documents.

"Lot" means any plot of land designated as a lot upon any recorded subdivision map of the development property and upon which a dwelling unit could be or has been constructed in accordance with all relevant Hawaii law. Lot shall not include the common areas.

"Member" means the lessee of a lot under a homestead lease from the department, or anyone included in the definition of a member under the governing documents.

"Multi-family complex" means a homestead or mixed use development on Hawaiian home lands that is subject to chapter 514A and 514B, HRS, as applicable, insofar as it does not conflict with this title and the act.

"Planned community" means a homestead or mixed use development on Hawaiian home lands that is subject to chapter 421J, HRS, insofar as it does not conflict with this title and the act.

"Property management company" means a person or entity that is contracted by the department or the developer to enter in to rental agreements with renters and undertake daily operations and management of a Hawaiian home lands rental housing development.

"Record" or "recorded" means to record in the bureau of conveyances in accordance with chapter 502, HRS, or to register in the land court in accordance with chapter 501, HRS, as appropriate.

"Rental agreement" means all written agreements, between a renter and the property management company or department, or both, which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit and premises, and may include an option to purchase.

"Rental housing development" means a Hawaiian home lands housing development, which may be comprised



of single family lots or multi-family housing complex, or both, for which rental agreements govern the terms and conditions of use and occupancy of the units. A rental housing development shall be managed by a property management company.

"Renter" means a native Hawaiian who occupies a dwelling unit for dwelling purposes under a rental agreement as part of a Hawaiian home lands rental housing development.

"Unit" or "dwelling unit" means any portion of property, as improved, intended for use and occupancy as a residence within a planned community or multi-family complex. [Eff and comp ]  
(Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**§10-7-2 Applicability of chapter.** (a) This chapter shall apply to all planned community developments on Hawaiian home lands consisting of single-family lots or a multifamily complex, or both for which the declaration is recorded after XX, XX, 2017.

(b) This chapter may apply to an association for which the declaration was recorded before XX, XX, 2017, if adopted by a majority vote of the association. . [Eff and comp ]  
(Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**§10-7-3 Method of disposition.** (a) The department may award homestead leases under the authority of this chapter.

(b) Any combination, or all of the department, the developer, and the property management company may enter into contracts of sale or rental agreements with native Hawaiians as verified by the department. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**§10-7-4 Native Hawaiian cultural values. (a)**

The governing documents shall take in to account and embody native Hawaiian cultural values as appropriate for the location, development, and lessees.

(b) General parameters and guidelines shall be developed by the department through beneficiary consultation. The finalized document shall be approved by the commission and included in the declaration. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-5 Interpretation** This chapter and any

governing documents subject hereto shall be implemented and interpreted within the spirit of the act, including to promote native Hawaiian values and sense of place in the best interest of the lessees, renters, and residents living in planned communities, multi-family complexes, or rental housing developments on Hawaiian home lands. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-6 to 10-7-9 (Reserved)

**SUBCHAPTER 2****THE DECLARATION****§10-7-10 Establishment of the declaration. (a)**

The declarant shall cause the declaration to be drafted according to the following:

- (1) The declaration shall be in conformity with

- all relevant Hawaii law; and
- (2) The declaration shall include the document developed under subsection 10-7-5(b) and accordingly take in to account and embody native Hawaiian cultural values as appropriate for the location and development.

(b) Upon approval of the declaration by the commission, the declarant shall record the declaration. The declaration shall be recorded prior to the execution of any lease or sales contract.

(c) The declaration shall inhere in the land and shall bind subsequent lessees. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-11 Supplemental provisions of the declaration.** The declarant is authorized to adopt supplemental provisions in accordance with this chapter to implement and carry out the purposes of this chapter; provided that any of the supplemental provisions adopted shall not conflict with the act and this title. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-13 to 10-7-15 (Reserved)

### SUBCHAPTER 3

### THE ASSOCIATION

**§10-7-16 Establishment of the association.** The declarant shall establish the association not later

than the date upon which the first unit in the planned community or a multi-family complex is ready for occupancy. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-17 Period of declarant control.** (a) As appropriate for the development and when provided in the declaration, the declarant may maintain a class B membership in the association for a fixed period while units are being awarded and first occupied. This period shall be known as the period of declarant control and shall terminate not later than the time at which all units or lots have been transferred to lessees.

(b) During the period of declarant control, the declarant may appoint and remove the members of the board.

(c) Not later than four months before the termination of any period of declarant control, the members shall elect a board of directors as provided in the governing documents. The declarant and the department shall coordinate with the newly member-elected board to transition from declarant control in a transparent manner that ensures the member-elected board is equipped and prepared to govern the association. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-18 Membership.** The association may be made up of lessees and the declarant, and divided in to two membership classes.

- (1) Lessees shall maintain a class A membership.
- (2) The declarant may maintain a class B membership for a fixed period. Class B membership shall terminate and may convert to a class A membership not later than the time at which the period of declarant

control terminates. [Eff and  
comp ] (Auth: HHC Act \$222)  
(Imp: HHC Act \$207.5)

**\$10-7-19 Voting.** Class A membership and class B membership shall have voting powers as set by the declarant in the declaration, provided each class A member shall have one vote and, during the period of declarant control, class B membership shall have a greater number of votes per lot or unit than class A membership. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**\$10-7-20 Vacant lots.** (a) Assessments rates shall be set after the lots have been designed and plotted, number of lots in the development are finalized, and preliminary budget determined. Lots intended to be vacant due to engineering constraints or health and safety concerns shall not be included in calculating the pro-rata assessment amounts. If a lot becomes unsuitable for a residence, assessments shall be recalculated to exclude the unsuitable lot.

(b) Assessments due on vacant lots that are awarded as owner-builder or self-help are the responsibility of the lessee upon the signing of the lease. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**\$10-7-21 Unoccupied units.** (a) The department shall use all due diligence to fill developed units that become unoccupied. The department shall not be responsible for assessments due on those units unless the assessments lost due to the number of empty units threatens the viability of the association.

(b) An association with unoccupied units shall report annually to the department regarding income and

projected economic viability. If economic viability is threatened, the association may request payment of future assessments from the department until the empty units are filled. Such request is subject to approval by the commission. If approved, amounts due shall accrue from the date of receipt by the department, as indicated on the date and time stamp, of the request from the association. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-22 Budget.** Each association shall adopt a budget and rate schedule, according to the governing documents, and submit the budget and rate schedule to the department between June 1 and June 30 of each year. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-23 to 10-7-25 (Reserved)

#### SUBCHAPTER 4

#### OBLIGATIONS OF THE LESSEE

**§10-7-26 Planned community education.** (a) To facilitate informed decision-making by homestead applicants, before award letters are mailed, the department shall notify the appropriate applicant field of a mandatory planned community orientation. This orientation shall provide an overview of rights, responsibilities, obligations, and benefits of planned community living, as well as possible consequences for non-compliance.

(b) Prior to signing a lease, the future lessee shall attend a planned community education training

program approved by the department, which shall include training specific to the development regarding member and association obligations and rights, and community planning and governance. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-27 Association membership.** (a) Upon signing the lease, the lessee shall become a member of the association. By signing the lease, lessee also agrees to abide by the governing documents.

(b) Lessees shall ensure that members of their family who reside with the lessee, and guests and invitees of such lessee, observe and perform the provisions regarding use and occupancy set forth in the governing documents. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-28 Payment of assessments.** The lessee shall pay assessments to the association in accordance with the governing documents. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-29 Alteration of the unit prohibited.** The lessee shall not construct or alter any improvements on the property except in accordance with the governing documents and with written approval of the department under section 10-3-34. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-30 to 10-7-34 (Reserved)

## SUBCHAPTER 5

## ENFORCEMENT OF GOVERNING DOCUMENTS

**§10-7-35 Compliance required.** The association, all lessees, and other persons lawfully in possession and control of any property interest shall comply with the bylaws, any rules lawfully adopted by the association, and any covenant, condition, and restriction set forth in any recorded document to which they are subject. [Eff and comp  
] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-36 Enforcement.** (a) The declaration shall include a formal process for the association to enforce the governing documents, including collection of delinquent assessments and any lease violations.

(b) The association shall adopt a collection policy with formal procedures whereby the lessee shall have the opportunity to settle amounts owed the association, including but not limited to delinquent assessments, penalties, late fees, and associated costs, before private legal action to collect the debt is taken under the authority of the association and section 10-7-37.

(c) If collection of the debt is unsuccessful through private legal action under the authority of the association and section 10-7-37, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. The decision and order of a contested case hearing may direct the department to assume the outstanding debt on the unit, including but not limited to delinquent assessments, penalties, late fees, and associated costs.



(d) The association shall adopt formal procedures for the enforcement of lease violations other than delinquent assessments whereby the lessee shall have at least 90 days to cure the violation. If the lessee fails to cure the violation within the time provided, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

**§10-7-37 Civil action.** Any violation is grounds for the association, any lessee, or lawful interest holder to commence a civil action for damages, injunctive relief, or both, and an award of court costs and reasonable attorney's fees in both types of action. The department shall not be party to any civil suit related to the violation of or noncompliance with the bylaws, any rules lawfully adopted by the association, or any covenant, condition, and restriction set forth in any recorded document. [Eff and comp ] (Auth: HHC Act \$222) (Imp: HHC Act \$207.5)

§§10-7-38 to 10-7-40 (Reserved)

#### SUBCHAPTER 6

#### RENTAL HOUSING

**§10-7-41 Rental housing offers.** If rental housing is available, the department and the property management company shall coordinate to offer the rental housing to native Hawaiians.

(1) The department shall notify residential

applicants on the respective area or island wide waiting lists of the rental housing opportunity.

- (2) The department shall provide the property management company with the list of native Hawaiians, who replied to the notice in paragraph (1), in rank order according to the appropriate waiting list.
- (3) The property management company shall identify qualified potential renters from the list based upon the rental program parameters and notify the department.
- (4) The department shall verify the application status of those native Hawaiians identified by the property management company as qualified for the rental program. Upon verification, the department or the property management company, or both, shall make the rental housing offers. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-42 Kupuna housing.** (a) A native Hawaiian, fifty-five years or older may be eligible for kupuna housing. If kupuna housing is available, the department shall notify native Hawaiians that would meet the age requirement for the kupuna housing development. The department and the property management company shall then proceed under section 10-7-41, as applicable.

(b) If a lessee accepts a kupuna housing offer, the lessee shall immediately occupy the kupuna housing unit and, within six months, either transfer or surrender his or her homestead lease. Upon accepting a kupuna housing offer, the lessee becomes a renter and a previous lessee under section 10-3-23.

(c) If the list compiled under subsection (a) has been exhausted and units are still available, the property management company may accept as renters native Hawaiians that are not homestead applicants,

lessees, or previous lessees if the potential renter is:

- (1) Verified by the department as eligible for Hawaiian home lands under the act; and
  - (2) Qualified for the kupuna housing development by the property management company.
- (d) The renter's spouse may reside in the unit with the renter. An additional occupant, including an adopted minor or a legal caregiver, may also reside with the renter in the unit as allowed by applicable state or federal law. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-43 Rental agreement controlling.** The rental agreement shall control the rights, responsibilities, and obligations, including eviction, between the renter and the property management company. The rental agreement shall comply with the Hawaii landlord and tenant code, chapter 521, HRS, and the Fair Housing Act insofar as they do not conflict with the act. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-44 Successorship.** (a) If the renter is a homestead applicant, a successor under section 10-3-8 may succeed to the rental agreement; provided the successor meets the rental program requirements that apply to the specific unit. If the successor does not meet the rental program requirements or refuses the unit, the successor shall succeed to the application as provided in section 10-3-8.

(b) For kupuna housing, a spouse eligible to succeed under section 209 of the act and qualified for the kupuna housing unit may succeed to the kupuna housing rental agreement. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-45 Vacant units.** To ensure units do not become vacant for unnecessarily long periods of time, the property management company shall request from the department, as appropriate, names of additional potential renters. Upon such request, the department and the property management company shall proceed under section 10-7-41. If parameters of the previous offering have not changed, the department shall provide notice to the list of applicants in rank order from the application date of the last applicant previously contacted for the rental housing development. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-46 Conversion to lessee.** A renter who is a homestead applicant shall remain a homestead applicant during the rental period. The renter's homestead application and rank on any waiting list shall be maintained without regard to his or her status as a renter. The renter shall become a lessee upon signing a homestead lease." [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-7  
Hawaii Administrative Rules

[ ]

1. Chapter 10-7, Hawaii Administrative Rules, entitled "Planned Communities, Multi-Family Complexes, and Rental Housing", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 7

PLANNED COMMUNITIES, MULTI-FAMILY COMPLEXES, AND  
RENTAL HOUSING

Subchapter 1 General Provisions

- \$10-7-1 Definitions
- \$10-7-2 Applicability of chapter
- \$10-7-3 Method of disposition
- \$10-7-4 Native Hawaiian cultural values
- \$10-7-5 Interpretation
- \$\$10-7-6 to 10-7-9 (Reserved)

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### THE ASSOCIATION

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**§10-7-20 Vacant lots.** (a) Assessments rates shall be set after the lots have been designed and plotted, number of lots in the development are finalized, and preliminary budget determined. Lots intended to be vacant due to engineering constraints or health and safety concerns shall not be included in calculating the pro-rata assessment amounts. If a lot becomes unsuitable for a residence, assessments shall be recalculated to exclude the unsuitable lot.

(b) Assessments due on vacant lots that are awarded as owner-builder or self-help are the responsibility of the lessee upon the signing of the lease. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-21 Unoccupied units.** (a) The department shall use all due diligence to fill developed units that become unoccupied. The department shall not be responsible for assessments due on those units unless the assessments lost due to the number of empty units threatens the viability of the association.

(b) An association with unoccupied units shall report annually to the department regarding income and

projected economic viability. If economic viability is threatened, the association may request payment of future assessments from the department until the empty units are filled. Such request is subject to approval by the commission. If approved, amounts due shall accrue from the date of receipt by the department, as indicated on the date and time stamp, of the request from the association. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-22 Budget.** Each association shall adopt a budget and rate schedule, according to the governing documents, and submit the budget and rate schedule to the department between June 1 and June 30 of each year. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-23 to 10-7-25 (Reserved)

#### SUBCHAPTER 4

#### OBLIGATIONS OF THE LESSEE

**§10-7-26 Planned community education.** (a) To facilitate informed decision-making by homestead applicants, before award letters are mailed, the department shall notify the appropriate applicant field of a mandatory planned community orientation. This orientation shall provide an overview of rights, responsibilities, obligations, and benefits of planned community living, as well as possible consequences for non-compliance. If there is an existing association, that association shall participate in the orientation.  
(b) Prior to signing a lease, the future lessee

of a new planned community shall attend a planned community education training program approved by the department, which shall include training specific to the development regarding member and association obligations and rights, and community planning and governance.

(c) The association shall develop and conduct an orientation for lessees, transferees, and successors moving into an existing planned community. The department shall notify the association of lease transfers and successorships to facilitate the orientation process conducted by the association.

[Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act §207.5)

**§10-7-27 Association membership.** (a) Upon signing the lease, the lessee shall become a member of the association. By signing the lease, lessee also agrees to abide by the governing documents.

(b) Lessees shall ensure that members of their family who reside with the lessee, and guests and invitees of such lessee, observe and perform the provisions regarding use and occupancy set forth in the governing documents. [Eff and  
comp ] (Auth: HHC Act §222) (Imp:  
HHC Act §207.5)

**§10-7-28 Payment of assessments.** The lessee shall pay assessments to the association in accordance with the governing documents. [Eff and  
comp ] (Auth: HHC Act §222) (Imp:  
HHC Act §207.5)

**§10-7-29 Alteration of the unit prohibited.** The lessee shall not construct or alter any improvements on the property except in accordance with the

governing documents and with written approval of the department under section 10-3-34. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-30 to 10-7-34 (Reserved)

## SUBCHAPTER 5

### ENFORCEMENT OF GOVERNING DOCUMENTS

**§10-7-35 Compliance required.** The association, all lessees, and other persons lawfully in possession and control of any property interest shall comply with the bylaws, any rules lawfully adopted by the association, and any covenant, condition, and restriction set forth in any recorded document to which they are subject. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-36 Enforcement.** (a) The declaration shall include a formal process for the association to enforce the governing documents, including collection of delinquent assessments and any lease violations.

(b) The association shall adopt a collection policy with formal procedures whereby the lessee shall have the opportunity to settle amounts owed the association, including but not limited to delinquent assessments, penalties, late fees, and associated costs, before private legal action to collect the debt is taken under the authority of the association and section 10-7-37.

(c) If collection of the debt is unsuccessful through private legal action under the authority of



the association and section 10-7-37, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. The decision and order of a contested case hearing may direct the department to assume the outstanding debt on the unit, including but not limited to delinquent assessments, penalties, late fees, and associated costs.

(d) The association shall adopt formal procedures for the enforcement of lease violations other than delinquent assessments whereby the lessee shall have at least 90 days to cure the violation. If the lessee fails to cure the violation within the time provided, the association may petition the commission for a contested case hearing for lease cancellation pursuant to this title. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-37 Civil action.** Any violation is grounds for the association, any lessee, or lawful interest holder to commence a civil action for damages, injunctive relief, or both, and an award of court costs and reasonable attorney's fees in both types of action. The department shall not be party to any civil suit related to the violation of or noncompliance with the bylaws, any rules lawfully adopted by the association, or any covenant, condition, and restriction set forth in any recorded document. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§§10-7-38 to 10-7-40 (Reserved)

## SUBCHAPTER 6

### RENTAL HOUSING

**§10-7-41 Rental housing offers.** (a) If rental housing is available, the department and the property management company shall coordinate to offer the rental housing to native Hawaiians.

- (1) The department shall notify residential applicants on the respective area or island wide waiting lists of the rental housing opportunity.
- (2) The department shall provide the property management company with the list of native Hawaiians, who replied to the notice in paragraph (1), in rank order according to the appropriate waiting list.
- (3) The property management company shall identify qualified potential renters from the list based upon the rental program parameters and notify the department.
- (4) The department shall verify the application status of those native Hawaiians identified by the property management company as qualified for the rental program. Upon verification, the department or the property management company, or both, shall make the rental housing offers.

(b) Project-specific parameters shall be provided to the applicant pool as soon as practicable.

[Eff and comp ] (Auth: HHC Act §222)  
(Imp: HHC Act §207.5)

**§10-7-42 Kupuna housing.** (a) A native Hawaiian, fifty-five years or older may be eligible for kupuna housing. If kupuna housing is available, the department shall notify native Hawaiians that would meet the age requirement for the kupuna housing development. The department and the property management company shall then proceed under section 10-7-41, as applicable.

(b) If a lessee accepts a kupuna housing offer, the lessee shall immediately occupy the kupuna housing unit and, within six months, either transfer or surrender his or her homestead lease. Upon accepting a kupuna housing offer, the lessee becomes a renter and a previous lessee under section 10-3-23.

(c) If the list compiled under subsection (a) has been exhausted and units are still available, the property management company may accept as renters native Hawaiians that are not homestead applicants, lessees, or previous lessees if the potential renter is:

- (1) Verified by the department as eligible for Hawaiian home lands under the act; and
- (2) Qualified for the kupuna housing development by the property management company.

(d) The renter's spouse may reside in the unit with the renter. An additional occupant, including an adopted minor or a legal caregiver, may also reside with the renter in the unit as allowed by applicable state or federal law. [Eff and comp ]  
(Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-43 Rental agreement controlling.** The department shall review the property management company's final rental agreement. The rental agreement shall control the rights, responsibilities, and obligations, including eviction, between the renter and the property management company. The rental agreement shall comply with the Hawaii landlord and tenant code, chapter 521, HRS, and the Fair Housing Act insofar as they do not conflict with the act. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-44 Successorship.** (a) If the renter is a homestead applicant, a successor under section 10-3-8 may succeed to the rental agreement; provided the

successor meets the rental program requirements that apply to the specific unit. If the successor does not meet the rental program requirements or refuses the unit, the successor shall succeed to the application as provided in section 10-3-8.

(b) For kupuna housing, a spouse eligible to succeed under section 209 of the act and qualified for the kupuna housing unit may succeed to the kupuna housing rental agreement. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-45 Vacant units.** To ensure units do not become vacant for unnecessarily long periods of time, the property management company shall request from the department, as appropriate, names of additional potential renters. Upon such request, the department and the property management company shall proceed under section 10-7-41. If parameters of the previous offering have not changed, the department shall provide notice to the list of applicants in rank order from the application date of the last applicant previously contacted for the rental housing development. [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

**§10-7-46 Conversion to lessee.** A renter who is a homestead applicant shall remain a homestead applicant during the rental period. The renter's homestead application and rank on any waiting list shall be maintained without regard to his or her status as a renter. The renter shall become a lessee upon signing a homestead lease." [Eff and comp ] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

2. The adoption of chapter 10-7, 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 drafter 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

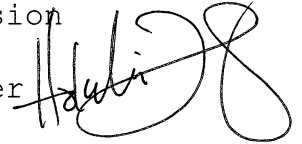
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

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



SUBJECT: Approval of Recommendations for Department of Hawaiian Home Lands Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and to Proceed with Rulemaking under Hawaii Revised Statutes Chapter 91

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve recommended changes for proposed administrative rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and to proceed with rulemaking under Hawaii Revised Statutes Chapter 91.

DISCUSSION:

In accordance with the Administrative Rules Development, Review, and Amendment Process adopted by the Hawaiian Homes Commission in July 2015, the Department of Hawaiian Home Lands conducts Beneficiary Consultation before initiating rulemaking under Ch.91, HRS.

The HHC approved the DHHL's request to proceed with beneficiary consultation regarding proposed administrative rules amendments for DCCRs; and Multi-Family, Rentals, and Kupuna Housing at its December 2017 meeting. From April 30, 2018 to July 30, 2018, the DHHL conducted statewide beneficiary consultation meetings to discuss with and get feedback from beneficiaries about the proposed rule amendments. The amended Beneficiary Consultation Report was presented as Item No. C-2, "Acceptance of Amended Beneficiary Consultation Report on Department of Hawaiian Home Lands Proposed Amendments to Title 10, Hawaii Administrative Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and Supplemental Dwelling Units" at the October 2018 regular meeting.

Based on comments received through the beneficiary consultation process and subsequent evaluation to determine the feasibility of incorporating beneficiary comments, staff recommends the changes identified by the analysis of comments in October 2018 regular meeting Item No. C-3 "For Information Only - Recommended Changes to the Draft Administrative Rules for the Multi-Family, Rentals, and Kupuna Housing," which is incorporated by reference.

RECOMMENDATION:

Staff requests approval of the motion as stated above.

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

October 15 &16, 2018

Paukukalo, Maui


D-ITEMS  
**HOMESTEAD SERVICES DIVISION**



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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

Exhibit C: DHHL Guarantees for FHA Construction  
Loans

October 15, 2018

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through September 30, 2018

	As of 8/31/18	Add	Cancel	As of 9/30/18
Residential	8,369	5	2	8,372
Agricultural	1,095	0	0	1,095
Pastoral	410	0	0	410
<b>Total</b>	<b>9,874</b>	<b>5</b>	<b>2</b>	<b>9,877</b>

The number of Converted Undivided Interest Lessees represents an increase of 424 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 8/31/18	Converted	Rescinded/ Surrendered/ Cancelled	As of 9/30/18
Undivided	899	1	0	898

Balance as of 9/30/2018

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	3
Converted	424
Balance to Convert	898

Lease Report For the Month Ending September 30, 2018

	----- 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	70	0	0	70	0	0	0	0	0	0	0	0	70	0	0	70
Kakaina	13	1	0	14	0	0	0	0	0	0	0	0	13	1	0	14
Kalawahine	91	0	0	91	0	0	0	0	0	0	0	0	91	0	0	91
Kanehili	358	0	0	358	0	0	0	0	0	0	0	0	358	0	0	358
Kapolei	255	0	0	255	0	0	0	0	0	0	0	0	255	0	0	255
Kauepa	325	0	0	325	0	0	0	0	0	0	0	0	325	0	0	325
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	249	0	0	249	0	0	0	0	0	0	0	0	249	0	0	249
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	1,048	1	1	1,048	0	0	0	0	0	0	0	0	1,050	1	0	1,048
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	419	0	0	419	11	0	0	11	0	0	0	0	430	0	0	430
Waimanalo	732	0	1	731	2	0	0	2	0	0	0	0	734	0	1	733
<b>TOTAL</b>	<b>4,271</b>	<b>2</b>	<b>2</b>	<b>4,271</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>4,333</b>	<b>2</b>	<b>1</b>	<b>4,331</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
Leali	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	97	0	0	97	0	0	0	0	0	0	0	0	97	0	0	97
Walohuli	593	0	0	593	0	0	0	0	0	0	0	0	593	0	0	593
<b>TOTAL</b>	<b>1,266</b>	<b>0</b>	<b>0</b>	<b>1,266</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>1,406</b>	<b>0</b>	<b>0</b>	<b>1,406</b>
<b>EAST HAWAII</b>																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunani	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	473	0	0	473	0	0	0	0	0	0	0	0	473	0	0	473
Kuristown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makua	0	0	0	0	121	0	0	121	0	0	0	0	121	0	0	121
Panaewa	0	0	0	0	262	0	0	262	0	0	0	0	262	0	0	262
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puqeo	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
Waiakea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
<b>TOTAL</b>	<b>839</b>	<b>0</b>	<b>0</b>	<b>839</b>	<b>395</b>	<b>0</b>	<b>0</b>	<b>395</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,259</b>	<b>0</b>	<b>0</b>	<b>1,259</b>
<b>WEST HAWAII</b>																
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
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
Kanichale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	189	0	0	189	0	0	0	0	1	0	0	1	190	0	0	190
Laiopua	284	0	0	284	0	0	0	0	0	0	0	0	284	0	0	284
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vil	115	0	0	115	110	0	0	110	215	0	0	215	440	0	0	440
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
<b>TOTAL</b>	<b>875</b>	<b>0</b>	<b>0</b>	<b>875</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>282</b>	<b>0</b>	<b>0</b>	<b>282</b>	<b>1,267</b>	<b>0</b>	<b>0</b>	<b>1,267</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	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opa	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
<b>TOTAL</b>	<b>698</b>	<b>0</b>	<b>0</b>	<b>698</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>745</b>	<b>0</b>	<b>0</b>	<b>745</b>
<b>MOLOKAI</b>																
Hooehua	156	0	0	156	345	0	0	345	21	0	0	21	522	0	0	522
Kalamaula	163	0	0	163	71	0	0	71	3	0	0	3	237	0	0	237
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
One Ali	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
<b>TOTAL</b>	<b>394</b>	<b>0</b>	<b>0</b>	<b>394</b>	<b>419</b>	<b>0</b>	<b>0</b>	<b>419</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>840</b>	<b>0</b>	<b>0</b>	<b>840</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>8,372</b>	<b>2</b>	<b>2</b>	<b>8,372</b>	<b>1,095</b>	<b>0</b>	<b>0</b>	<b>1,095</b>	<b>410</b>	<b>0</b>	<b>0</b>	<b>410</b>	<b>9,877</b>	<b>2</b>	<b>2</b>	<b>9,877</b>

### 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	961	0	0	961	0	0	0	0	0	0	0	0	961
MauI District	50	0	0	50	4	0	0	4	5	0	0	5	59
Hawaii District	130	0	0	130	28	0	0	28	46	0	0	46	204
Kauai District	51	0	0	51	3	0	0	3	28	0	0	28	82
Molokai District	20	0	0	20	18	0	0	18	1	0	0	1	39
TOTAL	1,212	0	0	1,212	53	0	0	53	80	0	0	80	1,345

## ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,711	16	6	9,721	3,698	1	0	3,699	0	0	0	0	13,420
Mau	3,799	6	2	3,803	4,659	2	0	4,661	608	3	0	611	9,075
Hawaii	5,737	7	2	5,742	7,171	6	3	7,174	1,874	2	0	1,876	14,792
Kauai	1,617	0	0	1,617	2,219	2	0	2,221	299	0	0	299	4,137
Molokai	796	2	0	798	1051	2	0	1053	201	0	0	201	2,052
Lanai	86	0	0	86	0	0	0	0	0	0	0	0	86
TOTAL	21,746	31	10	21,767	18,798	13	3	18,808	2,982	5	0	2,987	43,562

## AREA AND ISLANDWIDE LISTS

	RES	AG	PAS	TOTAL	ADDITIONS	CANCELLATIONS
OAHU	10,682	3,699	0	14,381	New Applications	New Lease Awards
MAUI	3,853	4,665	616	9,134	Application Transfers	Application Transfers
HAWAII	5,872	7,202	1,922	14,996	Lease Rescissions	Succ'd and Cancel Own
KAUAI	1,668	2,224	327	4,219	App Reinstatements	Public Notice Cancel
MOLOKAI	818	1,071	202	2,091	HHC Adjustments	Voluntary Cancellations
LANAI	86	0	0	86	TOTAL	Lease Successorships
TOTAL	22,979	18,861	3,067	44,907		HHC Adjustments
						Dec'd No Successor
						Additional Acreage
						NHQ Unqualified
						TOTAL
						13

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

September 30, 2018

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
<b>OAHU DISTRICT</b>												
Nanakuli	170	0	0	170	0	0	0	0	0	0	0	0
Waianae	142	0	0	142	0	0	0	0	0	0	0	0
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	71	0	0	71	0	0	0	0	0	0	0	0
Waimanalo	578	0	0	578	0	0	0	0	0	0	0	0
Subtotal Area	961	0	0	961	0	0	0	0	0	0	0	0
Islandwide	9,711	16	6	9,721	3,698	1	0	3,699	0	0	0	0
<b>TOTAL OAHU APPS</b>	<b>10,672</b>	<b>16</b>	<b>6</b>	<b>10,682</b>	<b>3,698</b>	<b>1</b>	<b>0</b>	<b>3,699</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>MAUI DISTRICT</b>												
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0
Kula	0	0	0	0	4	0	0	4	5	0	0	5
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5
Islandwide	3,799	6	2	3,803	4,659	2	0	4,661	608	3	0	611
<b>TOTAL MAUI APPS</b>	<b>3,849</b>	<b>6</b>	<b>2</b>	<b>3,853</b>	<b>4,663</b>	<b>2</b>	<b>0</b>	<b>4,665</b>	<b>613</b>	<b>3</b>	<b>0</b>	<b>616</b>
<b>HAWAII DISTRICT</b>												
Keaukaha/Waiakea	69	0	0	69	0	0	0	0	0	0	0	0
Panaewa	0	0	0	0	16	0	0	16	0	0	0	0
Humuula	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0
Waimea	45	0	0	45	12	0	0	12	46	0	0	46
Subtotal Area	130	0	0	130	28	0	0	28	46	0	0	46
Islandwide	5,737	7	2	5,742	7,171	6	3	7,174	1,874	2	0	1,876
<b>TOTAL HAWAII APPS</b>	<b>5,867</b>	<b>7</b>	<b>2</b>	<b>5,872</b>	<b>7,199</b>	<b>6</b>	<b>3</b>	<b>7,202</b>	<b>1,920</b>	<b>2</b>	<b>0</b>	<b>1,922</b>
<b>KAUAI DISTRICT</b>												
Anahola	43	0	0	43	3	0	0	3	21	0	0	21
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	7	0	0	7
Subtotal Area	51	0	0	51	3	0	0	3	28	0	0	28
Islandwide	1,617	0	0	1,617	2,219	2	0	2,221	299	0	0	299
<b>TOTAL KAUAI APPS</b>	<b>1,668</b>	<b>0</b>	<b>0</b>	<b>1,668</b>	<b>2,222</b>	<b>2</b>	<b>0</b>	<b>2,224</b>	<b>327</b>	<b>0</b>	<b>0</b>	<b>327</b>
<b>MOLOKAI DISTRICT</b>												
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0
Hoolehua	8	0	0	8	18	0	0	18	1	0	0	1
Kapaakea	7	0	0	7	0	0	0	0	0	0	0	0
One Alii	1	0	0	1	0	0	0	0	0	0	0	0
Subtotal Area	20	0	0	20	18	0	0	18	1	0	0	1
Islandwide	796	2	0	798	1,051	2	0	1,053	201	0	0	201
<b>TOTAL MOLOKAI APPS</b>	<b>816</b>	<b>2</b>	<b>0</b>	<b>818</b>	<b>1,069</b>	<b>2</b>	<b>0</b>	<b>1,071</b>	<b>202</b>	<b>0</b>	<b>0</b>	<b>202</b>
<b>LANAI DISTRICT</b>												
Islandwide	86	0	0	86	0	0	0	0	0	0	0	0
<b>TOTAL LANAI APPS</b>	<b>86</b>	<b>0</b>	<b>0</b>	<b>86</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>TOTAL AREA ONLY</b>	<b>1,212</b>	<b>0</b>	<b>0</b>	<b>1,212</b>	<b>53</b>	<b>0</b>	<b>0</b>	<b>53</b>	<b>80</b>	<b>0</b>	<b>0</b>	<b>80</b>
<b>TOTAL ISLANDWIDE</b>	<b>21,746</b>	<b>31</b>	<b>10</b>	<b>21,757</b>	<b>18,798</b>	<b>13</b>	<b>3</b>	<b>18,808</b>	<b>2,982</b>	<b>5</b>	<b>0</b>	<b>2,987</b>
<b>TOTAL STATEWIDE</b>	<b>22,958</b>	<b>31</b>	<b>10</b>	<b>22,979</b>	<b>18,851</b>	<b>13</b>	<b>3</b>	<b>18,861</b>	<b>3,062</b>	<b>5</b>	<b>0</b>	<b>3,067</b>

ITEM NO. D-1

EXHIBIT A

DELINQUENCY REPORT - STATEWIDE

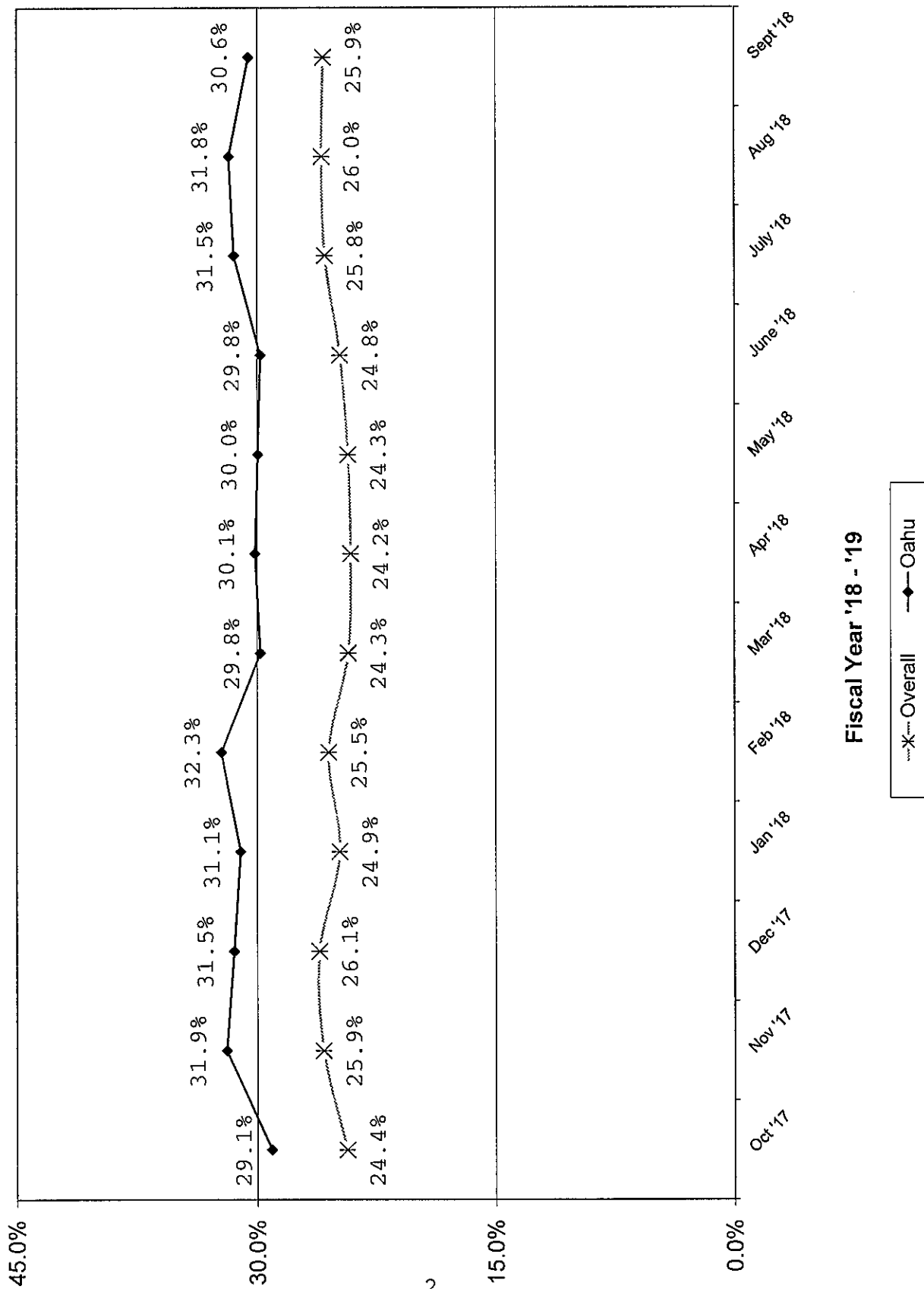
October 15, 2018

(\$Thousands)

	Total Outstanding (000s)		Total Delinquency (000s)		30 Days (low) (000s)		60 Days (Medium) (000s)		90 Days (High) (000s)		180 Days (Severe) (000s)		% of Totals 9/30/2018	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
<b>DIRECT LOANS</b>														
OAHU	409	35,976	117	11,001	17	1,012	18	1,586	19	1,725	63	6,678	28.6%	30.6%
EAST HAWAII	221	13,460	62	4,174	9	337	3	92	10	730	40	3,014	28.1%	31.0%
WEST HAWAII	80	7,840	15	1,127	4	476	2	164	2	145	7	343	18.8%	14.4%
MOLOKAI	88	6,631	23	826	1	78	3	32	6	251	13	464	26.1%	12.5%
KAUAI	102	7,240	16	1,010	4	398	3	152	4	157	5	304	15.7%	14.0%
MAUI	87	9,979	23	2,853	4	85	0	0	6	1,214	13	1,555	26.4%	28.6%
<b>TOTAL DIRECT</b>	987	81,125	256	20,992	39	2,386	29	2,026	47	4,221	141	12,358	25.9%	25.9%
	100.0%	100.0%	25.9%	25.9%	4.0%	2.9%	2.9%	4.8%		5.2%	14.3%	15.2%		
<b>Advances (including RPT)</b>	232	7,898	232	7,898	0	0	0	0	232	7,898			100%	100%
<b>DHHL LOANS &amp; Advances</b>	1,219	89,023	488	28,890	39	2,386	29	2,026	279	12,119	141	12,358	40.0%	32.5%
<b>LOAN GUARANTEES as of June 30, 2017</b>														
SBA	1	101	0	0	0	0	0	0	0	0	0	0	0.0%	0.0%
USDA-RD	297	39,078	50	6,142	0	0	0	0	50	6,142			16.8%	15.7%
Habitat for Humanity	74	3,295	29	1,430	0	0	0	0	29	1,430			39.2%	43.4%
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	18	313	14	289	0	0	0	0	14	289			77.8%	92.3%
FHA Interim	7	1,334	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	48	481	1	6	0	0	0	0	1	6			2.1%	1.2%
<b>TOTAL GUARANTEE</b>	451	44,583	95	7,874	0	0	0	0	95	7,874			21.1%	17.6%
PMI Loans	193	31,318	4	839	3	651	1	188	0	0			2.1%	2.7%
<b>HUD REASSIGNED for Recovery</b>	150	18,978	128	17,633	0	0	0	0	4	352	124	17,281	85.3%	93.4%
FHA Insured Loans	2,788	430,173	202	25,940	0	0	0	0	202	25,940			7.2%	6.0%
<b>TOTAL INS. LOANS</b>	3,131	480,369	334	44,412	3	651	1	188	206	26,292	124	17,281	10.7%	9.2%
<b>OVERALL TOTALS(EXC Adv/RP)</b>	4,569	606,178	685	73,278	42	3,037	30	2,214	348	38,387	265	29,639	15.0%	12.1%
<b>ADJUSTED TOTALS</b>	4,801	614,076	917	81,176	42	3,037	30	2,214	580	46,285	265	29,639		13.2%

Note: HUD 184A loan program has 441 loans, with a total outstanding principal balance of \$98,859,810.92 as of June 30, 2017. 18 loans, totalling \$4,145,021.64 are delinquent.

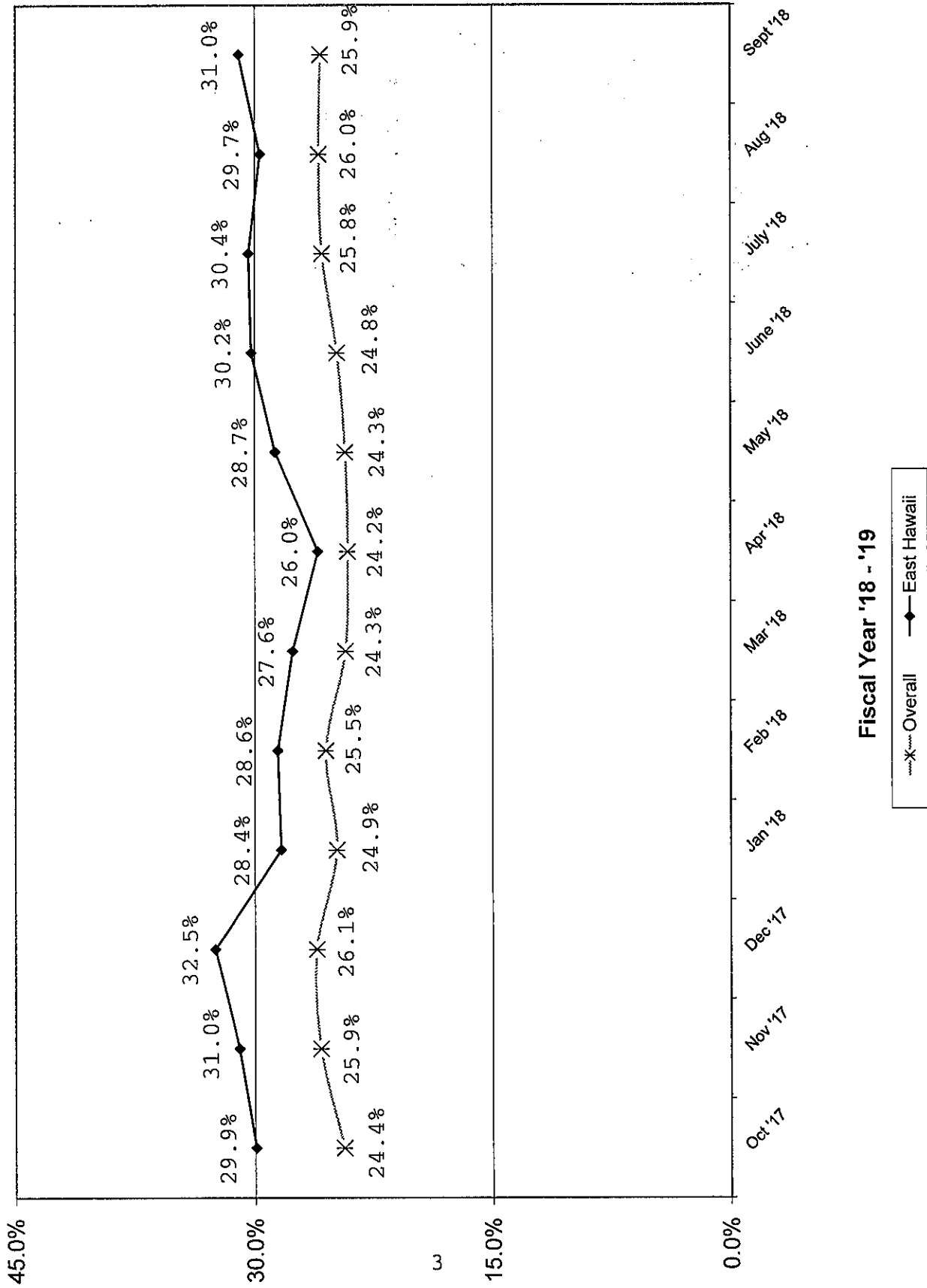
# OAHU Direct Loans Delinquency Ratio Report



Fiscal Year '18 - '19

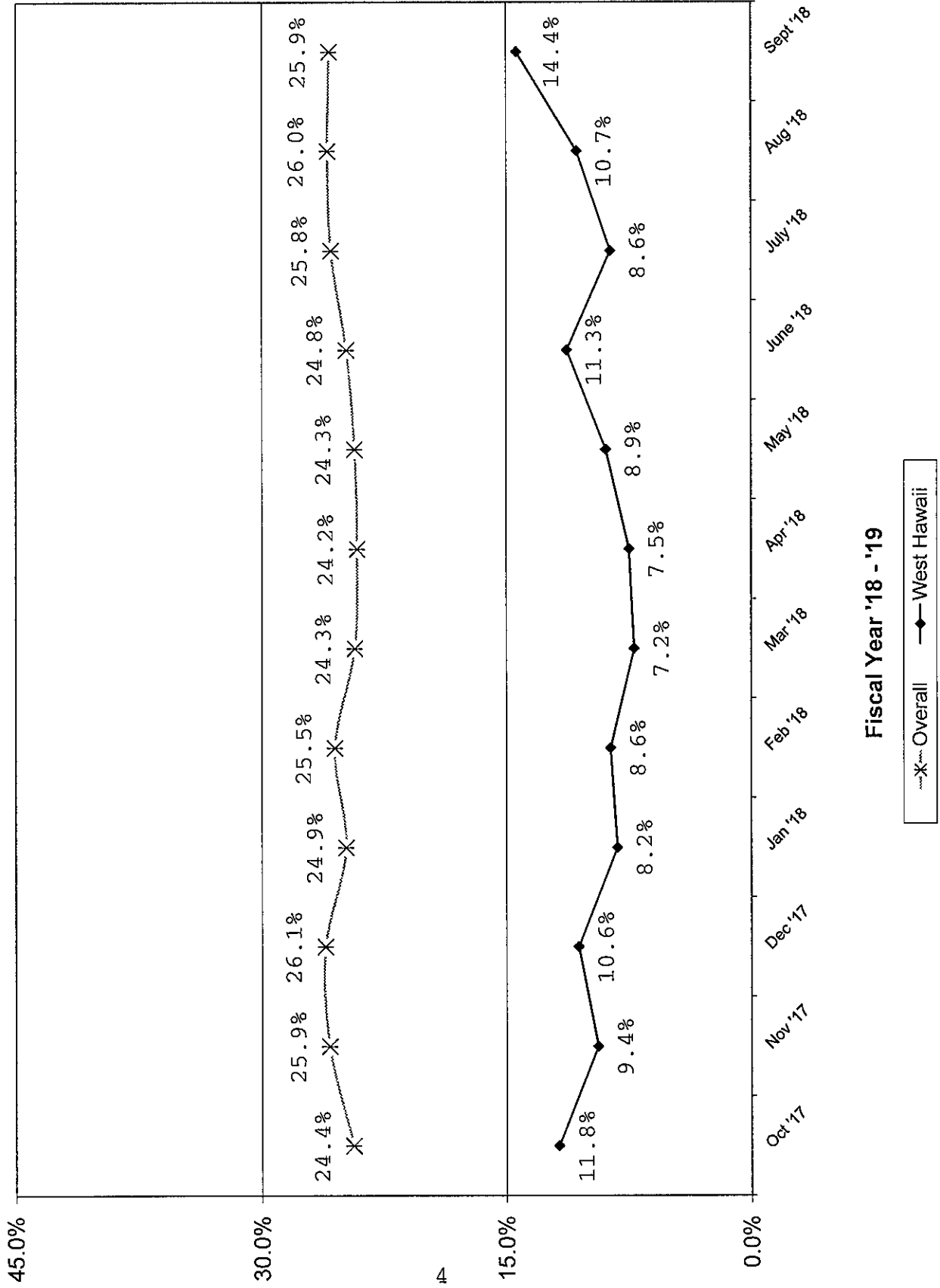
---\*--- Overall    ---◆--- Oahu

**EAST HAWAII**  
**Direct Loans**  
**Delinquency Ratio Report**

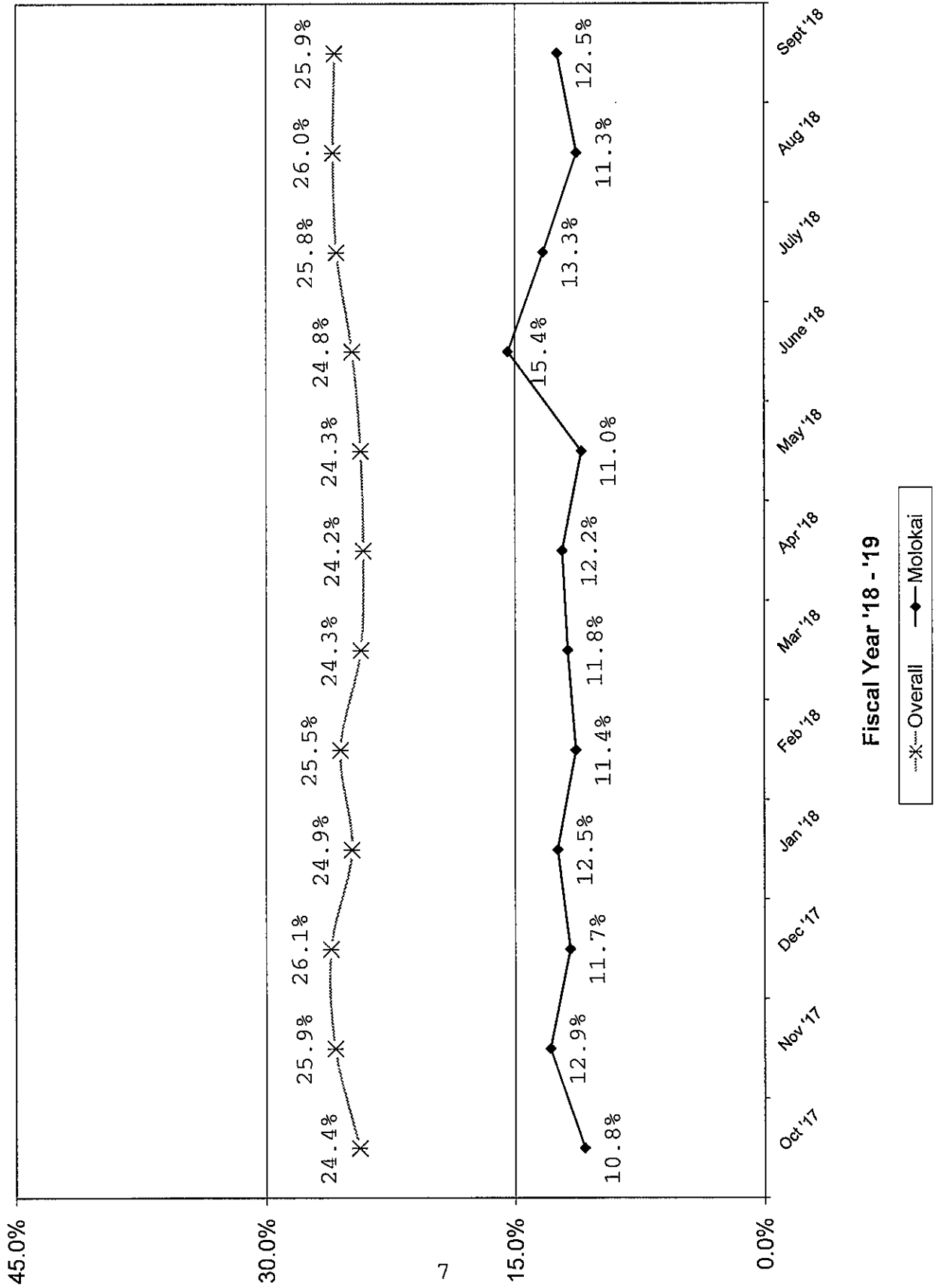




WEST HAWAII  
Direct Loans  
Delinquency Ratio Report



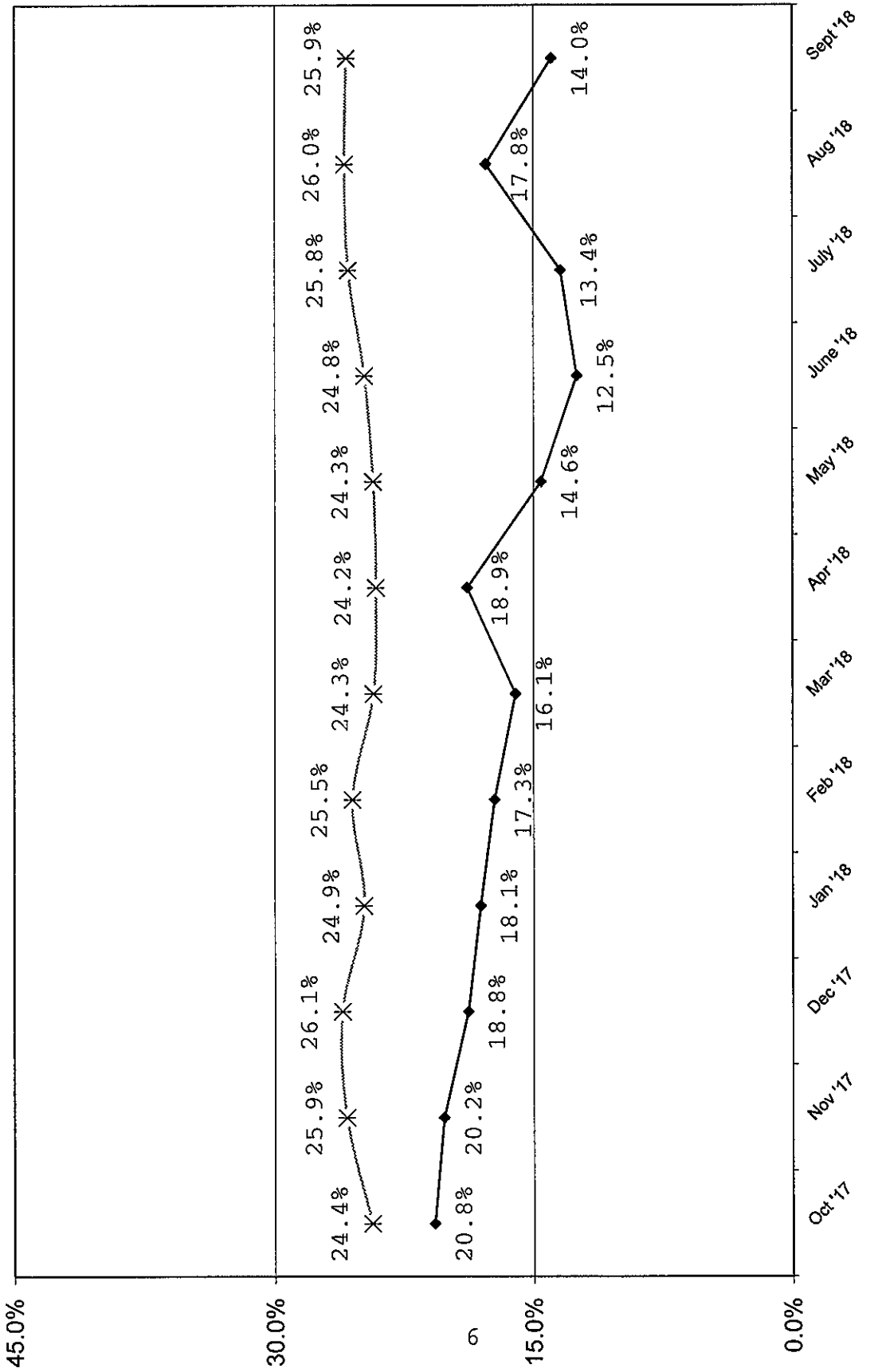
**MOLOKAI**  
Direct Loans  
Delinquency Ratio Report



Fiscal Year '18 - '19

---x--- Overall    —◆— Molokai

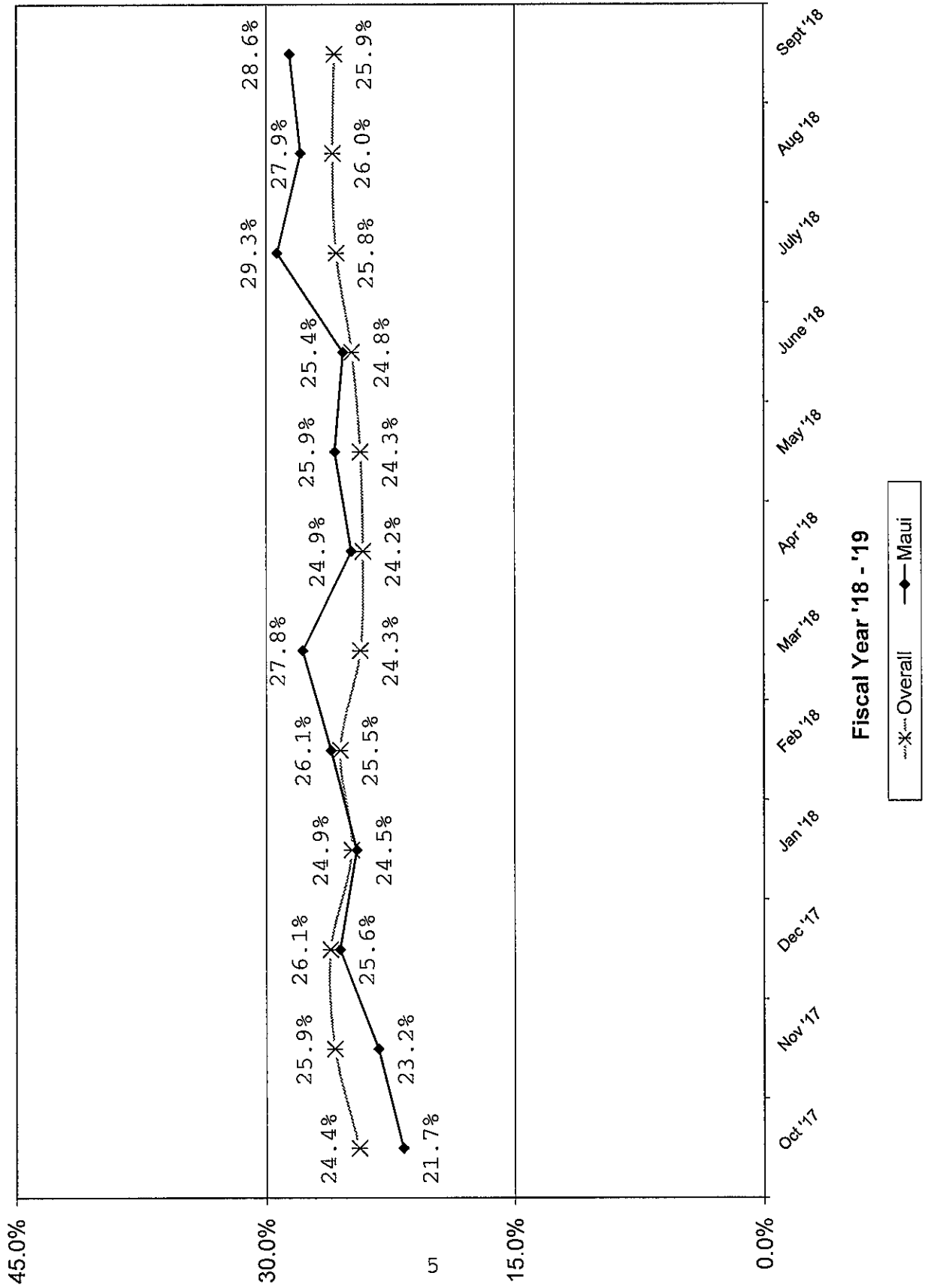
**KAUAI**  
**Direct Loans**  
**Delinquency Ratio Report**



**Fiscal Year '18 - '19**



**MAUI**  
**Direct Loans**  
**Delinquency Ratio Report**



October 15, 2018

SUBJECT:      **DHHL Guarantees for FHA Construction Loans**

DISCUSSION: The Department issues guarantees to FHA lenders during the construction period of a home, as FHA does not insure the loan until the home is completed. The loan term for these loans do not exceed fifteen (15) months from the date of loan signing. The following FHA Interim Construction loans were issued guarantees:

\*Note:            FHA loans are insured by the U.S. Department of Housing and Urban Development (HUD) and do not impact the State's guaranty ceiling.

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
11236	Waimanalo	Edwards, Natasha P.	\$313,715	9/27/18
11121	Anahola	Rivera, Frank S., Jr.	\$243,418	9/27/18
4221	Panaewa	Masaoka, Sheldon R.H.	\$180,300	9/28/18

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/18	3	\$ 885,331
Previous Months	-	\$ -0-
This Month	<u>3</u>	<u>737,433</u>
FY '18-'19 to date	3	\$ 737,433

ITEM NO. D-1  
EXHIBIT C

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 16, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator (1)  
Homestead Services Division

SUBJECT: For Information Only - Status Report for Seriously  
(180 days or greater) Delinquent Accounts In The  
Direct Loan Portfolio

RECOMMENDED MOTION/ACTION

None - for information only.

DISCUSSION

As of its' September 24, 2018 delinquent loan report to the Hawaiian Homes Commission (HHC), the Department of Hawaiian Home Lands ("DHHL") reported that there were 138 accounts in the 180 Days (Severe) category in the Direct Loans portfolio.

The data below provides the HHC of brief synopsis for the composition and status of these 138 accounts as of August 31, 2018:

- 1) 10 accounts (7%) are still under the jurisdiction of the Loan Services Branch. This includes accounts that were still being worked on by the loan officers and accounts that still need to be placed on submittals for the HHC to approve a Contested Case Hearing ("CCH").
- 2) 49 accounts (35%) have been approved for a CCH and awaiting the scheduling before a Hearings Officer.
- 3) 12 accounts (9%) are pending the decision of the HHC.
- 4) 29 accounts (21%) are in compliance of their Decision and Order ("D&O").
- 5) 22 accounts (16%) are in "non" compliance of their D&O and will need to be brought before the HHC again.

6) 16 accounts (12%) are in the various stages of the cancellation and eviction process.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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>
Gomes, Irene	12191, WK-IV	NTE \$142,000 @ 4.5% interest per annum, NTE \$720 monthly, repayable over 30 years

Loan Purpose: Refinance contract of loan no. 18709 to reduce monthly payment due to financial hardship and compliance of a divorce decree. Original loan amount of \$163,737 at 5.75% per annum, \$956 monthly, repayable over 30 years. A contested case hearing was held on January 17, 2012, for this account.

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Lau, Jolyn	5430, Paukukalo	NTE \$22,000 @ 4.5% interest per annum, NTE \$425 monthly, repayable over 5 years
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Loan Purpose: Refinance contract of loan no. 18596 to remove a co-lessee and add spouse as a co-borrower to the loan. Original loan amount of \$39,960 at 6.25% per annum, \$420 monthly, repayable over 11 years. A contested case hearing was held on August 15, 2018, for this account.

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<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/18	3	\$ 392,735
Prior Months	-	-0-
This Month	<u>2</u>	<u>164,000</u>
Total FY '18-'19	2	\$ 164,000
 <u>REPAIR</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/18	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '18-'19	0	\$ -0-
 <u>HOME CONSTRUCTION</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/18	2	\$ 368,000
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '18-'19	0	\$ -0-
 <u>FARM</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/18	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '18-'19	0	\$ -0-
 <u>TRANSFER WITH LOAN</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/18	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '18-'19	0	\$ -0-
 <u>AWARD</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/18	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '18-'19	0	\$ -0-
 <u>OTHER</u>	 <u>NO.</u>	 <u>LOAN AMOUNT</u>
FY Ending 6/30/18	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '18-'19	0	\$ -0-

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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>			
Waimanalo Lease No. 2244 TMK: 1-4-1-021:027	OHELO, Steven J. K. (Purchase)FHA	Guild Mortgage Co.	\$ 474,000
Maluohai Lease No. 9817 TMK: 1-9-1-119:058	PILA, Abby G. K (Cash Out Refi)FHA	Mann Mortgage	\$ 264,690
Kewalo Lease No. 2032 TMK: 1-2-5-022:013	AHUNA, Reydan P. (Purchase)HUD 184A	HomeStreet Bank	\$ 246,818
Kewalo Lease No. 2227 TMK: 1-2-4-040:030	ADAMS, Samuel K. (Cash Out Refi)FHA	Bank of Hawaii	\$ 145,631

OAHU

Nanakuli Lease No. 2953 TMK: 1-8-9-009:062	YEE, Rowland P. (Cash Out Refi) FHA	Hightechlend ing Inc.	\$ 313,000
Nanakuli Lease No. 5142 TMK: 1-8-9-013:057	MARFIL, Byron H. (Cash Out Refi) FHA	Security National Mortgage Co.	\$ 209,000
Lualualei Lease No. 5510 TMK: 1-8-6-023:143	BARNES, Edlynn K. K. (Purchase) FHA	Guild Mortgage Co.	\$ 453,000
Kanehilo Lease No. 11570 TMK: 1-9-1-153:169	KAIMIKAUA, Kevin (Purchase) FHA	HomeStreet Bank	\$ 469,783
Nanakuli Lease No. 2926 TMK: 1-8-9-009:067	McFEELEY, Lillian K. (Cash Out Refi) FHA	Security National Mortgage Co.	\$ 275,000
Nanakuli Lease No. 7278 TMK: 1-8-9-016:026	KUKONU, Moku L. (Cash Out Refi) FHA	HomeStreet Bank	\$ 185,700
Princes Kahanu Estates Lease No. 8373 TMK: 1-8-7-043:016	WERNER-CELES, Ronnelle K. E. A. (Purchase) FHA	Guild Mortgage Co.	\$ 400,000
Nanakuli Lease No. 8586 TMK: 1-8-9-012:044	HUBBARD, Eva K. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 120,120
Nanakuli Lease No. 3659 TMK: 1-8-9-012:009	KAIKALA, David (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 175,610

ITEM NO. D-4

OAHU

Lualualei Lease No. 8276 TMK: 1-8-6-023:026	CHING, AMBROSE D. Y. K., Jr. (Cash Out Refi)FHA	HomeStreet Bank	\$ 165,700
Maluohai Lease No. 9877 TMK: 1-9-1-120:062	KEKUEWA, Susan R. N. (Cash Out Refi)FHA	HomeStreet Bank	\$ 139,750
Nanakuli Lease No. 8191 TMK: 1-8-9-012:006	TEXEIRA, Lehuanani (Purchase) FHA	Guild Mortgage Co.	\$ 365,000
Nanakuli Lease No. 5194 TMK: 1-8-9-013:061	KIM, Kaipo H. (Purchase)FHA	Hightechlend ing Inc.	\$ 401,000
Kaupea Lease No. 11921 TMK: 1-9-1-139:139	KO, Elden K. (Cash Out Refi)HUD 184A	HomeStreet Bank	\$ 382,287
Princes Kahanu Estates Lease No. 8453 TMK: 1-8-7-042:080	KANUI, Danielle R. S. (Cash Out Refi)FHA	Guild Mortgage Co.	\$ 249,000
Kakaina Lease No. 11281 TMK: 1-4-1-041:040	KAHUI, Kaponu (1 Step Construction)FHA	HomeStreet Bank	\$ 360,525
Nanakuli Lease No. 8913 TMK: 1-8-9-016:107	KAHOOPII, Orson D. (Cash Out Refi)FHA	HomeStreet Bank	\$ 173,600

ITEM NO. D-4

Maui

Waiehu 4 Lease No. 12211 TMK: 2-3-2-026:043	PAAHANA-LAKE, Ryan &, PAAHANA-LAKE, Shirley A. (Assumption) FHA	HomeStreet Bank	\$ 136,180
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Paukukalo Lease No. 8216 TMK: 2-3-3-006:096	YAMASHITA, Irmgard K. (Cash Out Refi) FHA	Aries Loans Inc.	\$ 204,000
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Waiehu 4 Lease No. 12233 TMK: 2-3-2-025:022	BLACKBURN, Joseph G. I., III (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 469,450
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KAUAI

Anahola Lease No. 4311 TMK: 4-4-8-016:083	MARTIN, Laurie-Jean K. (Purchase) FHA	Security National Mortgage Co.	\$ 387,000
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HAWAII

Puukapu Lease No. 3392E TMK: 3-6-4-004:059	SCHUTTE, Barney J. (Cash Out Refi) FHA	Mann Mortgage	\$ 313,000
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Kaniohale Lease No. 9265 TMK: 3-7-4-022:052	PAALUA, Ryder H. (Cash Out Refi) FHA	Mann Mortgage	\$ 170,232
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Waiakea Lease No. 8113 TMK: 3-2-2-062:054	WILLIAMS, Kaila G. K. H. (Cash Out Refi) FHA	HomeStreet Bank	\$ 84,078
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OAHU

Keaukaha  
Lease No. 9661  
TMK: 3-2-1-020:088

BALDADO,  
Robert G. (Cash Out  
Refi) FHA

Siwell Inc., \$ 300,000  
dba Capital  
Mortgage  
Services of  
Texas

Kaniohale  
Lease No. 9429  
TMK: 3-7-4-023:116

COX,  
Clifford K., Jr.  
(Purchase) FHA

HomeStreet \$ 300,501  
Bank

<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 6/30/18	298	\$ 77,704,372	13	\$4,914,100	12	\$3,929,543
Prior Months	48	\$ 12,244,649	1	\$ 561,000	3	\$1,188,691
This Month	25	<u>6,939,370</u>	0	<u>0</u>	0	<u>0</u>
Total FY '18-'19	73	\$ 19,184,019	1	\$ 561,000	3	\$1,188,691
HUD 184A						
FY Ending 6/30/18	82	\$23,579,214				
Prior Months	18	\$ 6,272,996				
This Month	5	<u>1,394,285</u>				
Total FY '18-'19	23	\$ 7,667,281				


ITEM NO. D-4

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator  
Homestead Services Division 

SUBJECT: **Approval of Refinance of Loans**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

There are lessees who are seriously delinquent on their loans, but have been making consistent payments for twelve (12) months or more. These lessees have been trying to pay an additional amount above and beyond the required payment in an effort to reduce their delinquency amount. However, because the delinquency amount is large, it would take years for that amount to be paid in full.

HSD's recommendation for approval is based on actual payment history, at minimum, over the preceding twelve (12) months. If a lessee has demonstrated a conscientious effort to reduce the delinquency amount by making consistent monthly payments for twelve months, HSD will recommend that the lessee's loan balance be refinanced. Loan refinancing will provide a deserving lessee a new start in establishing a credit standing.

The following lessee(s) has met the aforementioned criteria and is recommended for loan refinancing:



<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>REFINANCING LOAN TERMS</u>
Kuamoo, Debra K.	1078, Keaukaha	NTE \$106,000, @2.5% interest per annum, payment NTE \$500 monthly, repayable over 30 years.

Loan Purpose: Refinance of HUD Buyback Loan no.  
18014. Original loan amount of  
\$125,000 at 2.5% per annum, \$494  
monthly payable over 30 years. A  
Contested Case Hearing was held on  
July 19, 2018 for this account.

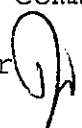
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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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 9/18</u>	<u>Balance At 9/18</u>
<u>Oahu</u>						
Alama, Margaret Ann D.K.	11414	Kaupea	19554 (HUD- Buyback)	TBD	TBD	TBD
Kailihiwa, Charlene L.B.	3723	Waimanalo	19553 (HUD- Buyback)	TBD	TBD	TBD
Rosario, Sunny K.	12691	Kaupuni	18622	\$838	\$6,696	\$211,393
Armitage, Carinthia U.	5344	Waianae	13173	\$325	\$3,052	\$8,359
Keliikoa, Uilani	12699	Kaupuni	18602	\$972	\$6,638	\$217,150

<u>Lessee</u>	<u>Lease No.</u>	<u>Area</u>	<u>Loan No.</u>	<u>Monthly Payment</u>	<u>Amount at 8/18</u>	<u>Balance At 8/18</u>
<u>Oahu (cont'd)</u>						
Hopeau, Halene K.	5264	Waianae	19559 (HUD 184A Buyback)	TBD	TBD	TBD
<u>Hawaii</u>						
Wana, Dana	10010	Keaukaha	16978	\$427	\$2,955	\$54,022
Kahalioumi, Kristen K.	9405	Kaniohale	19555 (HUD- Buyback)	TBD	TBD	TBD
<u>Maui</u>						
Kahae, Earl T. II	7499	Waiohuli	19009	\$555	\$4,212	\$102,933
Washington, Charmaine P.	10288	Waiohuli	17233	\$913	\$7,538	\$129,885
Johnson, Daryl K.	5450	Paukukalo	19552 (HUD- Buyback)	TBD	TBD	TBD
<u>Molokai</u>						
Wright, Kaala S.	10260	Kalamaula	17834	\$72	\$566	\$12,260

ITEM NO. D-6

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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>
Kamano-Waialae, Violet E.A.	3997, Waimanalo	NTE \$116,957 @4.5% interest per annum, NTE \$593 monthly, repayable over 30 years.

Loan Purpose: Refinance HUD buyback loan no. 19390.  
Original loan amount of \$60,300 at 8%  
per annum, \$443 monthly, repayable  
over 30 years. A Contested Case  
Hearing was not held for this account.

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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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

KAHIKINA, Kanoe-Okuuio M.	07/23/2009	HAWAII	AGR	06/19/2018
KALAHIKI, Kealii K.	10/26/2007	MAUI	AGR	05/07/2018

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAHIKINA, Kanoe-Okuuio M.	07/23/2009	HAWAII	RES	06/19/2018
NEEDHAM, Anthony K.	02/21/2013	HAWAII	RES	05/24/2018

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

RAMOS, Deardra K.	06/03/1986	HAWAII	AGR	06/28/2018
UWEKOOLANI, Pamela N.	09/14/1987	HAWAII	AGR	06/27/2018
WARO, Andrea G.	03/23/2001	HAWAII	AGR	04/19/2018

MAUI ISLANDWIDE PASTORAL LEASE LIST

BORDEN, Russell D.A.	03/31/2017	MAUI	AGR	05/16/2018
SHOAF, Robert A.H., Sr.	03/05/2001	OAHU	AGR	06/28/2018

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

RAMOS, Deardra K.	06/03/1986	HAWAII	RES	06/28/2018
SHOAF, Robert A.H., Sr.	03/01/1999	OAHU	RES	06/28/2018
UWEKOOLANI, Pamela N.	09/14/1987	HAWAII	RES	06/27/2018

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

LEE, Cornelia	04/21/1999	MAUI	AGR	05/02/2018
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

KUAHIWINUI, Eddie K., Jr.	01/23/2008	HAWAII	AGR	05/09/2018
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KALAHIKI, Kealii K.	10/26/2007	OAHU	RES	05/07/2018
LEE, Cornelia	03/15/2004	MAUI	RES	05/02/2018
WARO, Andrea G.	03/03/2014	LANAI	RES	04/30/2018

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

INCIONG, Debora	05/04/1987	HAWAII	AGR	07/05/2018
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

INCIONG, Debora	05/04/1987	HAWAII	RES	07/05/2018
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MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

HALUNAJAN, Kehaulani K.	11/25/2013	HAWAII	AGR	06/04/2018
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## 2. Deceased Applicants

NONE FOR SUBMITTAL

## 3. Awards of Leases

### OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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AKINA, John H., Jr.	Assigned Residential Lease #12480, UNDV161 in Kapolei, Oahu dated 01/14/2009. Remove application dated 09/01/2006.
CHARMAN, Malia	Assigned Residential Lease #8592, Lot 3 in Nanakuli, Oahu dated 08/09/2018. Remove application dated 10/17/1995.
GONSALVES, Marion P.K.	Assigned Residential Lease #12386, UNDV067 in Kapolei, Oahu dated 09/15/2017. Remove application dated 12/31/2015.
KAUHI, Rayne K.	Assigned Residential Lease #12353, UNDV034 in Kapolei, Oahu dated 02/03/2017. Remove application dated 01/29/1997.
LAA, Jared David K.	Assigned Residential Lease #5556, Lot 21 in Lualualei, Oahu dated 05/12/2017. Remove application dated 01/11/2010.
NAKI, Kilika C.B.	Assigned Residential Lease #5141, Lot 56 in Nanakuli, Oahu dated 09/14/2018. Remove application dated 11/02/2007.
WONG, Wallis K.	Assigned Residential Lease #4441, Lot 21 in Waianae, Oahu dated 08/01/2017. Remove application dated 07/12/2013.



HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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KALEIWAHEA, Carol P.

Assigned Residential Lease  
#8592, Lot 3 in Nanakuli, Oahu  
dated 08/09/2018. Remove  
application dated 03/14/1989.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

NONE FOR SUBMITTAL

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL


Last Month's Transaction Total	13
Last Month's Cumulative FY 2018-2019 Transaction Total	39
Transfers from Island to Island	20
Deceased	0
Cancellations:	
Awards of Leases	8
NHQ	0
Voluntary Cancellations	0
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	28
<b>This Month's Cumulative FY 2018-2019 Transaction Total</b>	<b>67</b>


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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

RECOMMENDED MOTION/ACTION

To approve 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.

\*See attached list of Lessee.

Leasehold Interest:

Ratified for October 2018	7
Previous FY 2018 - 2019	<u>19</u>
FY 2018 - 2019 Total to Date	26

Ratified for FY '17 - '18	87
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Net Proceeds

Ratified for October 2018	0
Previous FY 2018 - 2019	<u>0</u>
FY 2018 - 2019 Total to Date	0

Ratified for FY '17 - '18	1
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LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR  
LEASEHOLD INTEREST  
FOR MONTH OF OCTOBER 2018

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Momilani Akaka-Wright Lot No.: 32 Area: PKE, Oahu Lease No. 8323	<u>PRIMARY: Joint Tenants</u> Marleigh K. Wright, Daughter Edwin K. Wright, Husband  <u>ALTERNATE: Tenants in Common</u> Kananileigh Akaka, Sister* Kehaunani Akaka, Sister* *Omit due to lack of genealogy documents to determine eligibility to successorship.  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
2. Violet R. K. Alfapada Lot No.: 369 Area: Nanakuli, Oahu Lease No. 3798	<u>PRIMARY: Joint Tenants</u> Darryle H. Alfapada, Son Mary U. Craig, Daughter Victor L. Alfapada, Son Gordon K. Alfapada, Son Samuel L. K. Alfapada, Son Kevin A. Alfapada, Son Hallowyn Alfapada Palacio, Son  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

<u>Deceased Lessee</u>	<u>Designated Successor</u>
3. April K. Apo Lot No.: 83 A&B Area: Hoolehua, Molokai Lease No. 196	<u>PRIMARY: Tenants in Common</u> Moses Apo, Husband Kyle V. Apo, Son  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
4. Duane K. Auwae Lot No.: 34-A Area: Panaewa, Hawaii Lease No. 6896	<u>PRIMARY:</u> Julia L. Dahlgreen, Daughter  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A
5. Edward G. Gali Lot No.: UNDV265 Area: Laiopua, Hawaii Lease No. 10891	<u>PRIMARY: Joint Tenants</u> Raquel C. Gali, Daughter Edward G. Gali, Jr., Son Kanani C. Gali, Daughter Alana L. K. Gali, Daughter  <u>ALTERNATE:</u> N/A  <u>DESIGNEE TO RECEIVE NET</u> <u>PROCEEDS:</u> N/A

Deceased Lessee

Designated Successor

6. Mabel K. Jaentsch  
Lot No.: 396  
Area: Keaukaha, Hawaii  
Lease No. 5549

PRIMARY:  
Debra Ann L. Leopoldo,  
Daughter

ALTERNATE:  
N/A

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

7. Harold Lloyd Viela  
Lot No.: 151  
Area: Waianae, Oahu  
Lease No. 4480

PRIMARY:  
Joy K. Callejo, Daughter

ALTERNATE:  
Joelyn Viela, Granddaughter

DESIGNEE TO RECEIVE NET  
PROCEEDS:  
N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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-six (26) assignments of lease.

LESSEE

TRANSFeree

1. Name: Roberta L. Jaques  
Res. Lease No.: 9270  
Lease Date: 9/1/1998  
Lot No.: 3  
Area/Island: Kaniohale,  
Hawaii  
Property Sold: Yes  
Amount: \$277,000.00  
Improvements: 3 bedroom, 2 bath dwelling

Name: Reginald G. S. Ruddie  
Relationship: Brother  
Loan Assump: N/A  
Applicant: No

Reason for Transfer: "Selling lease to brother." Special  
Condition: Transferee to obtain funds to pay purchase  
price.

LESSEETRANSFeree

2.      Name: Li hauokalani T.                      Name: Sirrena Galindo-Kanani  
         Kaapuni                                      Goodhue  
         Res. Lease No.: 1769                      Relationship: None  
         Lease Date: 12/20/1946                      Loan Assump: N/A  
         Lot No.: 247-A                              Applicant: Yes, Oahu IW Res.,  
         Area/Island: Nanakuli, Oahu                      2/2/2004  
         Property Sold: Yes  
         Amount: \$320,000.00  
         Improvements: 4 bedroom, 1 bath dwelling  
  
Reason for Transfer: "Moving off island." Special  
Conditions: Transferee to obtain funds to pay purchase  
price.
3.      Name: Michael P. Kahikina                      Name: Michael P. Kahikina &  
         Res. Lease No.: 2899                      Naomi A. Kahikina  
         Lease Date: 7/8/1954                      Relationship: Lessee & Wife  
         Lot No.: 162-B-1                              Loan Assump: N/A  
         Area/Island: Nanakuli, Oahu                      Applicant: No  
         Property Sold: No  
         Amount: N/A  
         Improvements: 5 bedroom, 2-1/2 bath dwelling  
  
Reason for Transfer: "Adding relative to lease."
4.      Name: Walton S. Kaiama                      Name: Dexter K. Kaiama  
         Res. Lease No.: 2664                      Relationship: Brother  
         Lease Date: 10/1/1952                      Loan Assump: N/A  
         Lot No.: 51                                      Applicant: No  
         Area/Island: Kuhio Village,  
         Hawaii  
         Property Sold: No  
         Amount: N/A  
         Improvements: 3 bedroom, 1 bath dwelling  
  
Reason for Transfer: "Giving lease to relative."



LESSEETRANSFeree

5.      Name: Jeremiah N. Kalama                      Name: Jerica K. Kahele  
         Res. Lease No.: 2977                      Relationship: Daughter  
         Lease Date: 10/21/1955                      Loan Assump: N/A  
         Lot No.: 51                                      Applicant: No  
         Area/Island: Waimanalo, Oahu  
         Property Sold: Yes  
         Amount: \$250,000.00  
         Improvements: 3 bedroom, 2 bath dwelling  
  
Reason for Transfer: "Giving lease to relative."  
Transferee to obtain funds to pay purchase price. See  
simultaneous transfer below.
6.      Name: Jerica K. Kahele                      Name: Jerica K. Kahele &  
         Res. Lease No.: 2977                      Blaine T. Kahele, Jr.  
         Lease Date: 10/21/1955                      Relationship: Lessee &  
         Lot No.: 51                                      Husband  
         Area/Island: Waimanalo, Oahu      Loan Assump: N/A  
         Property Sold: Yes                      Applicant: No  
         Amount: \$250,000.00  
         Improvements: 3 bedroom, 2 bath dwelling  
  
Reason for Transfer: "Adding relative to lease." Special  
Condition: Transferee to obtain funds to pay purchase  
price.
7.      Name: Steven K. Kalilikane                      Name: Lionel F. Adachi  
         Agr. Lease No.: 2077                      Relationship: None  
         Lease Date: 12/22/1948                      Loan Assump: N/A  
         Lot No.: 37-G 1&2                              Applicant: No  
         Area/Island: Hoolehua,  
         Molokai  
         Property Sold: No  
         Amount: N/A  
         Improvements: 3 bedroom, 1 bath dwelling  
  
Reason for Transfer: "Moving off island."

LESSEETRANSFeree

8.      Name: George A. Kauhi                      Name: Kemamo H. Hookano  
         Res. Lease No.: 12188                      Relationship: None  
         Lease Date: 12/14/2007                      Loan Assump: N/A  
         Lot No.: 92                                      Applicant: Yes, Kauai IW  
         Area/Island: Waiehu Kou IV,                      Res., 11/7/1994  
         Maui  
         Property Sold: Yes  
         Amount: \$399,000.00  
         Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Moving off island." Transferee to obtain funds to pay purchase price. See simultaneous transfer below.

9.      Name: Kemamo H. Hookano                      Name: Kaimana M. Hookano  
         Res. Lease No.: 12188                      Relationship: Grandson  
         Lease Date: 12/14/2007                      Loan Assump: N/A  
         Lot No.: 92                                      Applicant: No  
         Area/Island: Waiehu Kou IV,  
         Maui  
         Property Sold: Yes  
         Amount: \$399,000.00  
         Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

10.     Name: Edward Manoi, II                      Name: Anela H. Manoi  
         Res. Lease No.: 9373                      Relationship: Daughter  
         Lease Date: 1/1/2000                      Loan Assump: N/A  
         Lot No.: 60                                      Applicant: No  
         Area/Island: Kaniohale,  
         Hawaii  
         Property Sold: Yes  
         Amount: \$250,000.00  
         Improvements: 3 bedroom, 2 bath dwelling

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

LESSEETRANSFeree

11.    Name: Elizabeth K. Negrillo    Name: Nelson K. Negrillo  
       Res. Lease No.: 2567        Relationship: Son  
       Lease Date: 8/5/1926        Loan Assump: N/A  
       Lot No.: 75                  Applicant: No  
       Area/Island: Kalamaula,  
       Molokai  
       Property Sold: No  
       Amount: N/A  
       Improvements: 3 bedroom, 1 bath dwelling  
  
       Reason for Transfer: "Giving lease to relative."
12.    Name: Harriet Takita            Name: Elizabeth K. Negrillo  
       Res. Lease No.: 2420        Relationship: Aunty  
       Lease Date: 12/17/1981      Loan Assump: N/A  
       Lot No.: 76                  Applicant: No  
       Area/Island: Kalamaula,  
       Molokai  
       Property Sold: No  
       Amount: N/A  
       Improvements: 3 bedroom, 1 bath dwelling  
  
       Reason for Transfer: "Moving off island." See simultaneous  
       transfer below.
13.    Name: Elizabeth K. Negrillo    Name: Eliza H. Ignacio  
       Res. Lease No.: 2420        Relationship: Daughter  
       Lease Date: 12/17/1981      Loan Assump: N/A  
       Lot No.: 76                  Applicant: No  
       Area/Island: Kalamaula,  
       Molokai  
       Property Sold: No  
       Amount: N/A  
       Improvements: 3 bedroom, 1 bath dwelling  
  
       Reason for Transfer: "Giving lease to relative."

TRANSFeree

- ITEM NO. D-10

LESSEETRANSFeree

17. Name: Jane H. Wahilani  
Res. Lease No.: 1744  
Lease Date: 7/29/1946  
Lot No.: 68  
Area/Island: Nanakuli, Oahu  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Paul K. K. Flores, Jr.  
& April K. Kaawa &  
Jennifer L. Halemano &  
Daniel K. Kaawa  
Relationship: Nephew, Sister,  
Niece and Brother  
Loan Assump: N/A  
Applicant: Yes, Oahu IW Res.,  
8/24/2009 - Paul K. K.;  
Yes, Oahu IW Res., 1/8/1986 -  
April K.; Yes, Oahu IW Res.,  
2/15/2013 - Jennifer L.;  
Yes, Oahu IW Res., 8/1/1978 -  
Daniel K.

Reason for Transfer: "Giving lease to relatives."

18. Name: John H. Akina, Jr.  
Res. Lease No.: 12480  
Lease Date: 12/6/2008  
Lot No.: UNDV161  
Area/Island: Kapolei, Oahu  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Ashley M. Romero  
Relationship: Daughter  
Loan Assump: N/A  
Applicant: No

Reason for Transfer: "Giving lease to relative."

19. Name: Luke P. K. Kahawai  
Res. Lease No.: 11139  
Lease Date: 5/13/2006  
Lot No.: UNDV138  
Area/Island: Anahola, Kauai  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Ruth Ann L. Silva  
Relationship: Sister  
Loan Assump: N/A  
Applicant: No

Reason for Transfer: "Giving lease to relative." See  
simultaneous Transfer below.

LESSEETRANSFeree

20.    Name: Margaret P. Kahalehoe-    Name: Luke P. K. Kahawai  
       Bair  
       Res. Lease No.: 11338           Relationship: None  
       Lease Date: 4/30/2008           Loan Assump: N/A  
       Lot No.: 15                       Applicant: No  
       Area/Island: Kekaha, Kauai  
       Property Sold: Yes  
       Amount: \$350,000.00  
       Improvements: 3 bedroom, 2 bath dwelling  
  
       Reason for Transfer: "Moving off island."    Special  
       Condition: Transferee to obtain funds to pay purchase  
       price.

21.    Name: Michael W. M.                Name: Daniel L. H. Kitashima  
       Kitashima                       Relationship: Brother  
       Res. Lease No.: 10529            Loan Assump: N/A  
       Lease Date: 6/18/2005           Applicant: No  
       Lot No.: UNDV232  
       Area/Island: Waiohuli, Maui  
       Property Sold: No  
       Amount: N/A  
       Improvements: None  
  
       Reason for Transfer: "Giving lease to relative."    See  
       simultaneous Transfer below.

22.    Name: Daniel L. H. Kitashima    Name: Leon Edwin H. Kitashima  
       Res. Lease No.: 10529           Relationship: Son  
       Lease Date: 6/18/2005           Loan Assump: N/A  
       Lot No.: UNDV232                Applicant: No  
       Area/Island: Waiohuli, Maui  
       Property Sold: No  
       Amount: N/A  
       Improvements: None  
  
       Reason for Transfer: "Giving lease to relative."

LESSEETRANSFeree

23.    Name: Hugh K. Montgomery                      Name: Alan K. Montgomery  
       Res. Lease No.: 11781                         Relationship: Brother  
       Lease Date: 12/2/2006                         Loan Assump: N/A  
       Lot No.: UNDV238                               Applicant: No  
       Area/Island: Kapolei, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: None

Reason for Transfer: "Giving lease to relative."

24.    Name: April P. Augustiro                      Name: Kahanu K. Alcon  
       Res. Lease No.: 5766                         Relationship: Nephew  
       Lease Date: 2/28/1996                         Loan Assump: N/A  
       Lot No.: 67                                       Applicant: No  
       Area/Island: Hoolehua,  
         Molokai  
       Property Sold: No  
       Amount: N/A  
       Improvements: None

Reason for Transfer: "Giving lease to relative."

25.    Name: Naomi E. Holt                              Name: Allen O. Holt, Jr.  
       Res. Lease No.: 328                            Relationship: Husband  
       Lease Date: 5/13/1930                         Loan Assump: N/A  
       Lot No.: 137                                     Applicant: No  
       Area/Island: Nanakuli, Oahu  
       Property Sold: No  
       Amount: N/A  
       Improvements: None

Reason for Transfer: "Financial reasons."

LESSEETRANSFeree

26. Name: Dexter K. Kaiama  
Pas. Lease No.: 2664A  
Lease Date: 10/01/1952  
Lot No.: 5  
Area/Island: Nienie, Hawaii  
Property Sold: No  
Amount: N/A  
Improvements: None

Name: Walton S. Kaiama  
Relationship: Brother  
Loan Assump: N/A  
Applicant: No

Reason for Transfer: "Giving lease to relative."

Assignments for the Month of October '18	26
Previous FY '18 - '19 balance	<u>60</u>
FY '18 - '19 total to date	86
Assignments for FY '17 - '18	271



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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

Thirteen (13) amendments of lease.

1. Lessee: John H. Akina, Jr.  
Res. Lease No.: 12480  
Lot No., Area, Island: UNDV, Kapolei, Oahu  
Amendment: To amend the lease to release a reservation of life interest.
  
2. Lessee: Violet R. K. Alfapada  
Res. Lease No.: 3798  
Lot No., Area, Island: 369, Nanakuli, Oahu  
Amendment: To incorporate the currently used terms, covenants, and conditions in the lease.

3. Lessee: April K. Apo  
Agr. Lease No.: 196  
Lot No., Area, Island: 83 A&B, Hoolehua, Molokai  
Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
4. Lessee: Stephanie S. H. Crivello  
Res. Lease No.: 2304-A  
Lot No., Area, Island: 8A-2A, Kalamaula, Molokai  
Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
5. Lessee: Joseph Gabin & Carmen J. Gabin  
Res. Lease No.: 9471  
Lot No., Area, Island: 33, Waiehu Kou II, Maui  
Amendment: To amend the tenancy to tenant in severalty, due to the death of a joint tenant.
6. Lessee: Naomi E. Holt  
Res. Lease No.: 328  
Lot No., Area, Island: 137, Nanakuli, Oahu  
Amendment: To amend the lease to release a reservation of life interest.

7. Lessee: Lillian K. McFeeley  
Res. Lease No.: 2926  
Lot No., Area, Island: 384, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
8. Lessee: Elizabeth K. Negrillo  
Res. Lease No.: 2567  
Lot No., Area, Island: 75, Kalamaula, Molokai  
Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
9. Lessee: Bonnie Jay Sanchez  
Pas. Lease No.: 3392-A  
Lot No., Area, Island: 16-B, Puukapu, Hawaii  
Amendment: To amend the lease title and lessor's name, to complete the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

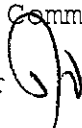
10. Lessee: Barney J. Schutte  
Pas. Lease No.: 3392-E  
Lot No., Area, Island: 16-F, Puukapu, Hawaii  
Amendment: To amend the lease title and lessor's name, to complete the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
11. Lessee: Joe E. Scott  
Res. Lease No.: 3893  
Lot No., Area, Island: 216-B, Nanakuli, Oahu  
Amendment: To amend the lease title and lessor's name, and to incorporate the currently used terms, covenants, and conditions in the lease.
12. Lessee: Harriet Takita  
Res. Lease No.: 2420  
Lot No., Area, Island: 76, Kalamaula, Molokai  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
13. Lessee: Lorina M. Wright and Pamela H. Wright-Aio  
Res. Lease No.: 3274  
Lot No., Area, Island: 116-A, Nanakuli, Oahu  
Amendment: To amend the tenancy to reflect the death of a joint tenant lessee, to update the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.


Amendments for the Month of October '18	13
Previous FY '18 - '19 balance	<u>31</u>
FY '18 - '19 total to date	44
Amendments for FY '17 - '18	249

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

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 can not issue his/her own licenses.

DISCUSSION

Eleven (11) non-exclusive licenses.

1. Lessee: Abraham A. Ah Hee, Jr.  
Res. Lease No.: 11459  
Lot No., Area, Island: 38, Leialii, Maui  
Permittee: Haleakala Solar Inc.
2. Lessee: Kaimana M. Hookano  
Res. Lease No.: 12188  
Lot No., Area, Island: 92, Waiehu Kou 4, Maui  
Permittee: Sunrun Inc.
3. Lessee: Danette L. Kaahanui  
Res. Lease No.: 8964  
Lot No., Area, Island: 146, Kawaihae, Hawaii  
Permittee: Sunrun Inc.

ITEM NO. D-12

4. Lessee: Godfrey K. Kainoa  
Res. Lease No.: 7232  
Lot No., Area, Island: 70, Kawaihae, Hawaii  
Permittee: Sunrun Inc.
5. Lessee: Charity Kekauoha  
Res. Lease No.: 10254  
Lot No., Area, Island: 44, Hoolehua, Molokai  
Permittee: Neighborhood Power
6. Lessee: Kamalani M. Lau  
Res. Lease No.: 11686  
Lot No., Area, Island: 18659, Kanehili, Oahu  
Permittee: Sunrun Inc.
7. Lessee: Eliza N. Mahaulu  
Res. Lease No.: 4627  
Lot No., Area, Island: 72, Waianae, Oahu  
Permittee: RevoluSun Power LLC
8. Lessee: Martha K. Nakagawa  
Agr. Lease No.: 710  
Lot No., Area, Island: 135A 1, Hoolehua, Molokai  
Permittee: Neighborhood Power
9. Lessee: William P. Peiler  
Res. Lease No.: 4499  
Lot No., Area, Island: 81-A, Nanakuli, Oahu  
Permittee: Sunrun Inc.
10. Lessee: Tiare Li-Noe Ritte-Managan  
Res. Lease No.: 7854  
Lot No., Area, Island: 94, Kalamaula, Molokai  
Permittee: Neighborhood Power
11. Lessee: John Ventura  
Res. Lease No.: 7149  
Lot No., Area, Island: 145, Kawaihae, Hawaii  
Permittee: Sunrun Inc.


Non-Exclusive License for the Month of October '18	11
Previous FY '18 - '19 balance	<u>27</u>
FY '18 - '19 total to date	38
Non-Exclusive License for FY '17 - '18	102


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division 

FROM: Juan Garcia, Oahu District 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.



Deceased Lessee

Designated Successor(s)

1. Ellen Lainaholo  
Lot No.: 18  
Area: Waiakea, Hawaii  
Lease No.: 4209
2. Raymond T. Gomes, Jr.  
Lot No.: 118-P  
Area: Hoolehua, Molokai  
Lease No.: 4984
3. John M. Keawe  
Lot No.: 21  
Area: Waianae, Oahu  
Lease No.: 6699

Anguleta K. Manuel, Granddaughter

Michael L. Gomes, Son


Leslie U. Keawe, Daughter

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

FROM: James W. Du Pont, West Hawaii District Supervisor  
Homestead Services Division

SUBJECT: **Approval of Assignment and Amendment to Leasehold  
Interest to the Pastoral Portion of Lease No. 2905 -  
Ethel K.C. Andrade, Lot No. 11, Pu'ukapu, Hawaii**

RECOMMENDED MOTION/ACTION

- 1) To approve the assignment of the leasehold interest of the Pastoral portion of Lease No. 2905, Lot No. 11, Pu'ukapu, Hawaii from Ethel K.C. Andrade to Rodney L.K. Biven, Jr. 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 the loan and;
- 2) To approve the amendment of Lease No. 2905 to reflect the separation of the Residential Lot No. 38 and Pastoral Lot No. 11, of Lease No. 2905, amend the lease title, to complete the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

DISCUSSION

Ethel Andrade was awarded Lease No. 2905, with a commencement date of July 8, 1952. Included in Lease No. 2905 were Residential Lot No. 38, consisting of 1.09 acres and, Pastoral Lot No. 11 of 305.001 acres.

On February 17, 1987, Ms. Andrade designated her daughter, Jadelynn Ramos, as her beneficiary to Lease No. 2905. Unfortunately, Mrs. Ramos passed away on June 2, 2017.

On June 6, 2017, Ms. Andrade granted a Power of Attorney to her three granddaughters, Kristina Erskine, Kathy Foster and Kara Ramos. In the Power of Attorney ("POA"), it allowed two of the three named individuals to sign documents on behalf of Mrs. Andrade.

On June 16, 2017, it was determined by staff, that none of the three (3) individuals named in the POA met the minimum 25% Hawaiian blood quantum to qualify as beneficiaries to Ms. Andrade's lease.

The Attorneys-In Fact's original intent was to sell the lease to assist the in the health care costs for Ms. Andrade. They were of the opinion, at the time, that all available funds from their grandmother's assets would be exhausted within a few months.

On April 13, 2018, a request to transfer the residential portion of Lease No. 2905, Lot No. 38, Kuhio Village, Hawaii, was received by the West Hawaii District Office. The transfer request indicated that the lease was not being sold.

On April 21, 2018, a request to transfer Pastoral Lot Lease No. 2905, Lot No. 11, Pu'ukapu, Kamuela, Hawaii, to Rodney L.K. Biven, Jr., was received by the West Hawaii District Office. There was no indication that the lease was being sold. The reason for transfer was listed as "The offspring do not have enough Hawaiian to acquire the property."

Per the Hawaii Administrative Rule("HAR") §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 qualified under the act 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.

The Assignment and Transfer of Lease No. 2905 related to Pu'ukapu Pastoral Lot No. 11 was placed on the July 16, 2018 Hawaiian Homes Commission ("HHC") agenda. The transaction was deferred by the HHC as the submittal listed the lot as

having no improvements and amid information that the lease was being sold and in violation of HAR §10-3-36.

On September 23, 2018, testimony was presented to the Hawaiian Homes Commission by a representative of the Andrade Family, Kristina Erskine, as well as the transferee, Rodney Biven. Both parties assured the commissioners that the lease was not being sold.

Upon further investigation and physical inspection of the 305-ac. pastoral lot, perimeter and interior fencing, a corral and a storage structure were identified to be on the lot and thus HAR §10-3-36 does not apply and the lease can be sold for compensation if the parties agree.

RECOMMENDATION:


The Department humbly requests that the HHC approve both of its recommendations to Lease No. 2905, Pu'ukapu, Hawaii, as submitted.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division 

FROM: Olinda L. Fisher, East Hawaii District Office  
Assistant Supervisor, Homestead Services Division

SUBJECT: **Request to Schedule a Contested Case Hearing - Failure to Build and Occupy - JANA P. WAIALAE, Lease No. 6816, Lot No. 3, Waiakea, Hawaii**

RECOMMENDED MOTION/ACTION

To schedule a contested case hearing for Jana P. Waialae, to cancel Lease No. 6816, Lot No. 3, situated at Waiakea, Hawaii for failure to build and occupy as stated in the lease.

DISCUSSION

On September 11, 2017, Jana P. Waialae (Jana), by way of Assignment of Lease and Consent, received Residential Lease No. 6816, Lot No. 3, situated in Waiakea, Hawaii (Lease).

As stated in Jana's lease on page 2, item 6. Jana was required to build and occupy the homestead within one (1) year from the execution date of the lease.

A site visit was done on 09/11/2018 by employees of the East Hawaii District Office, verifying that the lot was vacant and overgrown.

No permits have been issued to date, showing any initiation to construct a home to occupy on the lot.

RECOMMENDATION


The department requests the Hawaiian Homes Commission approve a request for a contested case hearing.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division 

FROM: Olinda L. Fisher, East Hawaii District Office  
Assistant Supervisor, Homestead Services Division

SUBJECT: **Cancellation of Lease - ROBERT M. HA, Residential Lease  
No. 5110, Lot No. 9A & 9B, Panaewa, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of Lease No. 5110, Lot Nos. 9A & 9B, Panaewa, Hawaii (Lease), pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest.
2. To approve the payment of Net Proceeds, in the amount of the appraised value of the improvements less any outstanding debts attached to the Lease, to the decedent's spouse, Roanne L. Ha (Roanne).

DISCUSSION

On September 26, 1990, Robert M. Ha (Decedent), by way of Transfer Through Successorship, received Department of Hawaiian Home Lands Agricultural Lot Lease No. 5110, Lot Nos. 9A & 9B, Panaewa, Hawaii (Lease).

On October 24, 2013, the Decedent passed away with no named successor. The Decedent named his wife, Roanne, as the Receiver of Net Proceeds to the Lease. The Department verified that Roanne is Non-Hawaiian and qualified to receive net proceeds.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Garden Island Newspaper, Hawaii Tribune Herald, West Hawaii Today, and The Maui News on March 8, 18, 22, and April 1, 2015, to

notify all interested, eligible, and qualified heirs of the Decedent, to submit their successorship claim.

There were no claimants who came forward to submit a claim to the 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.

The appraised value of the structure on Lot 9A was \$244,000, and the structure on lot 9B was \$135,000. The net proceeds will be disbursed to Roanne, less any outstanding indebtedness.

There is no loan attached to the Lease. The Lease rent and Real Property Tax is current.


The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Dean Oshiro, Acting HSD Administrator   
Homestead Services Division

FROM: Gene Ross Davis, Molokai District Office Acting  
Supervisor, Homestead Services Division

SUBJECT: **Commission Designation of Successor - MYRNA M. KAUPU  
Agricultural Lease No. 3677, Lot No. 44A, Hoolehua,  
Molokai**

RECOMMENDED MOTION/ACTION

To approve the designation of Lydell T. B. Kaupu (Lydell), successor to Agriculture Lease No. 3677, Lot No. 44A, Hoolehua, Molokai (Lease), for the remaining term of the Lease.

DISCUSSION

Myrna M. Kaupu (Decedent) received Hoolehua, Lot 44A, commencing on October 21, 1966. She passed away on December 14, 2011, naming her son Lansen Kaupu as the designated successor to the lease. Lansen Kaupu renounced his successorship on September 14, 2017.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Garden Island Newspaper, Hawaii Tribune Herald, West Hawaii Today, and The Maui News on December 3, 13, 17 and 27, 2017, to notify all interested, eligible, and qualified heirs of the Decedent, to submit their successorship claim to Lease No. 3677.

The Decedent's son, Lydell, submitted his claim to the lease. Lydell, who has been determined to be at least 93.75% Hawaiian, is eligible for successorship to the 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.

Real Property Tax of \$2,683 is past due. As the successor, Lydell will assume the outstanding indebtedness. Six-dollar credit is available in the lease rent account.


The Department request approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

FROM: Gene Ross Davis, Molokai District Office Acting  
Supervisor, Homestead Services Division

SUBJECT: **Approval of Assignment to Leasehold Interest - STACY  
JEAN ANELAONALANI JOHNSON, Lease No. 2073,  
Lot Nos. 33H1 & 33H2, Hoolehua, Molokai**

RECOMMENDED MOTION/ACTION

To approve the transfer of Department of Hawaiian Home Lands (Department), Agriculture Lease No. 2073, Lot Nos. 33H1 & 33H2 (Lease), situated at Hoolehua, Molokai, consisting of approximately 4.715 acres and further identified as TMK (2)5-2-015:003, from Stacy Jean Anelaonalani Johnson (Stacy) to her cousin, Keola Lee Yasso (Keola), for the remaining term of the Lease.

DISCUSSION

Stacy acquired the Lease by way of successorship from her grandmother, Mary Lee (Mary), on September 3, 1986.

Stacy wants to transfer her interest in the Lease to her cousin, Keola, as she has no plans to move back to Molokai. She and Keola have entered into a contract with an escrow company to facilitate the payments of all outstanding debts associated with the Lease. The following amounts are due and is contingent on the finality of the transfer.

• Maui county Real Property Tax	\$1,655.17
• DHHL Water	\$4,270.76
• DHHL Lease Rent	<u>\$ 20.00</u>
Total	\$5,945.93

After Mary passed away in 1982, the home was left unattended and slowly deteriorated. The home was torn down years ago without a demolition permit from The County of Maui (County). The County continued to assess real property tax, unaware the home was torn down. The County has since been notified that the home was torn down and is no longer assessing real property tax.

Around February 2010, Stacy allowed a family member to farm the homestead. Unfortunately, this family member neglected to pay for the water usage, which is the cause for the sizeable outstanding water bill.

The Department's Administrative Rule §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 qualified under the act provided that leases for vacant or undeveloped lots are undivided interest, or any interest therein shall not be sold but may be transferred for no consideration or by succession.

As Stacy will not be receiving any funds associated with this transfer of lease directly from Keola, the Department does believe the Lease is not being sold.

Keola has a residential lease on Molokai, Lease No. 7949, Hoolehua, Lot 86E.

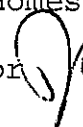
HSD requests the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator  
Homestead Services Division 

FROM: James W. Du Pont, West Hawaii District Supervisor  
Homestead Services Division

SUBJECT: **Approval of Assignment and Amendment to Leasehold Interest to the Residential Portion of Lease No. 2905 - Ethel K.C. Andrade, Lot No. 38, Kuhio Village, Waimea, Hawaii**

RECOMMENDED MOTION/ACTION

- 1) To approve the assignment of the leasehold interest of the Residential portion of Lease No. 2905, Lot No. 38, Kuhio Village, Waimea, Hawaii from Ethel K.C. Andrade to Bernadette K. Sylva, pursuant to Section 208, Hawaiian Homes Commission Act ("Act"), 1920, as amended, and subject to any applicable terms and conditions of the assignment. However, this approval is conditional upon the department receiving documentation that the Native Hawaiian Qualification of the transferee meets the blood quantum requirements of the Act.
- 2) To approve the amendment of Lease No. 2905 to reflect the separation of the Residential Lot No. 38 and Pastoral Lot No. 11, of Lease No. 2905, amend the lease title, to complete the property description, to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

DISCUSSION

Ethel Andrade was awarded Lease No. 2905, with a commencement date of July 8, 1952. Included in Lease No. 2905 were Residential Lot No. 38, consisting of 1.09 acres and, Pastoral Lot No. 11, comprised of 305.001 acres.

On February 17, 1987, Mrs. Andrade designated her daughter, Jadelynn Ramos, as her beneficiary to Lease No. 2905. Unfortunately, Mrs. Ramos passed away on June 2, 2017.

On June 6, 2017, Mrs. Andrade granted a Power of Attorney to her three granddaughters, Kristina Erskine, Kathy Foster and Kara Ramos. In the Power of Attorney ("POA"), it allowed two of the three named individuals to sign documents on behalf of Mrs. Andrade.

On June 16, 2017, it was determined by staff, that none of the three (3) individuals named in the POA, met the minimum 25% Hawaiian blood quantum to qualify as beneficiaries to Ms. Andrade's lease.

On April 13, 2018, a request to transfer the residential portion of Lease No. 2905, Lot No. 38, Kuhio Village, Hawaii, to Bernadette K. Sylva, was received by the West Hawaii District Office. The transfer request indicated that the lease was not being sold.

The consideration for the Andrade Family not to sell the residential portion of Lease No. 2905 is that they wanted to keep the homestead in the family. One of the three granddaughters, Kara Ramos, and her boyfriend Bronson Sylva (Mrs. Sylva's son), along with their child, have resided in Mrs. Andrade's home since December 2014.

There are options for Mrs. Sylva to consider. They include naming her son, Bronson, as her beneficiary, adding him to the lease with her as a co-lessee, transferring the lease to Bronson or, possibly naming Kara and Bronson's son, as a beneficiary, assuming he meets the blood quantum requirements to be a successor. Ultimately, the goal would be to have a blood relation to Mrs. Andrade succeed to the lease, which would be her great grandson.

The Andrade Family's primary concern, regarding the age and health of Mrs. Andrade, is their ability to transfer her leases, while Mrs. Andrade is still alive. While they presently hold the Power of Attorney that allows them to represent Mrs. Andrade's best interests, this consideration becomes null and void upon Mrs. Andrade's death. Mrs. Andrade's health is the primary reason for this action item to be submitted at this time, as the normal process for requesting approval of an assignment of lease is upon verification that the transferee meets the blood quantum as required by the Act.

Improvements on the residential lot include a 4-bedroom, 1-bath home constructed in 1954 with a tax assessed value of \$68,100. In addition, there is also an 480 sq. ft. open carport with a gross building value of \$3,400.

RECOMMENDATION:


The Department humbly requests that the HHC approve both of its recommendations to Lease No. 2905, Pu'ukapu, Hawaii, as submitted.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15, 2018

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator   
Homestead Services Division

FROM: Erna A. Kamibayashi, Kauai District Supervisor  
Homestead Services Division

SUBJECT: **Request to Schedule Contested Case Hearing -  
Lease Violation - GEORGE F. RAPOZO, Residential  
Lease No. 4342, Lot No.4, Anahola, Kauai, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for the lessee listed below.

DISCUSSION

The following lessee has violated the terms and conditions of his homestead lease agreement; Hawaiian Homes Act, Section 208-5 Conditions of Lease; "as the lessee of the above property, you must occupy the property as your primary resident." Mr. George F. Rapozo has not complied with this condition therefore, we recommend that a contested case hearing be scheduled.

Lessee:	George F. Rapozo
Residential Lease No.:	4342
Lot No./Area/Island:	4/ Anahola, Kauai
Lease Violation:	Failure to occupy

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

October 15 &16, 2018

Paukukalo, Maui

F-ITEMS  
**LAND MANAGEMENT DIVISION**






STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission

Thru: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division   
Norman Sakamoto, Administrator  
Land Development Division   
Kaleo Manuel, Manager  
Planning Office

From: Shelly Carreira, Land Agent   
Land Management Division  
Stewart Matsunaga, Master Planned, Community Dev. Mgr.  
Land Development Division  
Bryan Esmeralda, Planner  
Planning Office

Subject: Approval of Memorandum Of Agreement Regarding Licenses and Issuance of License as Easement to County of Maui, Department of Water Supply, Honokowai, Maui, TMK (2)4-4-002:015(por.) & :018(por.)

APPLICANT:

County of Maui, Department of Water Supply "LICENSEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission grants approval to the following:

A. Memorandum of Agreement for Licenses (Agreement) to be executed by and between the Department of Hawaiian Home Lands (DHHL) and the County of Maui, Department of Water Supply.

Approval and issuance of the Agreement shall be subject to the following condition:

1. In exchange for cash payment for license easements, the County of Maui, Department of Water Supply agrees to provide 200,000 gallons per day of Source Allocation to DHHL for DHHL's domestic demand for the development of DHHL lands in West Maui;
2. The Hawaiian Homes Commission delegates authority to the Chairman of the Hawaiian Homes Commission to negotiate the terms and execute the Agreement;
3. The Agreement will be subject to the review and approval by the Office of the Attorney

General, State of Hawaii; and

4. The Agreement shall be subject to other terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

B. That the Hawaiian Homes Commission (HHC) approve the issuance of a perpetual, exclusive and non-exclusive license for easement to County of Maui, Department of Water Supply for purposes of roadway access, maintaining and operating the existing Mahinahina Water Treatment Facility, and improvements related to system development for land area consisting of approximately 23.894 acres (more or less) on that certain Hawaiian home lands parcel situated in Honokowai, Island of Maui, identified more specifically by Tax Map Key No. (2) 4-4-002:015 (por.) and 018 (por.) as delineated in shade on Exhibit "A".

Approval and issuance of this license shall be subject to the following conditions, but not limited to:

1. The term for this license shall be in perpetuity, effectively commencing upon full execution by the respective parties;
2. LICENSEE shall use the premises strictly for access and utility purposes, which shall include the right to construct, install, modify, repair, maintain and operate LICENSEE'S access and utilities over, across and under the easement area and also including the right to remove, trim and keep trimmed any vegetation, shrubbery, bushes, trees and rocks within the easement area;
3. Execution of the licenses for easements is subject to the full execution of the Memorandum Of Agreement For Licenses made and entered by and between the Department of Hawaiian Home Lands and the County of Maui, Department of Water Supply;
4. LICENSEE shall not undertake any construction or improvements whatsoever on the licensed premises until LICENSOR has reviewed and approved the plans in writing (which approval shall not be unreasonably withheld or delayed);
5. LICENSEE shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals;
6. LICENSEE shall pay the standard non-refundable processing and documentation fee of \$175.00;
7. LICENSEE shall provide proof of a comprehensive public liability insurance policy of no less than \$1,000,000.00 for each occurrence, naming the Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this license;
8. LICENSEE shall comply with all applicable governmental laws, rules, regulations, and procedures relating to the operation and activities under this license;
9. LICENSEE shall keep and maintain the premises and any and all equipment and personal properties of LICENSEE upon the premises in a strictly clean, neat, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling and disposal of all trash, garbage and other refuse resulting from its activities on the premises;
10. LICENSEE shall exercise due care and diligence to prevent injury to persons and damages to

or destruction of property belonging to DHHL;

11. Entry under the license is limited to LICENSEE'S employees, agents, and subcontractors solely for the purposes stated herein;
12. LICENSEE shall be responsible for the security of the premises and all of LICENSEE'S personal property thereon;
13. The license document shall be subject to other standard terms and conditions of similar documents issued by DHHL and will be subject to the review and approval by the Office of the Attorney General, State of Hawaii; and
14. The license shall be subject to other terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

**LOCATION:**

Portion of Hawaiian Home Lands situated in Honokowai, Island of Maui, identified as Tax Map Key: (2)4-4-002:015 and 018 (See Exhibit "A")

**AREA:**

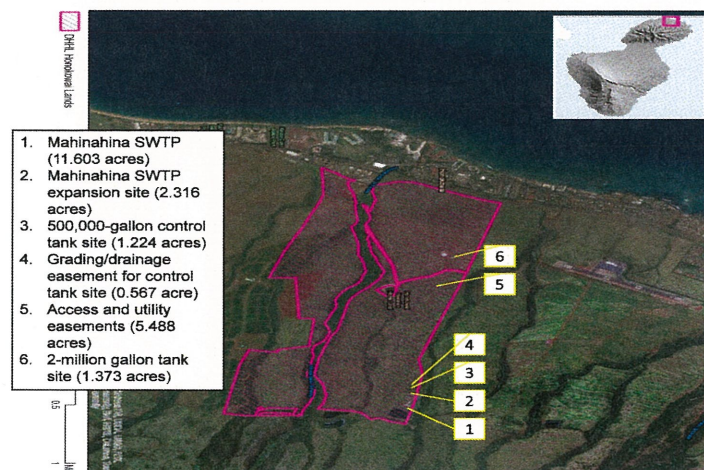
\*Exclusive Easement Area: 16.615 acres

\*\*Non-Exclusive Easement Area: 7.279 acres

**Table 1.** Requested Licenses Uses and Acreages

USE	ACREAGE
1. Existing Mahinahina SWTP*	11.603
2. Future Mahinahina SWTP Expansion Area*	2.316
3. 500,000-gallon Control Tank Site for DWS and DHHL Wells**	1.224
4. Grading and Drainage Easement for 500,000-gallon Control Tank Site**	0.567
5. Access and Utility Easement**	5.488
6. Future 2 Million-gallon Tank Site*	1.373
6. Expanded Land Area at Existing 2 Million-gallon Tank Site*	1.323
<b>TOTAL ACREAGE</b>	<b>23.894</b>

**Figure 1.** Map of Proposed License Uses



## DISCUSSION:

The Department of Hawaiian Home Lands (DHHL) acquired the subject parcel, which is part of the DHHL's Honokōwai tract (also comprised of TMKs (2) 4-4-002:003 and 008), from the Department of Land and Natural Resources (DLNR) in 1995. The Mahinahina SWTP was constructed via Right of Entry granted by the DLNR and put into service in 1995 and has been in operation since this time. When DHHL acquired the subject properties, no disposition was granted to the DWS for the operation of the Mahinahina SWTP.

In 2017, the DWS approached the HHC and requested a land use license for the Mahinahina SWTP in exchange for a cash payment equivalent to the appraised value of the requested lands. The HHC, recognizing the need for water to support planned development on DHHL lands at Honokōwai and Leiali'i Phase I-B, requested that the DHHL and DWS work towards an agreement wherein the DWS would provide a water allocation to the DHHL from the Mahinahina SWTP in exchange for the license.

The County of Maui conducted an appraisal of the land value of various proposed license areas, being \$325,780. Through negotiations, the DWS determined that an allocation of 200,000 Gallons Per Day (GPD) was within the existing capacity of the Mahinahina SWTP and could be provided to the DHHL as part of the proposed intergovernmental agreement. In exchange for the 200,000 GPD allocation, the DWS would receive a license for the uses described in **Table 1** and **Figure 1** above.

DHHL has estimated the value of 200,000 GPD of source allocation to be \$1,929,474 (rounded), based on 200,000 GPD/600 GPD for residential use is equivalent to 333.3 meters, further multiplied by \$5,789 per meter. In addition to dollar value of water source credits; DHHL now has a stable water source and can advance any subdivision planning and application for homestead development in Leialii and Honokowai, prior to DHHL construction of its own well development.

A Beneficiary Consultation meeting to discuss the proposed agreement was held on July 23, 2018 at 6:00pm at the Lahaina Civic Center Social Hall in Lahaina, Maui. A total of 16 people attended, including two (2) DHHL Maui District Office Staff Members and three (3) staff members from DWS.

DHHL staff gave a short presentation, which covered the purpose of the meeting, an overview of the Beneficiary Consultation process, and an informational presentation regarding the subject parcel, terms of the proposed intergovernmental agreement, and its compliance with DHHL plans. DWS staff was available and answered questions related to the operation and maintenance of the Lahaina region's water systems.

As part of the presentation, staff also discussed the benefits of the proposed agreement, which include expedited water for DHHL lands in West Maui which would help meet some of the total demand for planned development at Leiali'i and Honokōwai, water as an alternative form of compensation to the Hawaiian Home Lands Trust, an opportunity to partner with the County of Maui, and system improvements which would also serve DHHL's Honokōwai well, once operational.

The meeting yielded a mostly positive discussion. Overall, the consensus was that the group supported the proposed intergovernmental agreement. There were no comments or remarks in opposition of the proposed action.

The Hawaiian Homes Commission accepted the Beneficiary Consultation report at its meeting on September 24, 2018 in Hilo, Hawai'i, under Item No. G-2.

PLANNING AREA:

Honokowai

LAND USE DESIGNATION:

Recommended for Residential, General Agriculture, Community Use, Industrial, Commercial Use, Supplemental Agriculture, Maui Island Plan (2004), Figure 5-12 – Honokowai Land Use Plan, Maui Land Inventory

CURRENT STATUS:

DWS currently operates and maintains the Mahinahina Water Treatment Facility. Remaining Hawaiian home lands sits vacant and fallow.

CHARACTER OF USE:

Existing Mahinahina Water Treatment Facility and improvements.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Proposed Mahinahina Water Treatment Plant, Environmental Assessment, December 1991, prepared County of Maui, Department of Water Supply by Michael T. Munekiyo Consulting, Inc. (1991-12-23-MA-FEA)

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

Maui Island Plan (2004)

Water Policy Plan (2014)

Villages of Leiali'i and Honokowai Regional Plan (2009)

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

***Land Use Planning***

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

- Develop improved relationships with the Counties to ensure reliable and adequate delivery of services to homesteaders

### ***Water Resources***

#### Goals:

- Provide access to quality water in the most cost-effective and efficient manner
- Ensure the availability of sufficient water to carry out Hawaiian Home Lands' mission.

#### Objectives:

- Establish water partnership arrangements.

### ***Land and Resource Management***

#### Goals:

- Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

#### Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

### **RECOMMENDATION:**

DHHL staff respectfully request approval of the motion as stated.





STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana Albinio, Jr., Acting LMD LDD Administrator *KA*  
Norman L. Sakamoto, LDD Administrator *N Sakamoto*

Subject: Approval of one-year Lease Extension, General Lease No. 283, Hawaii Public Housing Authority - Ulu Ke Kukui Transitional Housing Program, Waianae, Oahu, TMK (1)87010030 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) approve a one-year lease extension of General Lease No. 283 to the Hawaii Public Housing Authority (HPHA), to allow the department time to promulgate administrative rules related to multi-family housing, and to solicit for a developer and/or new operator, subject to the following conditions:

1. The term shall be extended for an additional one (1)-year period, commencing November 25, 2018 and expiring November 24, 2019;
2. The term may be extended for additional terms in six-month increments;
3. All other terms and conditions of General Lease No. 283 shall continue and remain in full force and effect; and
4. The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises.

LOCATION

Waianae, Oahu identified as portion of Tax Map Key (1) 87010030.

AREA

Approximately six acres.

DISCUSSION



General Lease No. 283 (See Exhibit “A”) was awarded to the State of Hawaii Department of Human Services, Hawaii Public Housing Authority, a State of Hawaii agency as Lessee, filed in the Office of the Department of Hawaiian Home Lands, and approved by the Hawaiian Homes Commission on August 19, 2008, for a term of ten (10) years commencing on October 16, 2008. The lease term was subsequently amended to commence on November 25, 2008 up to and including November 24, 2018.

The following are pertinent information on GL No. 283:

General Lessee:	State of Hawaii Department of Human Services, Hawaii Public Housing Authority, a State of Hawaii agency
Location:	Waianae, Island of O’ahu
Tax Map Key No.:	(1)87010030 (por.)
Land Area:	6.0 Acre
Term:	10 years; 11/25/2008 – 11/24/2018
Annual Rental:	Gratis
Character of Use:	Transitional Housing and community center project

General Lease No. 283 was issued to HPHA for a transitional and affordable housing project in Waianae, Oahu, covering an area of approximately six (6.0) acres, more or less of an 89-acre parcel sometimes referred to as the former Voice of America site. The current lease term expires on November 24, 2018, but provides for an extension of the lease period by mutual written agreement.

In January 2018, DHHL requested HPHA confirm whether they intended to request an extension of the lease term (Exhibit B). On May 3, 2018, the Department of Human Services responded that they agree to a three-year extension (Exhibit C). In a subsequent conversation, they have agreed that a one-year extension would be appropriate.

The proposed extension of the General Lease would afford DHHL time needed to complete the rule making process for multi-family homestead leases and rentals, and to issue a Request for Proposals (RFP) for future use of the facilities by DHHL. Exhibit D is an approximate timeline illustrating how the two processes would proceed along parallel tracks.

DHHL is preparing a beneficiary survey to determine the best long-term use for the property. Items to be considered include: beneficiary demand for multi-family homestead leases and/or rental units; estimated mortgage and common area maintenance amounts for potential buyers/lessees; estimated rents based on operating and maintenance expenses; subsidies available to reduce rents; and uses for the classroom, kitchen, and office facilities. Based on the information gathered, DHHL will make a recommendation to the HHC whether the residential units should be sold with a homestead lease; or made available to beneficiaries as rental units. DHHL would then issue a RFP accordingly.

If DHHL takes possession upon expiration of the current lease term in November, important services to the public would be terminated, and the facilities would be subject to vandalism and lack of maintenance until a developer/operator is selected and contracted.

RECOMMENDATION:

The Land Management Division and Land Development Division respectfully requests approval of the motion as stated

After Recordation Return by:    Mail (X)    Pickup ( ) To:

Kaipo Duncan, Land Agent  
Land Management Division  
Department of Hawaiian Home Lands  
P.O. Box 1879  
Honolulu, HI 96805

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

GENERAL LEASE NO. 283

between

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

and

STATE OF HAWAII  
HAWAII PUBLIC HOUSING AUTHORITY

covering

HAWAIIAN HOME LANDS

situate at

Waianae, Hawaii

Tax Map Key No. (1)8-7-10:007 (por)

**Exhibit "A"**  
**Item No. F-2**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

GENERAL LEASE NO. 283

THIS INDENTURE OF LEASE, made this 18<sup>TH</sup> day of DECEMBER, 2008, but effective OCTOBER 18, 2008, by and between the State of Hawaii, by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and post office address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LESSOR," and State of Hawaii, Department of Human Services, Hawaii Public Housing Authority, whose mailing address is 1002 North School Street, Honolulu, Hawaii 96817

hereinafter called "LESSEE."

W I T N E S S E T H:

WHEREAS, under section 204(a)(2) of the Hawaiian Homes Commission Act of 1920, as amended ("Act"), and section 10-4-1 of the Hawaii Administrative Rules, as amended, the Department of Hawaiian Home Lands, as LESSOR, is authorized to dispose of available lands not required for leasing to native Hawaiians under section 207(a) of the Act by lease on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands pursuant to Chapter 171, Hawaii Revised Statutes ("HRS"); and

WHEREAS, the LESSOR has determined that the land described below is not immediately needed for leasing to native Hawaiians; and

WHEREAS, pursuant to section 171-95, HRS, the LESSOR may lease lands by direct negotiation, and without recourse to public auction, to government agencies for terms up to, but not in excess of 65 years, at such rental and on such other terms and conditions as the Hawaiian Homes Commission ("Commission") may determine; and

WHEREAS, the LESSEE has requested a lease of Hawaiian home lands in Waianae, island of Oahu to construct and operate a transitional housing project and community center, in furtherance of Governor Linda Lingle's emergency proclamation to assist with the current homeless situation on the Leeward coast; and

WHEREAS, the LESSOR has determined that leasing this land to the LESSEE will assist the LESSEE in effectuating its purpose, and be of benefit to the LESSOR'S beneficiaries; and

WHEREAS, the LESSOR has determined that this lease satisfies the requirements of the Act.

NOW THEREFORE, in consideration of the terms, covenants and conditions herein contained, all on the part of the LESSEE to be kept, observed and performed, does lease to the LESSEE, and the LESSEE does lease from the LESSOR, the premises located at Waianae, island of Oahu, Hawaii, Tax Map Key No. (1) 8-7-10:07 (portion), comprising of approximately six (6) acres of Hawaiian Home Lands, shown on the map marked Exhibit "A," attached hereto and made a part hereof ("Premises"), and to the following reserved rights:

(1) Minerals and waters.

a. All minerals as hereinafter defined, in, on, or under the Premises, and the right, on its own behalf or through persons authorized by it, to prospect for, mine and remove such minerals and to occupy and use so much of the surface of the ground as may be required for all purposes reasonably extending to the mining and removal of such minerals by any means whatsoever, including strip mining. "Minerals," as used herein, shall mean any or all oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid, gaseous or liquid, including all geothermal resources, in, on, or under any land, fast or submerged; provided, that "minerals" shall not include sand, gravel, rock or other material suitable for use and when used in road construction in furtherance of the LESSEE'S permitted activities on the demised Premises and not for sale to others.

b. All surface waters, ground waters, and water systems, appurtenant to the Premises and the right on its own behalf or through persons authorized by it, to capture, divert or impound the same and to occupy and use so much of the demised Premises as may be required in the exercise of this right reserved.

c. As a condition precedent to the exercise by the LESSOR of any rights reserved in this paragraph 1, just compensation shall be paid to the LESSEE for any of the LESSEE'S improvements taken which amount is to be determined in the manner set forth in paragraph 3.

(2) Prehistoric and historic remains. All prehistoric and historic remains, including without limitation places, objects or specimens, if any, which may be on the Premises, together with the right at all times to enter the Premises for the purpose of

searching, exploring for and conducting research on objects, antiquities and specimens, of Hawaiian or other ancient art or handicraft or prehistoric, historic or archeological interest, and removing the same for preservation.

(3) Withdrawal. The right to withdraw all or any portion of the Premises for any public purpose (including but not limited to agricultural park development), and also reserves the right to withdraw any portion of the demised Premises for other than a public use, which demised Premises shall, at the time of withdrawal, constitute an economic unit, provided, that, the portion not withdrawn shall also be an economic unit. The right to withdraw reserved under this paragraph 3 shall be exercised only after a minimum one (1) years prior written notice is given to the LESSEE. The LESSEE will be entitled to compensation for those improvements made by the LESSEE on any portion of the premises withdrawn which have been approved by the LESSOR in an amount equal to the proportionate value of the LESSEE'S improvements so withdrawn in the proportion that it bears to the unexpired term of the lease; provided, that the LESSEE may, in the alternative, remove or relocate its improvements to the remainder of the demised Premises occupied by the LESSEE.

TO HAVE AND TO HOLD the same, together with all improvements, rights, easements, privileges and appurtenances belonging or appertaining to the LESSEE for the terms as defined below, unless the term shall be sooner terminated as provided in this lease, the LESSEE yielding and paying therefore all taxes, rates, assessments, and other charges hereunder payable by the LESSEE during the term as provided in the lease, on the following terms and conditions:

1. Term. The term of this lease shall be for ten (10) years, commencing on the 16<sup>th</sup> day of October 2008\_\_\_\_\_ up to and including the 15<sup>th</sup> day of October 2018\_\_\_\_\_, unless sooner terminated as hereinafter provided. This start date may change relative to the date that LESSOR receives ownership to the subject property. In the event of changes the end date will change accordingly to provide for a period of ten (10) years. Prior to the expiration of this lease, the parties may extend the lease period by mutual written agreement.

2. Rent. The rent for the entire term of this lease shall be gratis.

3. Use. The LESSEE shall use the Premises for the 80-unit "Villages of Maili" transitional housing and community center project.

4. Quiet enjoyment. The LESSOR covenants and agrees with the LESSEE that, upon the LESSEE's observance and performance of the required terms, covenants and conditions contained in this lease, the LESSEE shall and may have, hold, possess and enjoy the Premises for the term of the lease, without hindrance or interruption by the LESSOR or any other person or persons lawfully claiming by, through or under it.

5. Utility services. The LESSEE shall pay, or cause to be paid, all charges, duties, rates and, other outgoings of every description, including water, sewer, gas, refuse collection, relocation of utility poles and lines or any other charges, as to which the Premises or any part, or any improvements, or the LESSOR or the LESSEE may become liable for during the term, whether assessed to or payable by the LESSOR or the LESSEE.

6. Issuance and relocation of utility easements. (a) The LESSEE may request an easement for utility purposes or relocation of an existing utility easement, and, if so approved by the LESSOR, the LESSEE shall pay all costs related to the issuance and installation of a new utility easement or relocation of an existing utility easement. (b) The LESSOR may issue utility easements or relocate existing utility easements without the LESSEE'S approval, provided that the issuance or relocation thereof does not unreasonably interfere with the LESSEE'S use of the Premises. In such event, the LESSOR shall pay for all costs related to the issuance and installation of a new utility easement or relocation of an existing easement, unless the issuance or relocation is done at the request of a utility company, in which case the utility company shall pay all related costs.

7. Sanitation, etc. The LESSEE shall keep the premises and improvements in a strictly clean, sanitary and orderly condition.

8. Waste and unlawful, improper or offensive use of premises. The LESSEE shall not strip or commit, suffer or permit to be committed any waste, nuisance, strip or unlawful, improper or offensive use of the Premises, or any part thereof, nor, without the prior written consent of the LESSOR, cut down, remove or destroy, or suffer to be cut down, removed or destroyed, any trees now growing on the premises.

9. Compliance with laws. The LESSEE shall, if applicable, comply with the requirements of any municipal, state and federal authorities and observe all municipal ordinances and state and federal statutes applicable to the premises.

10. Inspection of premises. The LESSEE will permit the LESSOR and its agents, at all reasonable times so as to cause as little interference with the LESSEE'S use of the Premises as is reasonably possible, to enter into and upon the Premises to inspect and examine the same and determine the state of repair and condition thereof, including, without limitation, the right to inspect the LESSEE'S records regarding compliance with all applicable rules and regulations.

11. Lessor's approval of improvements. The LESSEE shall not at any time during the term construct, place, maintain and install on the Premises any building, structure or improvement of any kind and description except with the prior written consent of the LESSOR and upon those conditions the LESSOR may impose, unless otherwise provided in the lease. The LESSEE may make nonstructural alterations not exceeding Twenty-Five Thousand Dollars (\$25,000.00) in cumulative costs per alteration during the term of this lease without the LESSOR'S consent. The LESSEE shall own these improvements until the expiration or termination pursuant to a breach of the lease, at which time the ownership shall automatically vest in the LESSOR.

12. Repairs to improvements. The LESSEE shall, at its own expense, keep, repair and maintain all buildings and other improvements now existing or hereafter constructed or installed on the Premises in good order, condition and repair, reasonable wear and tear excepted.

13. Assignments, etc. The LESSEE shall not transfer or assign this lease or any interest, either voluntarily or by operation of law; any unauthorized transfer or assignment shall be null and void; provided that, with the prior written approval of the LESSOR, the assignment and transfer of this lease or any portion thereof may be made if it is to the governmental or corporate successor of the LESSEE

14. Subletting. The LESSEE shall not rent or sublet the whole, or any part of, the Premises except to other non-profit organizations sharing common goals and serving similar functions as the LESSEE, and with the prior written approval of LESSOR.

If this paragraph is violated, the LESSEE shall relinquish all sublease rents collected from the Premises.

15. Termination. At the end of, or at earlier termination of this lease, the LESSEE shall peaceably deliver unto the LESSOR possession of the Premises, together with all buildings and other improvements of whatever nature or name, now or hereafter erected or placed upon same, in good order and condition, reasonable wear and tear excepted. Furthermore, should the LESSEE, upon the



expiration, termination, and/or revocation of this lease, fail to remove any and all of its personal property from the Premises, after notice thereof, the LESSOR may remove any and all personal property from the Premises and either deem the property abandoned and dispose of the property or place the property in storage at the cost and expense of the LESSEE, and the LESSEE does agree to pay all costs and expenses for the disposal, removal, and/or storage of the personal property.

16. Non-warranty. The LESSOR does not warrant the conditions of the Premises, as the same is leased "as is."

17. Abandonment by Lessee. The LESSEE agrees that, should the LESSEE breach this lease and abandon the premises, this lease shall continue in effect so long as the LESSOR does not terminate the lease or the LESSEE'S right to possession. The LESSOR may enforce all of its rights and remedies under this lease. Further, the LESSOR need not mitigate its damages in the event the LESSEE abandons the Premises and the LESSEE hereby expressly agrees to make the LESSOR whole in accordance with the terms of this lease.

18. Hazardous Materials Claims. The LESSEE shall immediately advise the LESSOR in writing of:

a) Any and all actual, alleged or threatened discharge, dispersal, release, escape, disposal or presence of pollutants or Hazardous Materials on, under or about the Premises, except such discharge, release or presence done in strict compliance with all applicable Hazardous Materials Laws and used by The LESSEE on the Premises in connection with the uses permitted by this lease.

b) Any and all enforcement, clean up, removal, mitigation, remediation or other governmental or regulatory actions instituted, contemplated or threatened pursuant to any Hazardous Materials Laws affecting the premises;

c) Any and all written claims made or threatened by any third party against the LESSEE or the Premises relating to damage, contribution, cost recovery, compensation, loss or injury resulting from any Hazardous Materials (the matters set forth in clauses (a) , (b) and (c) above are hereinafter referred to as "Hazardous Materials Claims"); and

d) The LESSEE'S discovery of any occurrence or condition on the Premises which could subject the LESSEE, LESSOR or the Premises to any restrictions on ownership, occupancy, transferability or use of the Premises under any Hazardous Materials Laws.

All Hazardous Material Claims shall be promptly investigated, and, if appropriate, remediated by an environmental consultant selected by the LESSEE and approved by the LESSOR, who shall perform all investigations, sampling and tests to the reasonable satisfaction of the LESSOR. The LESSOR shall have the right to join and participate in, as a party if it so elects, any settlements, remedial actions, legal proceedings or actions initiated in connection with any Hazardous Materials Claims. The LESSOR may participate in the investigation either directly or through one or more designated agents, employees, consultants or contractors, and shall have access to all information, raw data, opinions and test results generated by the investigation. With respect to any liability or potential liability under this Section 25 (Hazardous Materials), the LESSEE shall be responsible for damages and injury to the extent that the LESSEE's liability for such damage or injury has been determined by a court or otherwise agreed to by the LESSEE. The LESSEE shall pay for such damage or injury to the extent permitted by law and, provided that funds are appropriated, allotted or otherwise properly made available for that purpose. The LESSEE shall require the Developer, the Sub-lessee, any other sub-lessees, (except if such sub-lessee is the LESSEE or other State of Hawai'i government entities) to be responsible for any loss, damage, cost, expense, lien or liability directly or indirectly arising out of or attributable to the use, generation, manufacture, treatment, handling, refining, production, processing, storage, release, threatened release, discharge, disposal or presence of Hazardous Materials, on, under or about the Premises by or through the LESSEE, Developer, and/or Sub-lessee, including without limitation the costs of any required or necessary repair, cleanup or detoxification of the Premises, and the preparation and implementation of any closure, remedial or other required plans.

19. Dispute Resolution. Except as otherwise expressly provided in this Lease, all disputes between the LESSOR and the LESSEE under this lease shall be subject to the provisions of c7 we this paragraph ~~19~~.19.

a) Notice. The party seeking relief or resolution of any dispute under this lease shall deliver to the other a written notice of the dispute, which notice shall provide a detailed explanation of the alleged dispute or matter for resolution ("Dispute Notice"). Following the delivery and receipt of the Dispute Notice, the parties shall attempt, in good faith, to resolve such dispute.

b) Submission to the Commission Chairman and Chairman of the HPHA Board of Directors. If, after the fifteenth (15<sup>th</sup>) calendar day following the delivery of the Dispute Notice, the parties have not been able to resolve the dispute which is the

subject of the Dispute Notice, either party may request, in writing, a meeting between the Commission Chairman and the Chairman of the HPHA Board of Directors ("HPHA Chairman"). Within 48 hours following the receipt of said request, the parties shall schedule a meeting between the Commission Chairman and the HPHA Chairman, or their designees, which meeting shall take place as soon as practicable, but not later than 30 days following the request for such meeting.

(1) Presentations. At such meeting, the LESSOR and the LESSEE shall present their opinions with respect to the subject matter of the disputes and the cause of the said dispute for resolution to the Commission Chairman and the HPHA Chairman (or their designees) and respond to questions.

(2) Decision. The Commission Chairman and the HPHA Chairman (or their designees) shall thereupon render a decision with regard to the dispute.

c) Governor's Decision. Should the Commission Chairman and the HPHA Chairman, or their designees, fail to agree, the matter will be submitted to the Governor for resolution.

d) Decision Binding. A decision or resolution of any dispute in the manner set forth in this paragraph 19 shall be binding on the LESSOR and the LESSEE. The decision of the Governor shall constitute a final determination of the matter, and shall not be appealable or otherwise subject to court challenge.

20. Hawaii Law. This lease shall be construed, interpreted, and governed by the laws of the State of Hawaii.

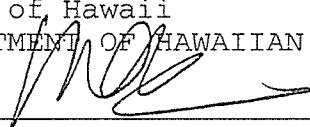
21. Exhibits - Incorporation in Lease. All exhibits referred to are attached to this lease and are deemed incorporated by reference.

22. Partial invalidity. If any term, provision, covenant or condition of this lease should be held to be invalid, void or unenforceable, the remainder of this lease shall continue in full force and effect and shall in no way be affected, impaired or invalidated thereby.

23. Special Conditions. Upon termination of the lease, all on-site building improvements shall revert to the LESSOR, free and clear of all liens and defects.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

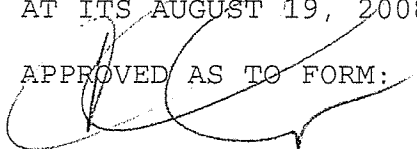
State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

By   
Micah A. Kane, Chairman  
Hawaiian Homes Commission

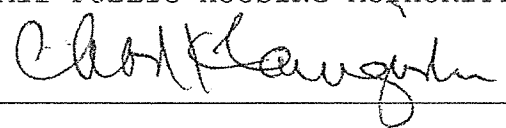
LESSOR

APPROVED BY THE HAWAIIAN HOMES COMMISSION  
AT ITS AUGUST 19, 2008 MEETING

APPROVED AS TO FORM:

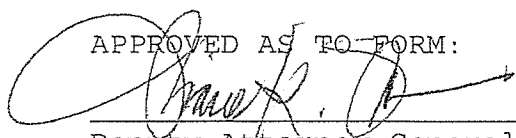
  
Deputy Attorney General  
State of Hawaii

State of Hawaii  
DEPARTMENT OF HUMAN SERVICES  
HAWAII PUBLIC HOUSING AUTHORITY

By   
Charles K. Laing

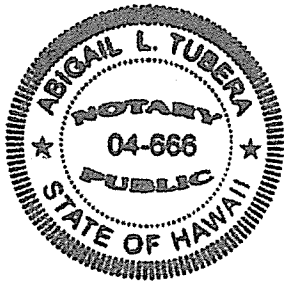
LESSEE

APPROVED AS TO FORM:

  
Deputy Attorney General  
State of Hawaii

STATE OF HAWAII )  
 ) ss:  
CITY AND COUNTY OF HONOLULU )

On this 18th day of November, 2008, before me appeared MICAH A. KANE, to me personally known, who, being by me duly sworn, did say that he is the Chairman of the Hawaiian Homes Commission and the person who executed the foregoing instrument and acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set forth.



Abigail L. Tubera  
Notary Public, State of Hawaii

**ABIGAIL L. TUBERA**

Print Name of Notary Public

My commission expires: 11/20/12

Doc. Date: 11/18/08 # Pages: 12

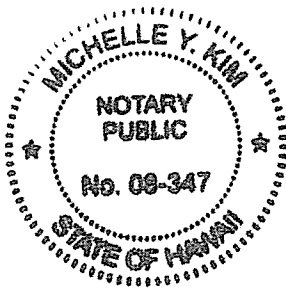
Notary Name: Abigail L. Tubera First Circuit

Doc. Description: GL 283 between  
DHHL + HI Public Hsg. Authority

Abigail L. Tubera 11/18/08  
Notary Signature Date

STATE OF HAWAII )  
 ) SS  
CITY AND COUNTY OF HONOLULU )

On this 18<sup>th</sup> day of December, 2008 before me appeared Chad K. Taniguchi to me personally known, who being by me duly sworn, did say that he is the Executive Director of the Hawaii Public Housing Authority and signed on behalf of the corporation by authority of its Board of Directors, and the officer acknowledged the instrument to be the free act and deed of the corporation.



*Michelle Y. Kim*

Michelle Y. Kim

Notary Public, State of Hawaii

My commission expires: 8/24/12

Doc. Date: TBD # Pages: 12  
Michelle Y. Kim First Circuit  
Doc. Description: general lease NO. 283  
between DHHL & HDHA  
TIN: (1) 8-7-10:007  
Michelle Y. Kim 12/18/08  
Notary Signature Date  
My Commission Expires: 8/24/12

NOTARY CERTIFICATION

200  
(200)

FIRST DIVISION

ZONE	SEC	PLAT
8	7	10

EXHIBIT "A"

6/12/20

DAVID Y. IGE  
GOVERNOR  
STATE OF HAWAII

SHAN S. TSUTSUI  
LT. GOVERNOR  
STATE OF HAWAII



JOBIE M. K. MASAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM J. AILA, JR.  
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879  
HONOLULU, HAWAII 96805

January 4, 2018

To: Hakim Ouansafi, Executive Director  
Hawaii Public Housing Authority

From: Jobie M. K. Masagatani, Chairman *masagatani*  
Hawaiian Homes Commission

Subject: Ulu Ke Kukui Transitional Housing and Community Center  
General Lease No. 283, Waianae, Oahu, TMK (1) 8-7-10: 007 (por.)

General Lease No. 283 was issued to Hawaii Public Housing Authority to construct and operate a transitional housing project and community center on an approximately six-acre portion of Hawaiian Home Lands in Waianae, Oahu. The lease expires on November 24, 2018, but contains a provision for extension of the term by mutual written agreement.

Department of Human Services, Homeless Program Office contracted with Alternative Structures International (ASI) to operate the site as a Transitional Housing Program, known as Ulu Ke Kukui, for homeless families with minor dependent children. ASI has informed us "that the State Homeless Program's Office seems to prefer that DHHL lease directly to ASI. ... This means that it would not be an extension with HPHA/HPO, but directly with ASI."

Since the lease was issued pursuant to section 171-95, Hawaii Revised Statutes which authorizes the leasing of State lands by direct negotiation, and without recourse to public auction, to government agencies, a transfer and extension to a non-government entity would not be permissible.

Please confirm that Hawaii Public Housing Authority does not intend to request an extension of the lease term.

Should you have any questions, please contact me at 620-9501, or your staff may call Darrell Ing, Project Manager at 620-9276.

c: Alternative Structures International

**Exhibit "B"**  
**Item No. F-2**



DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawai'i 96809-0339

May 3, 2018

Ms. Jobie M.K. Masagatani  
Chair  
Department of Hawaiian Home Lands  
94-230 Leokane Street  
Waipahu, HI 96797

Dear Chair Masagatani:

I am writing in regard to General Lease No. 283, which was issued to the Hawaii Public Housing Authority ("HPHA") to construct and operate a transitional shelter project and community center on Hawaiian Home Lands in Waianae, Oahu, located at Tax Map Key (1) 8-7-10:007.

HPHA has requested the input of the Department of Human Services ("DHS") in regard to a potential extension of the lease agreement with the Department of Hawaiian Home Lands ("DHHL"), which is set to expire on November 24, 2018. DHS currently contracts for homeless services at this location.

After consultation with the DHS Homeless Programs Office, DHS agrees to a three-year extension of the lease, not to exceed November 24, 2021. If you have any questions regarding this letter or DHS homeless services at this location, please contact Harold Brackeen III, Homeless Programs Office Administrator, at (808) 586-7072.

Sincerely,

A handwritten signature in blue ink that reads "Pankaj Bhanot".

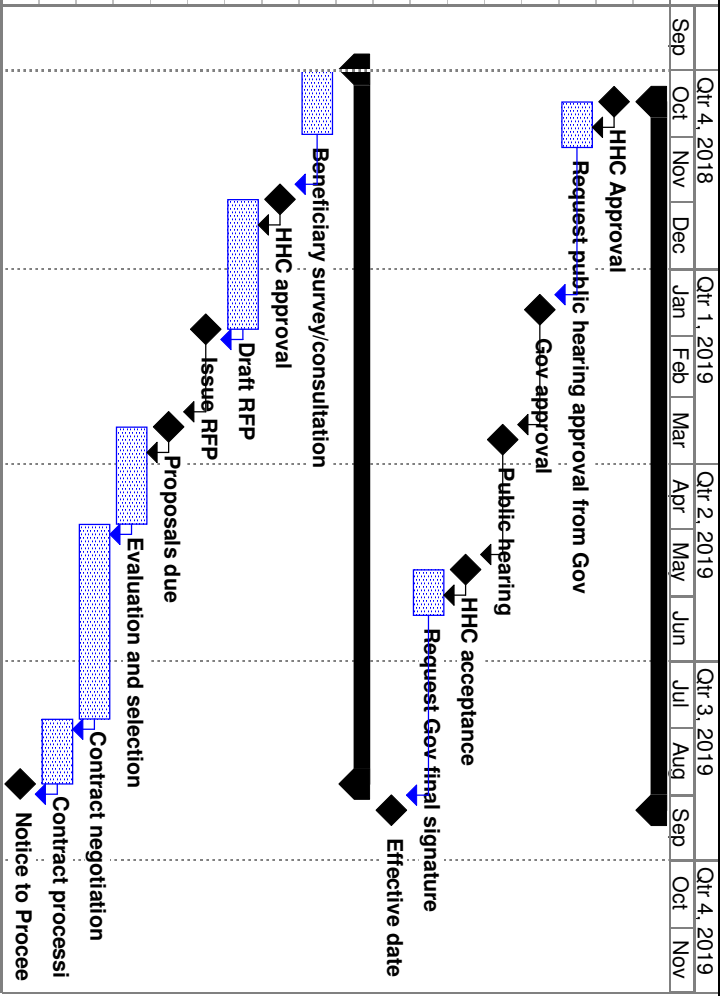
Pankaj Bhanot  
Director

c: Hawaii Public Housing Authority

AN EQUAL OPPORTUNITY AGENCY

**Exhibit "C"**  
**Item No. F-2**

ID	Task Name	Duration	Predecessors	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1	<b>Multi-family Administrative Rules</b>	<b>234 days</b>																
2	HHC Approval	0 days																
3	Request public hearing approval from (	21 edays	2															
4	Gov approval	0 edays	3FS+75 edays															
5	Public hearing	0 days	4FS+60 edays															
6	HHC acceptance	0 days	5FS+60 edays															
7	Request Gov final signature	21 edays	6															
8	Effective date	0 days	7FS+90 edays															
9	<b>Request for Proposals</b>	<b>236 days</b>																
10	Beneficiary survey/consultation	30 edays																
11	HHC approval	0 days	10FS+30 edays															
12	Draft RFP	60 edays	11															
13	Issue RFP	0 days	12															
14	Proposals due	0 days	13FS+45 edays															
15	Evaluation and selection	45 edays	14															
16	Contract negotiation	90 edays	15															
17	Contract processing	30 edays	16															
18	Notice to Proceed	0 days	17															




Project: Ulu Ke Kukui 2 Date: Mon 10/1/18	Task Split Progress	Milestone Summary Project Summary	External Tasks External Milestone Deadline	Exhibit "D" Item No. F-2
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STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission

From: Peter “Kahana” Albinio, Jr., Acting Administrator  
Land Management Division 

Subject: Approval of Annual Renewal of Right of Entry Permits, Maui Island

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) approve the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Maui Island Right of Entry Permits issued to Beneficiary Homestead Organizations as listed on Exhibit “A” and identified by approximate location on the Maui Island Map Exhibit “A-1” that are in compliance and issued temporary approvals, as of October 1, 2018.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than September 30, 2019 or at the next scheduled HHC meeting on Maui island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Maui Island ROE permit(s) only, issued to Beneficiary Homestead Organizations which expired on September 30, 2018. As a means of maintaining a process by which PERMITEE’S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit “A” references all Right of Entry Permits on Maui Island by order of commencement date, landuse, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL’s respective island plans. DHHL’s total Maui Island land inventory covers approximately 31,000 acres<sup>1</sup> or 15% of DHHL’s statewide inventory. The

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<sup>1</sup> DHHL Maui Island Plan –PBR Hawaii, September 2004

short-term disposition(s) issued to Beneficiary Homestead Organizations within the Maui Island inventory cover approximately 73.0 acres or .002% of its inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant. Permittee's are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permits on Maui Island, which is approximately 1.0% (\$29,909) of the ROE total revenues (\$2,803,945) that DHHL received statewide for FY 2018. For FY 2019 Maui Island will hold 3 of the 142 ROE permits Statewide. These permittees fall under a variety of land use purposes with the most being community use. .

<b>FY 2018</b>		<b>Total</b>	<b>FY 2019</b>		<b>Total</b>
Agriculture	\$3,690	1	Agriculture	\$0	-
Caretaker	\$0	-	Caretaker	\$0	-
Commercial	\$0	-	Commercial	\$0	-
Community	\$720	3	Community	\$720	3
Industrial	\$3,501	1	Industrial	<b>\$0</b>	-
Office	\$0	-	Office	\$0	-
Pastoral	\$21,998	3	Pastoral	\$0	-
Preservation	\$0	-	Preservation	\$0	-
Recreation	\$0	-	Recreation	\$0	-
Research	\$0	-	Research	\$0	-
Stabling	\$0	-	Stabling	\$0	-
	\$29,909	8		\$720	3

For FY 2019, renewals for the 3 Right of Entry Permits located Maui Island will total an annual rent revenue of \$720 as referenced in the table above. The total rent received from Maui Island ROE's will see a decrease of approximately \$29,189, due to the non-renewal of 5 non-beneficiary ROE Permits.

#### **AUTHORITY / LEGAL REFERENCE:**

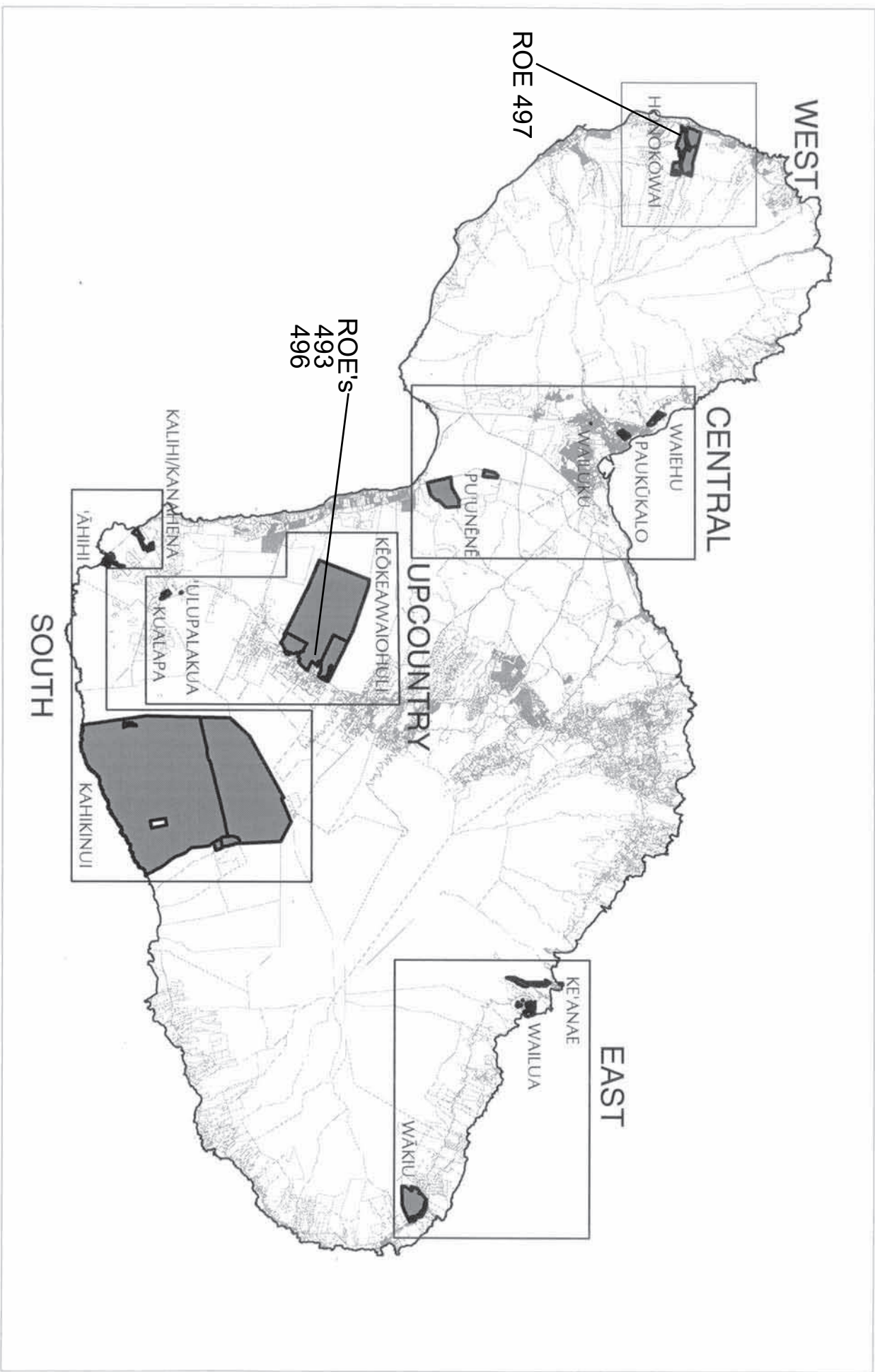
§171-55, Hawaii Revised Statutes, as amended, a "permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one year periods."

#### **RECOMMENDATION:**

Land Management Division respectfully requests approval of the motion as stated.

**RIGHT OF ENTRY PERMITS**

<b>TYPE</b>	<b>ISLAND</b>	<b>ACRE</b>	<b>NO.</b>	<b>USE</b>	<b>PERMITTEE/ADDRESS</b>	<b>LOCATION</b>	<b>TMK</b>	<b>Date Started</b>	<b>Current Fees, All Right of Entry Permits</b>
ROE	MAUI	6.820	493	Community	Waiohuli Hawaiian Homesteaders Assoc., Inc., P. O. Box 698,	Kula	<del>(2) 2-2-002:056(P)</del> (2) 2-2-027:051(P) (2) 2-2-027:154(b)	10/1/2005	\$240
ROE	MAUI	69.000	496	Community	Keokea Homestead Farm Lot Association, P. O. Box 748, Kula, hawaii 96790	Keokea	(2) 2-2-002:055	2/8/2010	\$240
ROE	MAUI	3.000	497	Community	Village of Lei Alii Assn., 124 Aupuni Street, Lahaina, Hawaii 96761	Leialii	(2) 4-5-021:020 (P)	4/1/2013	\$240
<b>TOTAL</b>	<b>3</b>	<b>78.820</b>							<b>\$720</b>



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15 &16, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Kahana Albinio, Acting Land Management Division  
SUBJECT: F-4 Update on Revocable Permit/Right of Entry Program Reforms

*RELEVANT MATERIAL WILL BE DISTRIBUTED AT THE TABLE.*

ITEM NO. F-4

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15 &16, 2018

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Kahana Albinio, Acting Land Management Division Administrator

SUBJECT: F-5 For Information Only - Status of DHHL Solicitation for Renewable Energy Projects in Response to the Hawaiian Electric Companies' Request for Proposals; Kalaeloa, Island of Oahu, TMK No. (1) 9-1-013:038, 040, 117 & 118; Kahikinui, Island of Maui, TMK No.: (2) 1-9-001:003 (portion); and Kalaoa, Island of Hawaii, TMK No.: (3) 7-3-010:007(portion)

*RELEVANT MATERIAL WILL BE DISTRIBUTED AT THE TABLE.*

ITEM NO. F-5



DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

October 15 & 16, 2018

Paukukalo, Maui

G-ITEMS  
**PLANNING PROGRAM DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission

Through: Kaleo Manuel, Acting Planning Program Manager

From: Lehua Kinilau-Cano, HHL Legislative Analyst

Subject: Approval of 2019 Legislative Proposal

RECOMMENDED ACTION/MOTION:

That the Hawaiian Homes Commission approve the legislative proposal to be recommended for inclusion in the Administration's legislative package for the 2019 Regular Session.

DISCUSSION

The Department of Hawaiian Home Lands has prepared a draft legislative proposal to be recommended for inclusion in the next Administration's legislative package. The draft legislative proposal, upon submission, will be under review by the Department of the Attorney General, the Department of Budget & Finance, and the Governor. The proposal is pending final approval and no proposal is considered part of the package until final approval is granted. In this phase of the review process, the department may amend or withdraw the measure.

As explained at last month's commission meeting the department solicited recommendations for legislative proposals and received 7 proposals. Here is a summary of the proposals:

Issue	#	Result
Lower BQ for successorship	3	Legislation enacted, Congressional consent required
Reduce blood quantum	1	More review
Allow individuals from Wailuanui to lease lands in Wailuanui	1	Legislation not required
Sale/transfer of homestead properties	1	Review in accordance with Act 179 (2018)
Transparent/Living list	1	Legislation not required
Funding for community park	1	Budget
Funding for NSW equipment	1	Budget

In addition to considering the responses received, a review of prior legislative proposals was also completed. As a result of this review and the responses received, the summary of the draft legislative proposal is presented below and the actual draft of the bill and justification sheet is enclosed in Exhibit 'A'.

PROPOSAL SUMMARY

*Proposal HHL-01(19)*

*RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS*

This proposal makes permanent Act 141, Session Laws of Hawaii 2009, which requires the county to issue affordable housing credits to the Department of Hawaiian Home Lands and Act 98, Session Laws of Hawaii 2012, which requires the counties to issue affordable housing credits for each residential unit developed by the Department of Hawaiian Home Lands.

Making permanent the affordable housing credit program will allow the department to continue to provide incentive to private sector developers to build affordable homes on Hawaiian home lands. Since Act 141 was enacted in 2009, the department has worked with each county to request and acquire affordable housing credits for completed units in homestead communities. This pilot program has resulted in successful private-public partnerships through the exchange of credits creating resources for the department to further develop homestead lots.

RECOMMENDED ACTION/MOTION:

Staff respectfully requests approval of the motion as recommended.

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.

PURPOSE: Repeals the July 1, 2019, sunset of Act 141, Session Laws of Hawaii 2009, and the July 1, 2019, sunset of Act 98, Session Laws of Hawaii 2012, to make a pilot affordable housing credit program permanent.

MEANS: Amend section 3 of Act 141, Session Laws of Hawaii 2009, and section 3 of Act 98, Session Laws of Hawaii 2012.

JUSTIFICATION: Making permanent the affordable housing credit program will allow the department to continue to provide incentive to private sector developers to build affordable homes on Hawaiian home lands. Since Act 141 was enacted in 2009, the department has worked with each county to request and acquire affordable housing credits for completed units in homestead communities. This pilot program has resulted in successful private-public partnerships through the exchange of credits creating resources for the department to further develop homestead lots.

Impact on the public: There is a positive impact on the public as this proposal helps ensure that the department will have resources for programs for native Hawaiian lessees and applicants, including the development of homestead lots, loans, and other rehabilitation programs.

Impact on the department and other agencies: This proposal allows the department to continue to access needed resources to

HHL-01(19)

HHC ITEM NO. G-1  
Exhibit A

support its programs without requiring any  
general funds.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 602.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: June 30, 2019.

HHL-01(19)

HHC ITEM NO. G-1  
Exhibit A

\_\_\_\_.B. NO. \_\_\_\_\_

---

# A BILL FOR AN ACT

RELATING TO AFFORDABLE HOUSING ON HAWAIIAN HOME LANDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Act 141, Session Laws of Hawaii 2009, is  
2 amended by amending section 3 to read as follows:

3       "SECTION 3. This Act shall take effect on July 1, 2009[+  
4 ~~provided that on July 1, 2019, this Act shall be repealed and~~  
5 ~~section 46-15.1, Hawaii Revised Statutes, shall be reenacted in~~  
6 ~~the form in which it read on the day before the approval of this~~  
7 ~~Act]."~~

8       SECTION 2. Act 98, Session Laws of Hawaii 2012, is amended  
9 by amending section 3 to read as follows:

10       "SECTION 3. This Act shall take effect upon its approval  
11 [~~, and shall be repealed on July 1, 2019; provided that section~~  
12 ~~46-15.1, Hawaii Revised Statutes, shall be reenacted pursuant to~~  
13 ~~section 3 of Act 141, Session Laws of Hawaii 2009, and section~~  
14 ~~23 of Act 96, Session Laws of Hawaii 2014]."~~

15       SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17       SECTION 4. This Act shall take effect on June 30, 2019.

HHL-01(19)

HHC ITEM NO. G-1  
Exhibit A

\_\_\_\_.B. NO.\_\_\_\_

1

2

3

INTRODUCED BY: \_\_\_\_\_

4

BY REQUEST

HHL-01(19)

HHC ITEM NO. G-1  
Exhibit A

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

Hawaiian Home Lands; Affordable Housing Credits

**Description:**

Makes permanent Act 141, Sessions Laws of Hawaii 2009, which requires the county to issue affordable housing credits to the Department of Hawaiian Home Lands. Makes permanent Act 98, Session Laws of Hawaii 2012, which requires the counties to issue affordable housing credits for each residential unit developed by the Department of Hawaiian Home Lands.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

HHL-01(19)

HHC ITEM NO. G-1  
Exhibit A



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission  
Through: M. Kaleo Manuel, Acting Planning Program Manager  
From: Nancy M. McPherson, HHL Planner *Nancy M. McPherson*  
Subject: Declare a Finding of No Significant Impact (FONSI)  
for a Final Environmental Assessment (Final EA),  
Proposed Ho'olehua Veterans and Homestead Residents'  
Community Center, Ho'olehua, Kona, Molokai,  
TMK (2)5-2-015:053 (portion)

Recommended Action

That the Hawaiian Homes Commission (HHC) declare a Finding of No Significant Impact (FONSI) based on the information provided in the Final Environmental Assessment (FEA) for the Ho'olehua Veterans and Homestead Residents' Community Center project.

Discussion

BACKGROUND

DHHL proposes to plan, design and construct the Ho'olehua Veterans and Homestead Residents' Community Center project on a 1.07 acre portion of land within a 5.6 acre parcel located on Farrington Avenue, north of the existing Ho'olehua Lanikeha Community Center, east of the Ho'olehua residential homestead subdivision, and west of the Molokai High and Middle School and Ho'olehua Fire Station, in Ho'olehua, Kona, Molokai. See Exhibit 'A', "Final Environmental Assessment, Figure 1.1, "Project Location" on page 1-3 and Figure 2.1, "Ho'olehua Ahupua'a" on page 2-2.

The original Molokai Recreation Center, a multi-purpose, four-story structure built in 1976 that for a time housed the DHHL Molokai District Office, a youth center, and space for public service providers and community activities, was located against the hillside on the northern end of the field, but was demolished in 2000 and replaced with the Ho'olehua Community Center (aka Lanikeha Center) at the southern end of the field in 2001.

### *Need for the Project*

The proposed center is intended to replicate services provided to Molokai veterans by the current Molokai Veterans Caring for Veterans (MVCV) facility located in Kaunakakai, in a location that is closer to the Ho'olehua homestead area. Programs will include service provision by Veterans Affairs (VA) counselors; federal, state and independent counselors; a VA local doctor, vision care, everyday support groups and use of a kitchen.

The Molokai Veterans Caring for Veterans organization had requested CIP funds to complete their existing facility in Kaunakakai. The State Department of Defense (DoD) could only accept the CIP monies if it held title to the existing site. Additional CIP monies (\$4 million total) were allocated specifically to build a new center in Ho'olehua, but DoD did not have available lands to construct, so DHHL agreed to accept the funds from DoD and build the center on Hawaiian home lands.

DHHL has contracted the planning and design firm Group70 (G70) to design the new center to meet the needs of the veterans and homestead residents in the surrounding area. Because community use-designated lands are being used, DHHL must ensure that the facility is also able to serve beneficiaries, therefore the new facility is proposed to be a dual-use center. The funding secured through legislation will expire unless encumbered into a construction contract by June 30, 2020.

### *Need for Environmental Review*

The project is an agency action predominantly funded by Capital Improvement Project funds granted by the Hawai'i State Legislature. The use of State lands and State funds are triggers for the preparation of an Environmental Assessment (EA) pursuant to Chapter 343, Hawai'i Revised Statutes (HRS), and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR). DHHL is both the proposing and approving agency, with the HHC making the final determination as to EA acceptability and analysis of significance.

### PROJECT DESCRIPTION

The proposed project consists of building a new community facility north of the Lanikeha Center just west of the old Molokai Recreation Center site. The new 7,000 square foot building is designed to serve both the veterans' and residents' needs by providing health, medical and social

services and spaces for community gatherings and food preparation, as well as serve as a relief shelter during natural disasters.

The modular building consists of the following major components: (See Exhibit 'A', Final EA, Ch. 2.3, Project Scope)

- meeting/display room
- classroom
- four offices
- kitchen
- restrooms
- covered outdoor gathering space
- storage rooms
- rooftop solar photovoltaic panels

Project cost estimates:

- Environmental review compliance, survey, design, and permitting: \$505,000
- Construction (without IWS): \$5,756,224

Total estimated cost of the project: \$6,261,224.

In order to meet project, budget and construction schedule requirements, a single story customized modular structure will be built that will reflect Molokai's architectural character, using materials and colors which blend with the landscape, and avoiding highly reflective materials.

The new facility will be accessed from Ke'ena Place and connect to the existing Lanikeha Center driveway, then follow a 22 foot wide access driveway to a small parking area sized to accommodate 20-50 users per day. It is anticipated that the new facility will be able to utilize existing infrastructure installed for the Lanikeha Center for its wastewater, water, and electrical demand.

#### DRAFT ENVIRONMENTAL ASSESSMENT

An informational meeting with beneficiaries regarding the HVHRCC project was held on Molokai on September 5, 2017. Comments were recorded and analyzed by the Planning Office and consultants and incorporated into project planning and design. Early consultation in preparation of the draft environmental assessment (DEA) for the project was initiated on November 13, 2017 and consisted of solicitation of comments from agencies

and individuals. Comments were accepted until shortly before the HHC Review DEA was reviewed by the Hawaiian Homes Commission at its regular meeting in June 2018. All comments were included in the DEA.

Based upon the facts presented and analysis completed in the DEA, and after review by the Hawaiian Homes Commission, Planning Office staff anticipated a finding of no significant impact (AFONSI) for the HVHRCC project. Per Hawaii Administrative Rules (HAR) 11-200-11, the DEA and AFONSI were published by the State Office of Environmental Quality Control (OEQC) in the "Environmental Notice" bulletin for a 30-day public review and comment period. The DEA was published in the Environmental Notice on July 23, 2018. Due to technical difficulties, the DEA was not posted to the DHHL website immediately, so the 30-day comment period was extended by seven working days, from August 22, 2018 to September 3, 2018.

The DEA described existing conditions and assesses the potential environmental and cultural impacts to the site as well as the surrounding area, based on the design and operation of the HVHRCC project. The site has been in community and recreational use for many decades and has been graded and filled over the years. Concerns of neighboring residents were taken into account in the siting and design of the facility. To the extent possible, existing infrastructure will be utilized to service the facility. In summary, the DEA found that the proposed project will have minimal impact on the surrounding environment.

The DEA also addressed the project's proposed uses for consistency with existing plans and applicable land use policies. The HVHRCC project was found to be generally consistent with existing State and County plans and applicable land use policies. It is a community facility designed to serve the surrounding, predominantly agricultural and rural residential homestead residents. In addition, the project is consistent with the DHHL General Plan's Land Use Planning goals "Utilize Hawaiian home lands for uses most appropriate to meet the needs and desires of the beneficiary population" and "Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents" as well as the Land and Natural Resource goal "Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands."

The DHHL Molokai Island Plan was approved by the HHC in June 2005. In that plan, the land use designation (LUD) assigned to the subject parcel is Community Use (See Exhibit 'B',

Ho'olehua-Pālā'au Land Use Designations map). Approximately 70 acres of land in the Ho'olehua-Pālā'au region has been designated for community use - 20 acres in Ho'olehua and 50 acres in the Mo'omomi area. The intent of the Community Use LUD is to provide common areas for community uses, such as spaces for parks & recreation, camping areas, meeting pavilions, cultural activities, community-based economic development (CBED), schools, social service centers, cemeteries and other public amenities.

#### *Final Environmental Assessment (Summary)*

Various government agencies at the federal, state, and county levels were asked to comment on the DEA (See Exhibit 'A', Final EA, Ch. 7, pages 7-1 to 7-4). Revisions to the DEA were made based on the comments received during the 30-day public comment period, which ran from July 23 to September 5, 2018. Changes based on responses to substantive comments received are reflected in the Final EA.

A summary of substantive comments received from agencies consulted during the public comment periods, and how those comments were addressed in the Final EA, are shown in the following table. A complete record of comments received and responses to those comments are included in Chapter 7 of the Final EA document.

Agency	Comment/Summary	Response to Comment
<b>State Agencies</b>		
Dept. of Health, Wastewater Branch	Will not allow new facility to connect to the Lanikeha Community Center individual wastewater system (considered non-compliant). DOH never received final construction inspection report from the engineering firm, therefore the existing septic system was not granted an approval to use.	DHHL acknowledges that the proposed connection site of the septic system is currently non-compliant. To date, attempts by DHHL to retrieve the final construction inspection report from the licensed engineering firm, Sato & Associates, Inc. have been unsuccessful. As an alternative, a new dedicated individual wastewater system will be planned for and constructed under & adjacent to the new Ho'olehua Veterans and Homestead Residents' Community Center parking lot.

Agency	Comment/Summary	Response to Comment
Dept. of Health, Maui District Office	Future developments on this property shall not exceed fifty single family residential lots.	The project does not involve the use of single family dwellings. It will provide a community center for veterans & homestead residents in Ho'olehua.
DBEDT, Office of Planning	State Land Use District Guidelines - Incorrect reference for quasi-public facilities. Veteran's center not permitted in Ag use, therefore should consult with Maui Planning Dept. for Special Permit requirements.	DHHL acknowledges that HRS §205-5(c)(7) was incorrectly cited. The sentence on page 5-27 of the DEA that includes this reference will be removed from the Final EA. Deferring to the Hawaiian Homes Commission Act(HHCA) §206, the Hawaiian Homes Commission is the authority that determines land use designations and governs allowable uses and activities within the parcel.
DBEDT, Office of Planning	Coastal Zone Management Program - clarification that all lands of the State are within the coastal zone management area.	DHHL acknowledges that the coastal zone management area includes "... all lands of the State..." as defined in HRS §205A-22 and HRS §205A-23. The sentence on page 5-28 of the DEA that notes otherwise will be removed from the Final EA.
<b>County Agencies</b>		
Co. of Maui, Police Dept.	Take proper precautions for construction material and equipment ingress and egress onto public roadways; construction dust and noise.	Proper precautions will be taken to address the ingress and egress of any construction materials or equipment onto public roadways, as well as the dust and noise produced from this construction. The impact of construction activities will be mitigated by practicing strict erosion & dust control measures, particularly those specified in the County of Maui Grading Ordinance. State regulations & County Building Permit conditions limit construction noise generation & construction activities to allowable limits. General contractor

Agency	Comment/Summary	Response to Comment
		will be responsible for obtaining noise permit & complying with conditions attached to the permit.
<b>Individuals</b>		
Matthew Fernandez	In support of the project. Concern for whether the facility is really needed at Ho'olehua.	Efforts were made to reach out to all stakeholders, including several meetings with the Moloka'i Veterans Caring for Veterans (MVCV) board in June, September & December 2017; a Beneficiary Informational Meeting held September 5, 2017 in Kaunakakai; & the mailing of a Participant Letter & Early Consultation Handout on November 30, 2017 to initiate the environmental review process. Information received from veterans on the need for a new veterans center in Ho'olehua was mixed. Those who worked to build the original veterans center are dissatisfied with the appropriation & would prefer funds to complete repairs at Kaunakakai site. Other MVCV members met with DHHL several times, working closely with staff & consultants on designing the Ho'olehua facility. At the Beneficiary meeting, veterans stated support for a facility in Ho'olehua for those that are unable to travel to Kaunakakai.
Matthew Fernandez	Suggestion to provide bus services to facility in Kaunakakai.	Language provided in State House Bill 100, HD1 SD1 CD1 specifies that the funding be used for "Moloka'i Veterans Center, Moloka'i: Plans, design, construction, & equipment for a parking lot, portable facility, & installation of septic tank & photovoltaic system; ground & site improvements; equipment & appurtenances in Ho'olehua to provide services to veterans & homestead residents."

Agency	Comment/Summary	Response to Comment
Matthew Fernandez	Inquired as to what guidance was used for Climate Change & Sea Level Rise section.	HRS §226-109 provides climate change adaptation priority guidelines, meant to prepare the State to address impacts of climate change. The people of Moloka'i know that they want to be protected & ready in the event of a natural disaster. This was evident from the Beneficiary Informational Meeting held on September 5, 2017, requesting that the Ho'olehua Veterans & Homestead Residents' Community Center also serve as an evacuation shelter. While funding for the Project does not allow for the building to be constructed to those standards, it can be used at minimum as a relief center during times of need. This EA has integrated and identified the threats of climate change to the resilience of areas such as water, roads, and airports in Chapter 3. Widely accepted sources of global & local climate change were used to guide this section of the Draft EA, including Federal, State (University of Hawai'i), scientists, & government officials.

As stated previously, staff anticipated a Finding of No Significant Impact (AFNSI) based on the information presented in the DEA. The comments in the table above were received during the public comment period or shortly thereafter. Appropriate mitigation measures and solutions were identified to address these comments. The mitigation measures and solutions were incorporated into the Final EA.

The comments received during the public comment period and the incorporation of mitigation measures in response to those comments in the Final EA will enable the Ho'olehua Veterans and Homestead Residents' Community Center project to further reduce any potential impacts to the surrounding environment.



*Criteria for a Finding of No Significant Impact (FONSI)*

Hawaii Administrative Rules (HAR) Section 11-200-12.2 establishes procedures for determining if an Environmental Impact Statement (EIS) should be prepared for a project, or if a Finding of No Significant Impact (FONSI) is warranted. HAR Section 11-200-12 lists the following criteria to be used in making the determination (See Ch. 6 of the Final EA for a complete statement of findings):

- 1) *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;*

Construction of the HVHRCC project will not result in any irrevocable loss or destruction of these resources. SHPD has made a determination that no historic properties will be affected. A cultural Impact report was prepared, and an archaeological monitoring plan (AMP) has been accepted by SHPD.

- 2) *Curtails the range of beneficial uses of the environment;*

The proposed project will not curtail other beneficial uses of the site. The field area remaining will be adequate to hold youth soccer games. With implementation of the proposed mitigation measures including erosion control measures and BMP's during construction, the proposed project is not expected to result in adverse effects on beneficial uses of the environment.

- 3) *Conflicts with the State's long-term environmental policies or goals as expressed in Ch. 344, HRS, and any revisions thereof, amendments thereto, court decisions, or executive orders;*

The HVHRCC project does not contravene the State's long-term environmental policies as expressed in HRS Chapter 344, court decisions, or executive orders.

- 4) *Substantially affects the economic or social welfare of the community or State;*

The HVHRCC project will not have any substantial negative effects on economic or social welfare. Construction activities will provide a direct, short-term economic benefit to the community, and the project will serve neighboring lessees and their

families on homestead lots. Programming at the facility is anticipated to improve social welfare of veterans, their families, and the greater Ho'olehua community.

5) *Substantially affects public health;*

The project is intended to enhance health services, including behavioral health, in the Ho'olehua area. Therefore, it is anticipated to improve public health for the region.

6) *Involves substantial secondary impacts, such as population changes or effects on public facilities;*

The project site is located within an existing residential and agricultural homestead area and is not intended to foster population growth or promote economic development. There are no anticipated adverse effects upon public facilities or services. Existing infrastructure is anticipated to provide the additional capacity needed to provide utilities and services to the proposed facility.

7) *Involves a substantial degradation of environmental quality;*

During project implementation, appropriate measures, such as an Erosion Control Plan and other best construction management practices, will be implemented to mitigate potential short-term environmental impacts.

8) *Is individually limited but cumulatively has considerable effect on the environment or involves a commitment for larger actions;*

The project is intended to complement the existing Lanikeha Center by providing additional As such, the project is not anticipated to result in significant adverse cumulative impacts and does not involve a commitment for larger actions.

9) *Substantially affects a rare, threatened, or endangered species, or its habitat;*

No rare, threatened, or endangered species, or its habitat, are known to be present on the previously developed community use parcel.

- 10) *Detrimentially affects air or water quality or ambient noise levels;*

During the construction of the proposed improvements, there may be short-term impacts to air and noise quality. Appropriate BMPs will be implemented to minimize these short-term impacts which will not extend into the long term. As may apply, appropriate permits will be obtained such as a National Pollutant Discharge Elimination System (NPDES) Permit and Community Noise permit, to ensure appropriate mitigation measures are implemented during construction. Appropriate BMPs will be used during project construction to minimize short term impacts to the environment.

- 11) *Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;*

The project will not be located in an environmentally sensitive area. According to the Flood Insurance Rate Maps (FIRMs) developed by the Federal Emergency Management Agency (FEMA), the project area is not in a Special Flood Hazard Area. The site is inland and at elevation, therefore will not affect flood plains, tsunami zones, beaches, estuaries, or coastal waters.

- 12) *Substantially affects scenic vistas and view planes identified in county or state plans or studies;*

The proposed action is limited to a single-story facility, parking lot and driveway. As such, the proposed project is not anticipated to result in substantive, adverse impacts to identified scenic vistas or view planes.

- 13) *Requires substantial energy consumption;*

The proposed action will involve the short-term commitment of fuel for equipment, vehicles, and machinery during construction activities. Upon completion of construction, the project will utilize energy efficient appliances and lighting to minimize energy consumption.

Based on the Final EA analysis, agency and public comments, and mitigation measures in response to comments which have been incorporated into the Final EA, DHHL staff concludes that construction of the Ho'olehua Veterans and Homestead Residents' Community Center project does not satisfy any of the thirteen significance criteria listed above, therefore will not have a significant impact on the project area or surrounding vicinity.

Should the HHC make a different finding that one or more significance criteria have been met and that the proposed action may have a significant effect, an Environmental Impact Statement Preparation Notice (EISPN) may be issued instead of a FONSI, per HAR §11-200-11.2.

RECOMMENDED MOTION/ACTION

Staff respectfully request approval as recommended.

# HO'OLEHUA VETERANS AND HOMESTEAD RESIDENTS' COMMUNITY CENTER

## FINAL ENVIRONMENTAL ASSESSMENT



APPLICANT:



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

PREPARED BY:



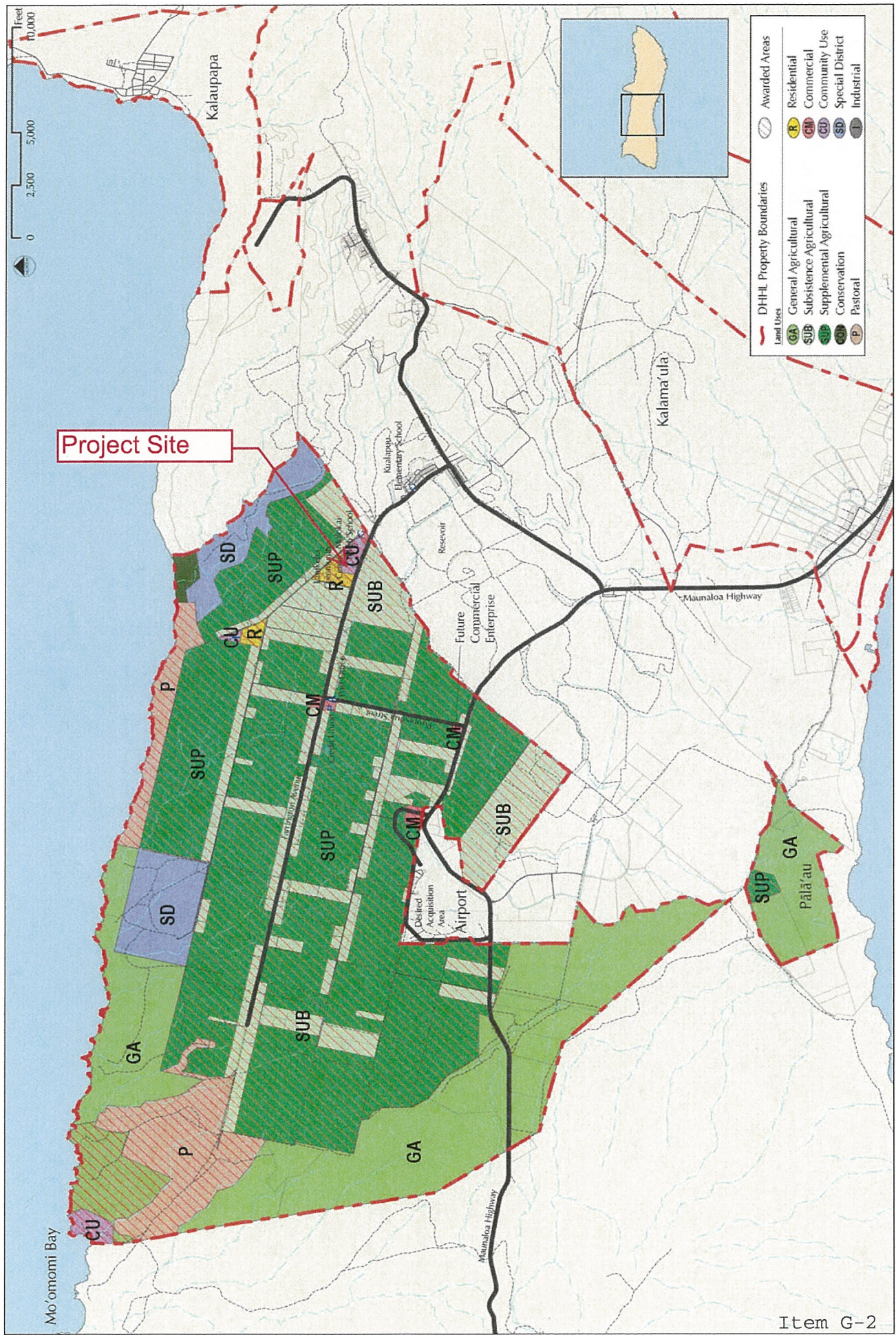
111 S. KING STREET, SUITE 170  
HONOLULU, HI 96813

NOVEMBER 2018

Item G-2

Exhibit 'A'





Item G-2  
Exhibit 'B'

Figure 7.2 - Ho'olehua-Pālā'au Preferred Land Use Alternatives



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission

Thru: M. Kaleo Manuel, Acting Planning Program Manager

From: Bryan Esmeralda, AICP, Planner

Subject: Update on Pūlehunui Master Plan and Environmental  
Impact Statement for Regional Infrastructure Master  
Plan; Pūlehunui, Maui; TMK (2) 3-8-008:008, 035, 036  
(Pūlehunui North) and (2) 3-8-008:034 (Pūlehunui South)

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The purpose of this submittal is to provide the Hawaiian Homes Commission (HHC) with an update on the status of the Pūlehunui Master Plan and Environmental Impact Statement for Regional Infrastructure Master Plan

BACKGROUND

The Department of Hawaiian Home Lands (DHHL) is leading an effort to develop a regional infrastructure master plan to serve certain State lands located along Maui Veterans Highway (formerly Mokulele Highway) in Central Maui. The regional infrastructure master planning effort is on behalf of four (4) State agency stakeholders: DHHL, Department of Land and Natural Resources (DLNR), Department of Accounting and General Services (DAGS), and the Department of Public Safety (PSD), and will serve the respective proposed developments of these agencies. The proposed regional planning effort will facilitate development in Pūlehunui in a manner that is financially and environmentally efficient, maximizing the use of State funds while minimizing environmental impacts to the extent practicable.

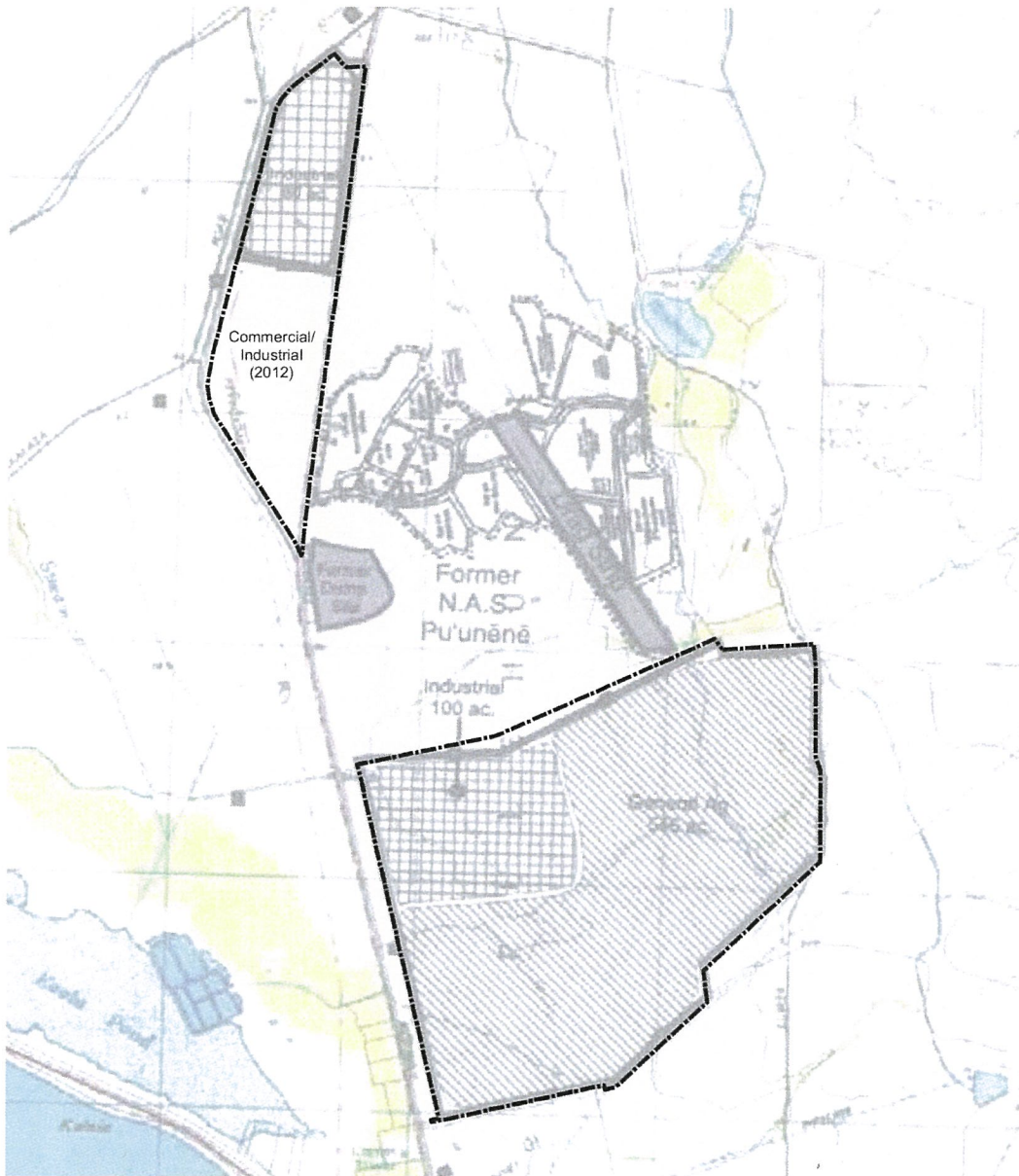
The DHHL owns two tracts of land at Pūlehunui: Pūlehunui North (184 acres designated for commercial and light industrial uses by the 2004 Maui Island Plan (MIP)), and Pūlehunui South (646 acres, of which approximately 100 acres were designated for light industrial use and 546 acres for agricultural use by the MIP). See **Figure 1** and **Figure 2**.

**Figure 1.** Property Location Map





**Figure 2. Maui Island Plan**



#### PLANNING APPROACH

The four State agencies' respective projects are as follows:

- DHHL Commercial/Industrial/Agriculture Developments: 830 acres
- DLNR Industrial and Business park: 280 acres
- DAGS/PSD Maui Regional Public Safety Complex: 40-45 acres

Each of these projects require the provision of basic infrastructure (water, wastewater, key roadway improvements). DHHL anticipates that regional infrastructure improvements may be beneficial to serve lands owned by the agencies and those agencies' respective proposed developments in the Pūlehunui area. The regional planning effort is being carried out in a manner consistent with a 2014 Memorandum of Understanding (MOU) between DHHL, DLNR, DAGS, and PSD, wherein these parties agreed to "make their best efforts to work in a collaborative manner." The MOU was intended to allow the aforementioned agencies to benefit from economies of scale, joint infrastructure financing, planning and development, and provide significant economic benefits to the Maui community.

Because DHHL is the lead agency of the regional infrastructure and EIS process, the State of Hawai'i legislature appropriated to DHHL \$4 million to prepare a regional infrastructure master plan and Environmental Impact Statement (EIS) for these developments and an additional \$17.5 for design and construction of wastewater infrastructure. Benefits to DHHL being the lead agency include the provision of infrastructure to support development on DHHL lands in Pūlehunui and the ability to utilize State funds to construct infrastructure.

#### MASTER PLANNING EFFORT FOR DHHL LANDS AT PŪLEHUNUI

Pursuant to DHHL's mission, the secondary, supporting purpose of the project is to further define the programmatic land uses anticipated on DHHL's lands in Pūlehunui through the Beneficiary Consultation process. This ensures conformance with the MIP to provide direct and indirect benefits to DHHL Beneficiaries and programs in the form of improved lands, homesteading opportunities, and opportunities to pursue revenue generating general leases at Pūlehunui North. Outreach efforts undertaken to date include:

- Publication of the EIS Preparation Notice: December 23, 2017
- EIS Public Scoping Meeting: January 18, 2018
- Beneficiary Online Agriculture Survey: April 2018
- Beneficiary Planning Charrettes: April 21 & 28, 2018
- Beneficiary Report Back Meeting: September 5, 2018

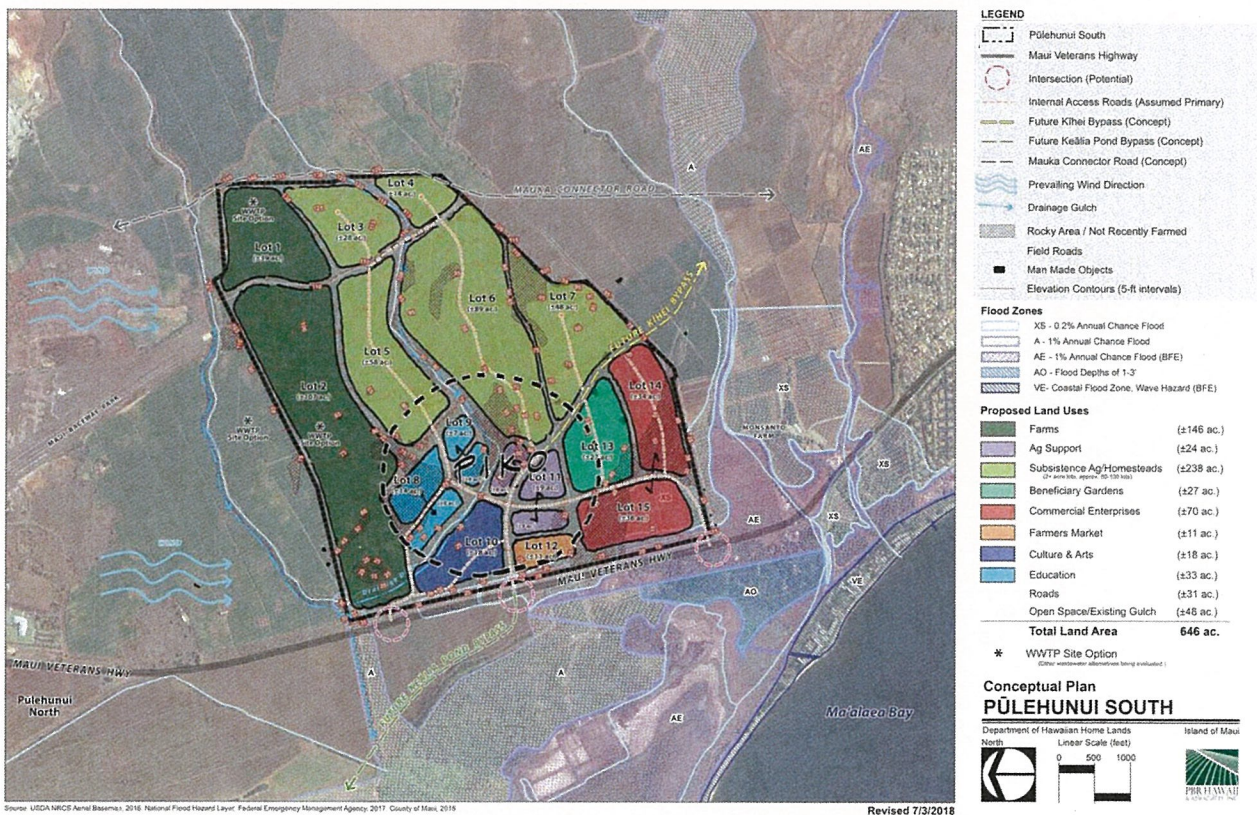
DHHL Beneficiary consultation regarding land use opportunities at Pūlehunui was conducted through the aforementioned EIS Scoping Meeting, which was also open to the public; an online agriculture survey for those on the Maui agriculture wait list; two (2) Beneficiary Planning Charrettes,



also for those on the Maui agriculture wait list, which were largely focused on land use alternatives for Pūlehunui South; and a report back meeting where the Pūlehunui South Conceptual Plan was presented and received with support. Staff's reason for inviting primarily those on the Maui agriculture wait list was because those Beneficiaries would benefit from development at Pūlehunui first as agriculture is the focus for this area.

The online agriculture survey provided Beneficiaries the opportunity to share their mana'o and vision for the Pūlehunui region and to express interest in agricultural and supporting land uses at Pūlehunui South. The first workshop on April 21 followed the survey and provided an orientation of the regional infrastructure study area, region, and the planning process. DHHL solicited further details regarding Beneficiaries' vision for Pūlehunui through comment cards, group discussions, presentations, and maps. At the April 28 workshop, Beneficiaries had the opportunity to respond to three alternative concept plans for Pūlehunui South which had been drafted in response to the first workshop. A final concept plan was drafted in response to feedback received at the April 28 workshop and was shared with Beneficiaries on September 5, 2018, where it was received with majority support. See **Figure 3**.

**Figure 3.** Conceptual Master Plan for Pūlehunui South



Overall, Beneficiary feedback indicated that the preferred land use program at Pūlehunui South should include a much higher diversity of uses than those provided for under the existing MIP designation which only includes General Agriculture and Industrial uses. In addition to the existing designations, Beneficiaries expressed a strong preference for agricultural homesteads, agricultural support, and community uses such as cultural education and central community gathering space. The land uses preferred by Beneficiaries at Pūlehunui South correspond to DHHL land use designations of Subsistence Agriculture, Community Use, Supplemental Agriculture, and Commercial Use. Following the completion of the EIS process, an amendment of the MIP will be coordinated to accommodate the proposed agricultural homesteads and other new uses at Pūlehunui South per Section 10-4-54, HAR, DHHL's Administrative Rules..

It is noted that planned uses at Pūlehunui North remain unchanged and are still envisioned as commercial and light industrial uses for revenue generation purposes for DHHL. However, there was discussion at the September 5, 2018 Beneficiary report back meeting that the uses on Pūlehunui North be connected to the agriculture uses on Pūlehunui South if feasible. This can be achieved through the development of additional agricultural process facilities, commercial enterprises, etc.

The purpose of conducting a deep dive into the planned uses on DHHL's lands at Pūlehunui was to get a better idea of what the infrastructural needs would be for the Pūlehunui region. Land use programs on DHHL's lands will inform the regional infrastructure analysis which will also incorporate by reference other known project information provided by DLNR, DAGS, and PSD for their respective proposed developments.

## ENVIRONMENTAL IMPACT STATEMENT

### Applicability, Significance Criteria, and Mitigation Measures

Preparation of an EIS is being undertaken to address requirements of Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Hawai'i Administrative Rules (HAR). Section 343-5, HRS established nine "triggers" that require either an Environmental Assessment (EA) or an EIS. The project is an Agency Action funded by Capital Improvement Funds earmarked for interagency infrastructure planning on State-owned lands; the use of State or County lands or funds is an action that "triggers" the preparation of an EA or EIS.

Section 343-5 (e), HRS (enacted by Act 172 (2012)) allows a Proposing Agency to prepare an EIS rather than an EA if the Accepting Authority determines, through its judgment and experience, that an EIS is likely to be required. Under the provisions of §343-5 (b), HRS, and due to the scope of the project, DHHL has determined, through its judgment and experience, that an EIS is likely to be required for the Pūlehunui Regional Infrastructure Master Plan based on a review of the 13 significance criteria set forth under Section 11-200-12(b), HAR and listed below. Criteria under which the proposed project may be considered to have an impact are bolded.

1. Involves in an irrevocable commitment to loss or destruction of any natural or cultural resource;
2. Curtails the range of beneficial uses of the environment;
3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments there to, court decisions, or executive orders;
4. **Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;**
5. Substantially affects public health;
6. **Involves secondary impacts, such as population changes or effects on public facilities;**
  - Indirect socio-economic impacts
  - Indirect impacts to public facilities and services
7. Involves a substantial degradation of environmental quality;
8. **Is individually limited but cumulatively has a considerable effect upon the environment or involves a commitment for larger actions;**
  - Cumulative impacts to landscape and view plans
  - Positive cumulative economic impacts
  - Temporary cumulative impacts related to construction (air quality, stormwater runoff, noise, and traffic)
9. Substantially affects a rare, threatened, or endangered species, or its habitat;
10. Detrimentially affect air or water quality or ambient noise levels;
11. Affects or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal waters;
12. Substantially affects scenic vistas and view planes identified in county or state plans or studies; and
13. **Requires substantial energy consumption.**
  - **Will require additional energy consumption related to buildout and ongoing operations**

As part of an EIS, Proposing Agencies are required to provide measures to mitigate any foreseen impacts. A summary of the proposed mitigation measures related to the aforementioned impacts are included as **Exhibit A**.

### Alternatives Considered

The alternatives considered in the Draft EIS include: "No Action"; "Alternatives Requiring Actions of a Significantly Different Nature", "Alternatives Related to Different Designs or Details of the Proposed Action", and "Postponing Action Pending Further Study".

Under the No Action alternative, there would be at least two possible outcomes; firstly, regional infrastructure master planning would not occur. Each State agency (DLNR, DAGS/PSD, DHHL) would need to develop individual potable water, wastewater and traffic improvements. Since individual infrastructure improvements may be more expensive than regional improvements, this could result in an inefficient use of government revenue. Secondly, DHHL's lands may not be developed as quickly and the property would remain as vacant lands, underutilized in terms of meeting DHHL Beneficiaries' need for diversified agricultural opportunities and income generation.

There are at least two possible alternatives to the Proposed Action for Pūlehunui South that are of a significantly different nature, which would provide similar benefits, with different environmental impacts; firstly, converting the areas for "Homestead Agriculture" to "non-Homestead" agricultural use (which would result in no residences within Pūlehunui South), and secondly, leasing out all non-commercial/industrial areas of Pūlehunui South to one or a few, larger, experienced farmers.

Under the Alternatives Related to Different Designs or Details of the Proposed Action scenarios, different alternatives related to the provision of water, wastewater, and roadway systems would be assessed for implementation. Each combination results in different costs and impacts. A summary of the infrastructure alternatives being assessed as part of the EIS is provided in **Exhibit B**.

Further study of any proposed development on the DHHL lands would delay the DHHL's response to the wishes of the Beneficiary community. Regionally, postponing action pending further study would only be delaying what has long been proposed. Similar to the No Action alternative, if the Proposed Action is postponed, there would be at least two possible temporary outcomes; firstly, regional infrastructure master planning would be



delayed, and each State agency would need to develop individual improvements. Secondly, development of DHHL's lands would be delayed and those properties would remain vacant and underutilized.

## PROJECT SCHEDULE

### Environmental Impact Statement

Immediate next steps for the EIS process include publishing the Draft EIS with the Office of Environmental Quality Control (OEQC) on November 8, 2018.

Following the required 45-day comment period, the Draft EIS will be revised with updated studies and in response to any comments received. A pre-Final EIS will be presented to the HHC for acceptance and concurrence on staff's recommended actions.

The Final EIS will again be published by OEQC and followed by a 45-day challenge period for anyone who wishes to contest the EIS. If no challenge is filed, the Final EIS will be transmitted to the Governor for acceptance. Following acceptance, the EIS process will be complete. See **Exhibit C** for an anticipated schedule of project milestones.

### Maui Island Plan Amendment

The land uses preferred by Beneficiaries at Pūlehunui South, as presented in the Conceptual Plan, will require an amendment to the MIP. The proposed uses correspond to DHHL land use designations of Subsistence Agriculture, Community Use, Supplemental Agriculture, and Commercial Use. Following the completion of the EIS process, an amendment of the MIP will be pursued to accommodate the proposed agricultural homesteads and other new uses at Pūlehunui South.

According to DHHL's Planning System Rules, the MIP is a Tier 2 plan with an 8-year planning timeframe. Section 10-4-54, HAR, DHHL's Administrative Rules, states that between comprehensive updates, Tier 2 plans may be amended upon Beneficiary Consultation appropriate to the plan as set forth in Section 10-4-60, Beneficiary Consultation. Section 10-4-60 states that the requirement for place-based consultation shall be applied to the preparation and amendment of island plans. In this regard, the Beneficiary Planning Charrettes held in April 2018 satisfy the Beneficiary Consultation requirement as it relates to the planned amendment of the MIP. The proposed MIP amendment will be brought before the HHC at a later date for consideration.

RECOMMENDED ACTION

None; for information only.

LIST OF EXHIBITS

Exhibit A.Mitigation Measures Summary

Exhibit B.Infrastructure Alternatives Summary

Exhibit C.Project Milestones Schedule



**Pūlehunui Regional Infrastructure Master Plan**  
Proposed Mitigation Measures

<b>Cumulative and Secondary Impacts</b>	
Noise/Visual Impacts	Noise buffer areas on either side of the highway will serve as visual buffers as well. Portions of the buffer areas along Maui Veterans Highway can also be designed to include grade-separated bike paths and include areas for stormwater management.
Economic Impacts (Land Values/Taxes)	Cumulative impacts may occur to the economy (and to DHHL) as the mix of uses in the area diversifies and is able to support additional businesses and services. The surrounding (non-State owned) land values may also increase due to increased activity and densities. New activity and density may potentially increase tax revenues for both the State and the County in general excise tax, income tax, and property tax collections. However, because the DHHL lands are State-owned, it will not contribute to increased property tax revenues except for the onsite commercial and industrial uses.
Economic Impacts (State Spending)	The Proposed Action is expected to generate some \$1.03 billion in development expenditures in the State, or about \$49.0 million to \$59.8 million per year over the anticipated 19-year development period.
Construction Impacts (air quality, stormwater runoff, noise, and traffic)	DHHL will coordinate with State and County traffic control operations (including the Police Department) to mitigate such impacts. There may also be cumulative impacts related to shortages of construction materials, skilled contractors, and other related inputs during the construction phases should multiple projects be under construction at the same time. Coordination amongst the agencies party to the MOU may help to mitigate potential shortages.
Public Service Impacts	Secondary impacts may occur in the form of increased demands on public service budgets and workforce to serve the DHHL lands. Mitigation includes consultation with Federal, State, and County agencies to determine potential indirect impacts. DHHL will coordinate with these agencies accordingly.
Social Impacts	The increased (mostly daytime) employee and visitor/customer population at the DHHL lands combined with similar impacts from other State projects, may result in increased safety in the area as increased activity creates less desirable circumstances for illicit activities. More community activities and opportunities to meet people from diverse backgrounds may also stimulate new social networks and relationships between future employees, visitors, and future business patrons to the area.
Utility Impacts	Secondary impacts related to increased utility and infrastructure demand may include induced jobs such as those in telecommunication services, water, wastewater, electricity and solid waste, green waste, and recycling handlers. Related is the anticipated possible shifting of demand on existing resources and services from other areas of Maui.
Energy Use/Traffic Impacts	Energy use and increased traffic may create secondary impacts such as increased greenhouse gas emissions due to energy use and vehicle noise and emissions. Energy saving strategies will be considered. DHHL will investigate ways to connect to existing and future public and multimodal transportation networks.
<b>Traffic Impacts</b>	
By 2035, Maui Veterans Highway needs to be widened to include a third travel lane, with some intersections needing double left-turn lanes (this coincides with the full build-out of the DHHL lands).	
Traffic signal timing plans will be optimized to improve traffic flow along the highway.	
DHHL will coordinate with HDOT on its fair share of improvements.	
DHHL and DLNR will coordinate the project with the Statewide Transportation Improvement Program (STIP) and with the DOT to address the need for additional regional capacity for the Maui Veterans Highway. DHHL will also coordinate with DLNR regarding the proposed new intersection on Maui Veterans Highway that will provide access to both agencies' lands to ensure the proposed access roads to each property align and are acceptable to DOT.	
DHHL will investigate ways to connect to existing and future public and multimodal transportation networks.	

**Pūlehunui Regional Infrastructure Master Plan**  
Proposed Mitigation Measures

<b>Noise Impacts</b>	
Pūlehunui South	1,900 foot buffer distance to highway will mitigate future traffic noise levels at ag homesteads.
	Education area will be located with minimum 750 foot buffer distance from the highway.
	Noise from Maui Veterans Highway may constrain uses fronting the highway, particularly Culture and Arts uses.
	A HUD compliant noise study will be conducted as needed to determine whether the FHA/HUD noise standard of 65 DNL will be exceeded at noise sensitive uses at Pūlehunui South.
Pūlehunui South	Minimum 215 foot setback to the highway if a hotel is constructed.
	Air conditioning will mean windows will be closed and further mitigate noise impacts from the highway and other uses at Pūlehunui North.
	Minimum setback distance of 110 feet from the highway will mitigate noise impacts to Commercial/Light Industrial uses.
	Sound attenuating walls and/or berms may also be used as a traffic noise mitigation measure for both indoor and outdoor spaces.
<b>Land Use/Visual Character Impacts</b>	
Noise buffer areas on either side of the highway will serve as visual buffers as well.	
The highway frontage of the DHHL lands will be extensively landscaped as part of the development improvements, to ensure visual buffering and softening of the built landscape.	
<b>Water Infrastructure Impacts</b>	
Facilities will be designed to maximize water efficiency.	
Opportunities to reduce projected demands by installing rainwater catchment systems will be considered.	
Water efficient fixtures and water efficient practices, where feasible (including xeriscaping, automatic irrigation for commercial/industrial areas, and non-potable water as available) will be utilized.	
<b>Solid Waste Impacts</b>	
DHHL will work with contractors to minimize the amount of solid waste generated during the construction. Green waste will be managed appropriately.	
After construction, DHHL will implement strategies from the County of Maui Integrated Solid Waste Management Plan (2009) for diverting solid waste from landfills by providing options for recycling.	
<b>Energy Consumption Impacts</b>	
Energy use and increased traffic may create secondary impacts such as increased greenhouse gas emissions due to energy use and vehicle noise and emissions. Energy saving strategies will be considered. DHHL will investigate ways to connect to existing and future public and multimodal transportation networks.	

**Pūlehunui Regional Infrastructure Master Plan**  
Alternatives Summary

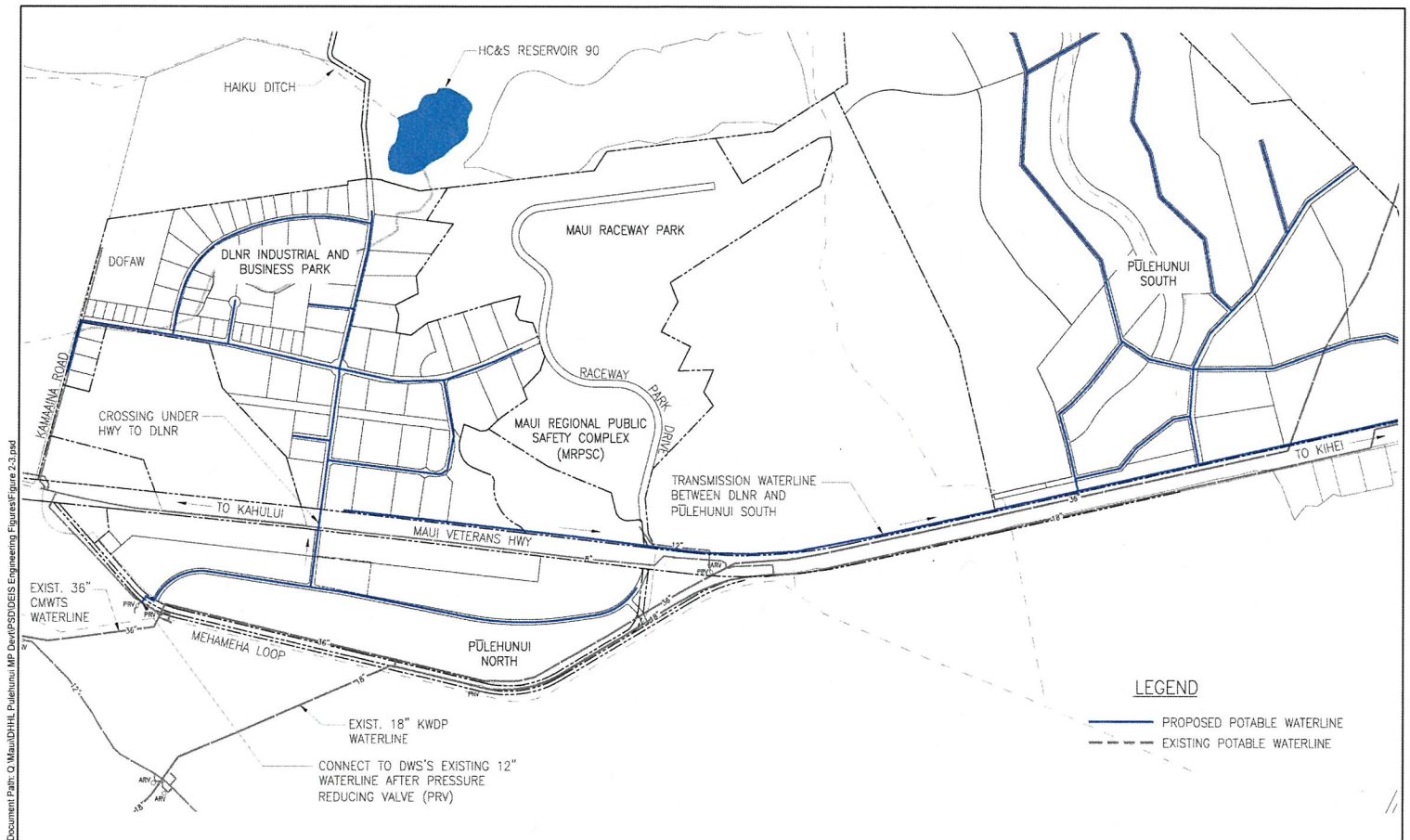
<b>Water System Alternatives</b>						
<i>Alternative</i>	<i>Source</i>	<i>Treatment</i>	<i>Location</i>	<i>Avg. Day Demand (GPD)</i>	<i>Max. Day Demand (GPD)</i>	<i>Other Information</i>
1	County Dept. of Water Supply (DWS)	N/A	N/A	1,483,000	2,222,000	Water source, storage, and distribution will need to be developed to mitigate increased demand on DWS system.
2A	East Maui Irrigation (EMI) (New Raw Water Reservoir)	New Membrane Filtration Facility	DLNR Industrial and Business Park, southern boundary	1,222,000	1,841,000	A new private water treatment plant and distribution system would need to be developed to treat water from EMI's existing ditch system to produce potable water for the region.
2B	EMI Existing Ditch System (HC&S Reservoir 90)	New Membrane Filtration Facility	Pulehunui South, northeastern boundary	1,222,000	1,841,000	A new private water treatment plant and distribution system would need to be developed to treat water from EMI's existing ditch system to produce potable water for the region.
3A	New Onsite Brackish Wells	New Reverse Osmosis Facility	DLNR Industrial and Business Park, northeast portion	1,222,000	1,841,000	A new private reverse osmosis treatment plant and distribution system would need to be developed to treat water from brackish water wells to produce potable water for the region.
3B	New Onsite Brackish Wells	New Reverse Osmosis Facility	Pulehunui South, northeastern boundary	1,222,000	1,841,000	A new private reverse osmosis treatment plant and distribution system would need to be developed to treat water from brackish water wells to produce potable water for the region.
<b>Irrigation System Alternatives</b>						
<i>Alternative</i>	<i>Source</i>	<i>Treatment</i>	<i>Location</i>	<i>Avg. Day Demand (GPD)</i>	<i>Max. Day Demand (GPD)</i>	<i>Other Information</i>
1	HC&S Reservoir 90	N/A	N/A	784,000	1,830,000	Utilize existing irrigation system
2	HC&S Reservoir 90	N/A	N/A	784,000	1,830,000	Replicate existing system with new lines

Pūlehunui Regional Infrastructure Master Plan  
Alternatives Summary

Wastewater System Alternatives				
Alternative	Treatment Facility	Location	Avg. Day Flow (GPD)	Other Information
1A	Existing County Waste Water Reclamation Facility (WWRF)	Kihei WWRF	657,000	Collect the wastewater from the regional infrastructure study area and convey to the Kihei WWRF by way of new pump stations and force mains and upgrades to the collection system along South Kihei Road.
1B	Existing County WWRF	Kihei WWRF	657,000	Collect the wastewater from the regional infrastructure study area and convey to the Kihei WWRF by way of new pump stations and force mains and new collection system along Liloa Drive.
2A	New Private WWRF	Pulehunui South, northern boundary	657,000	Collect the wastewater from the regional infrastructure study area and convey to a new regional WWRF on Pulehunui South, northern boundary.
2B	New Private WWRF	DLNR Industrial and Business Park, southwest portion	657,000	Collect the wastewater from the regional infrastructure study area and convey to a new regional WWRF within DLNR Industrial and Business park, southwest portion.
2C	New Private WWRF	Pulehunui South, northeast/mauka portion	657,000	Collect the wastewater from the regional infrastructure study area and convey to a new regional WWRF on Pulehunui South, northeast/mauka boundary.
3A	New Private WWRF	DLNR (2)3-8-008:038, southern boundary	657,000	Collect the wastewater from the regional infrastructure study area and convey to a new regional WWRF on DLNR lands adjacent to Pulehunui south.

Pūlehunui Regional Infrastructure Master Plan  
Alternatives Summary

Wastewater System Alternatives				
Alternative	Treatment Facility	Location	Avg. Day Flow (GPD)	Other Information
3B	New Private WWRF	DLNR (2)3-8-008:001, east/mauka portion	657,000	Collect the wastewater from the regional infrastructure study area and convey to a new regional WWRF on DLNR lands mauka of the DLNR Industrial and Business Park.
4	New Private WWRF	County property along Kuihelani Highway, outside of regional infrastructure study area	657,000	Pump all wastewater generated at the regional infrastructure study area to a future County of Maui Regional WWRF located south of the study area, along Kuihelani Highway.



**Figure 5-6**  
**Proposed Water Alternative 1**

**PULEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

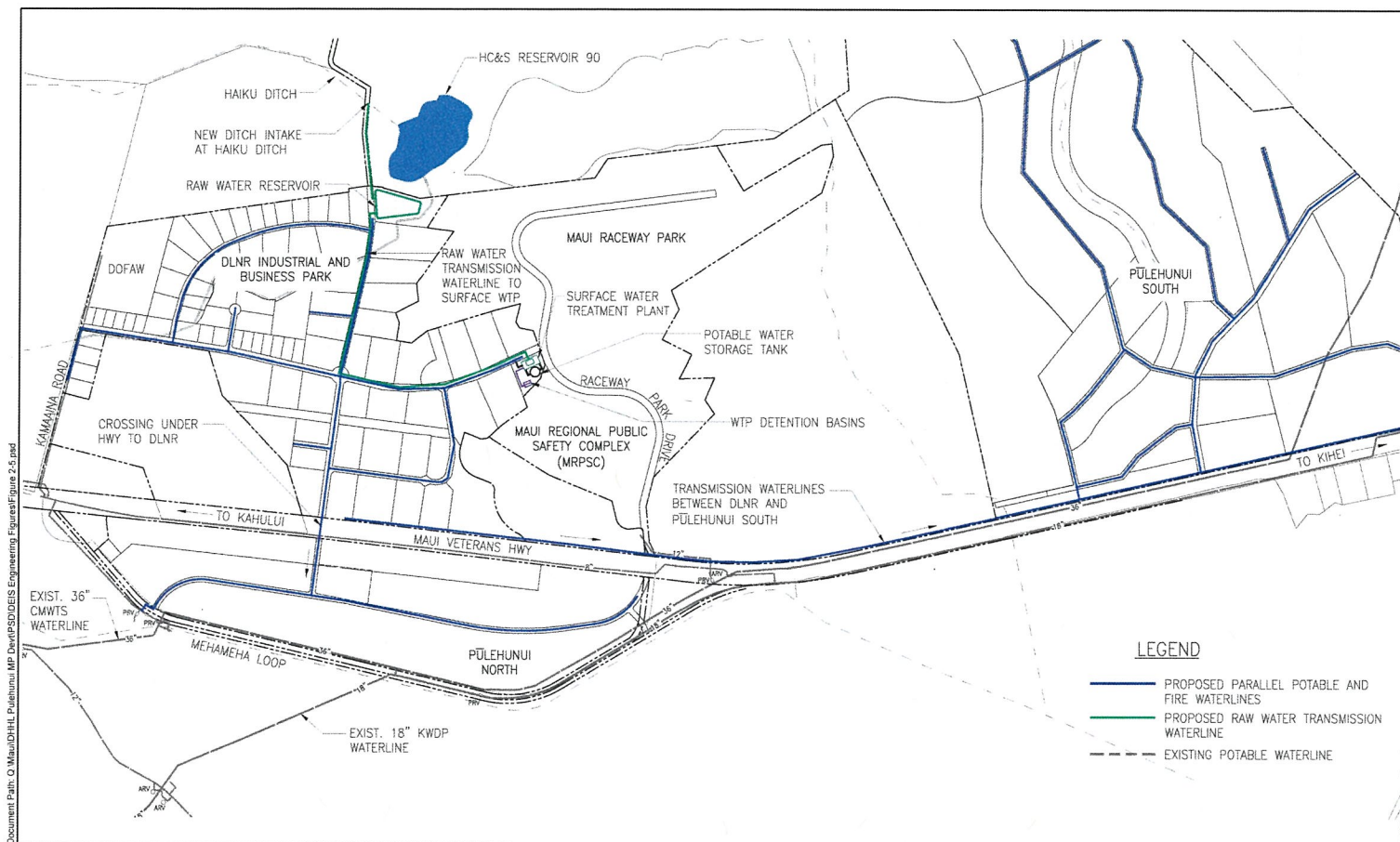


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**Figure 5-7**  
**Proposed Water Alternative 2A**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

North

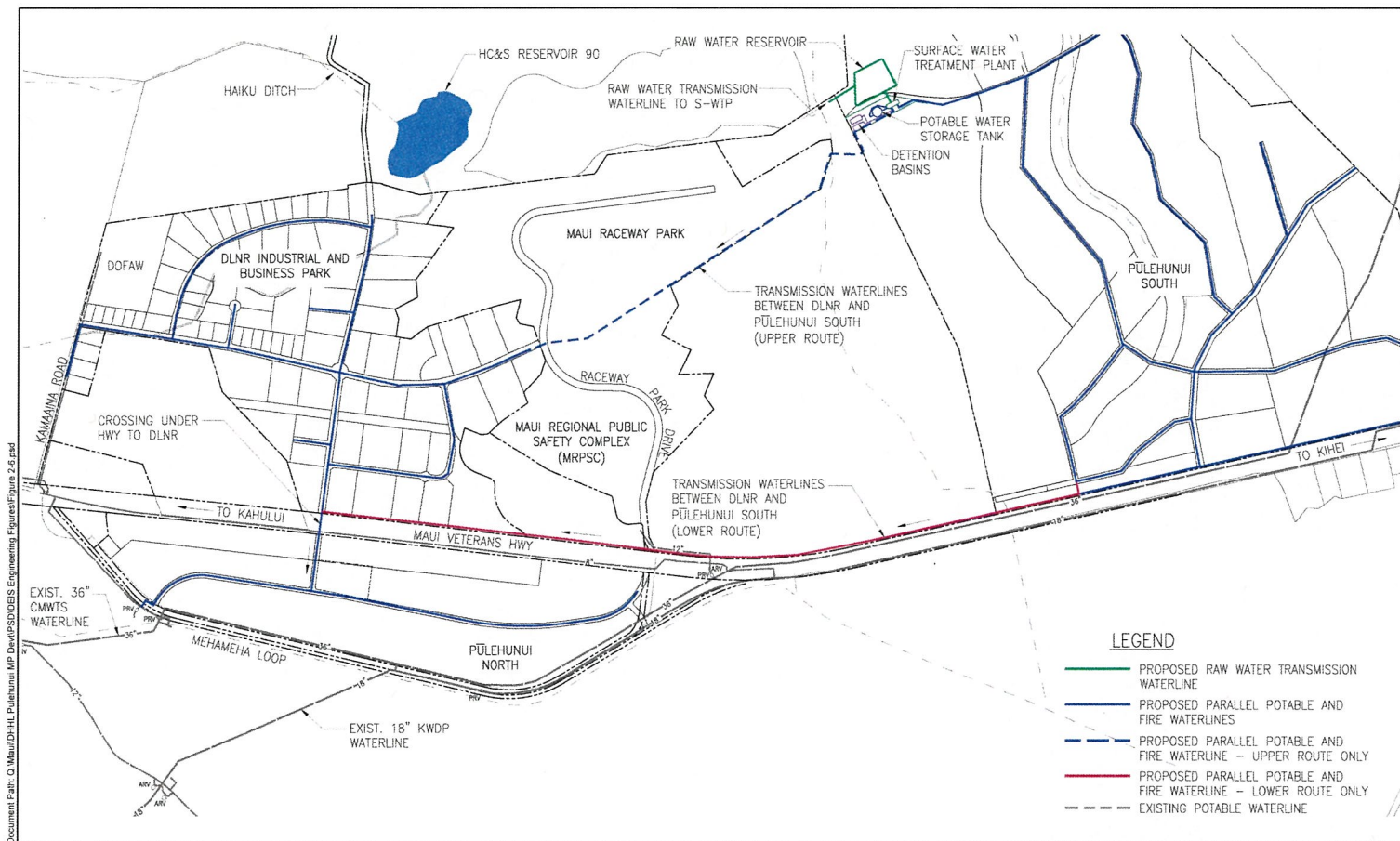


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**Figure 5-8**  
**Proposed Water Alternative 2B**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

North



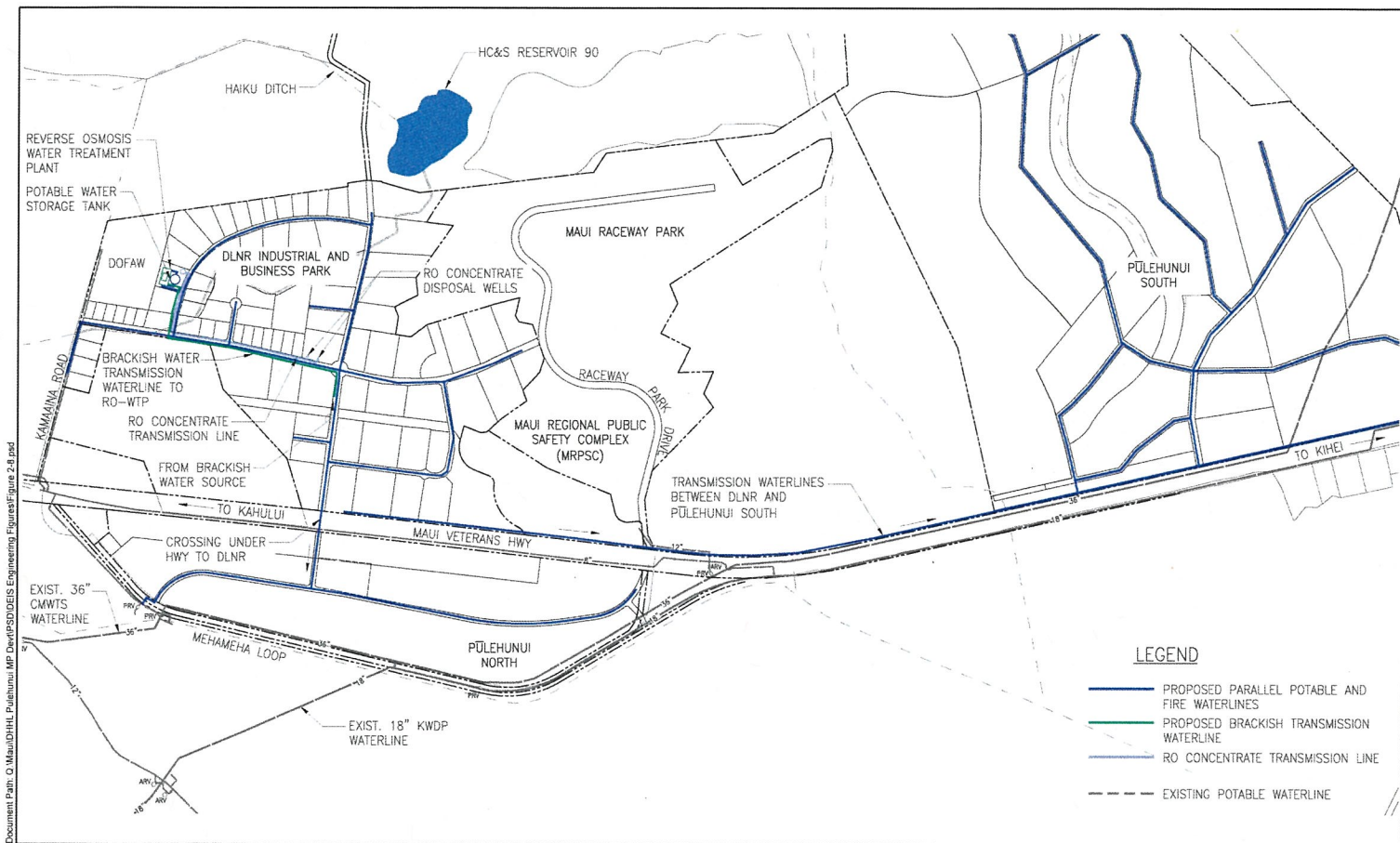
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**Figure 5-9  
Proposed Water Alternative 3A**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

North

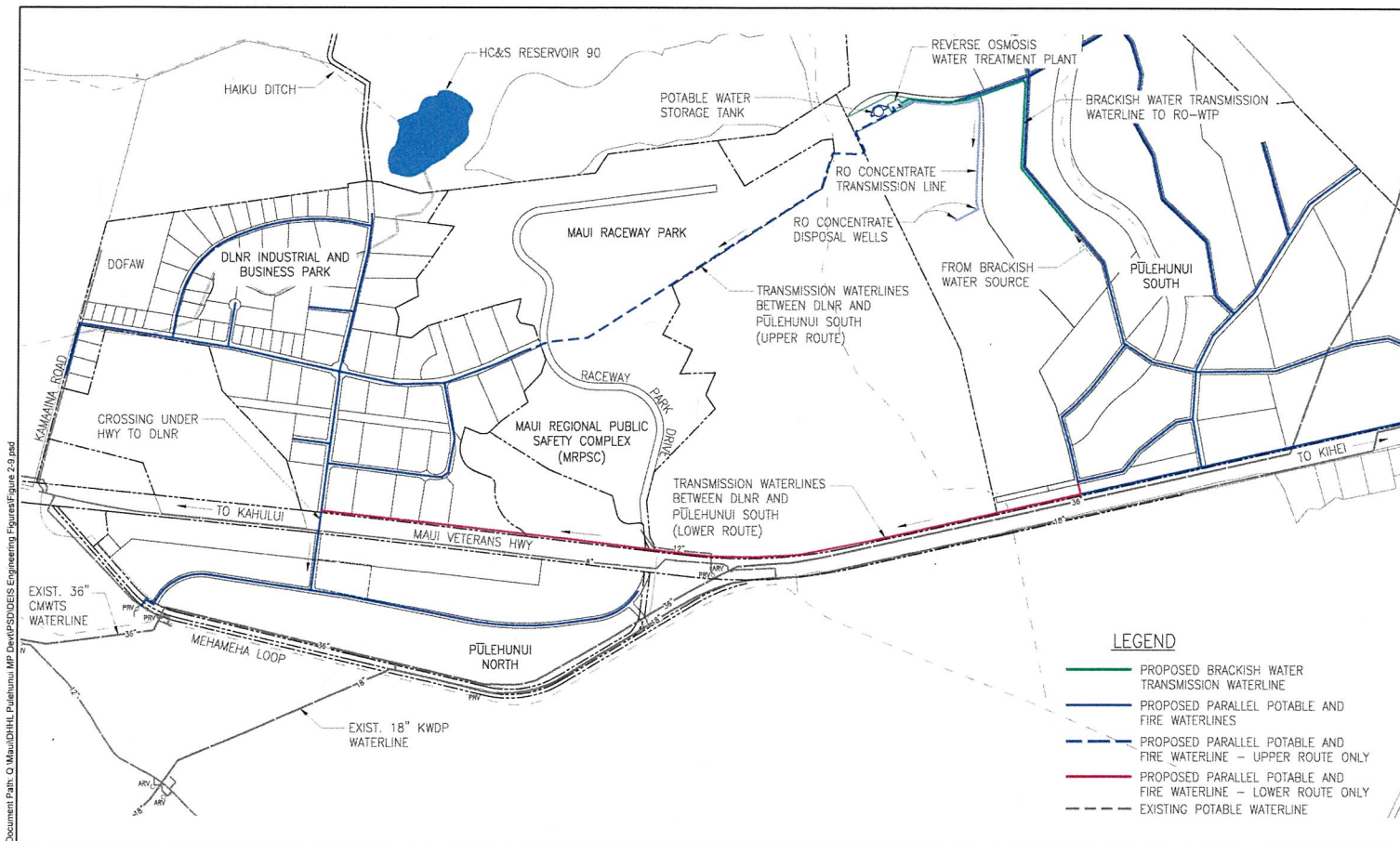


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**Figure 5-10**  
**Proposed Water Alternative 3B**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

North



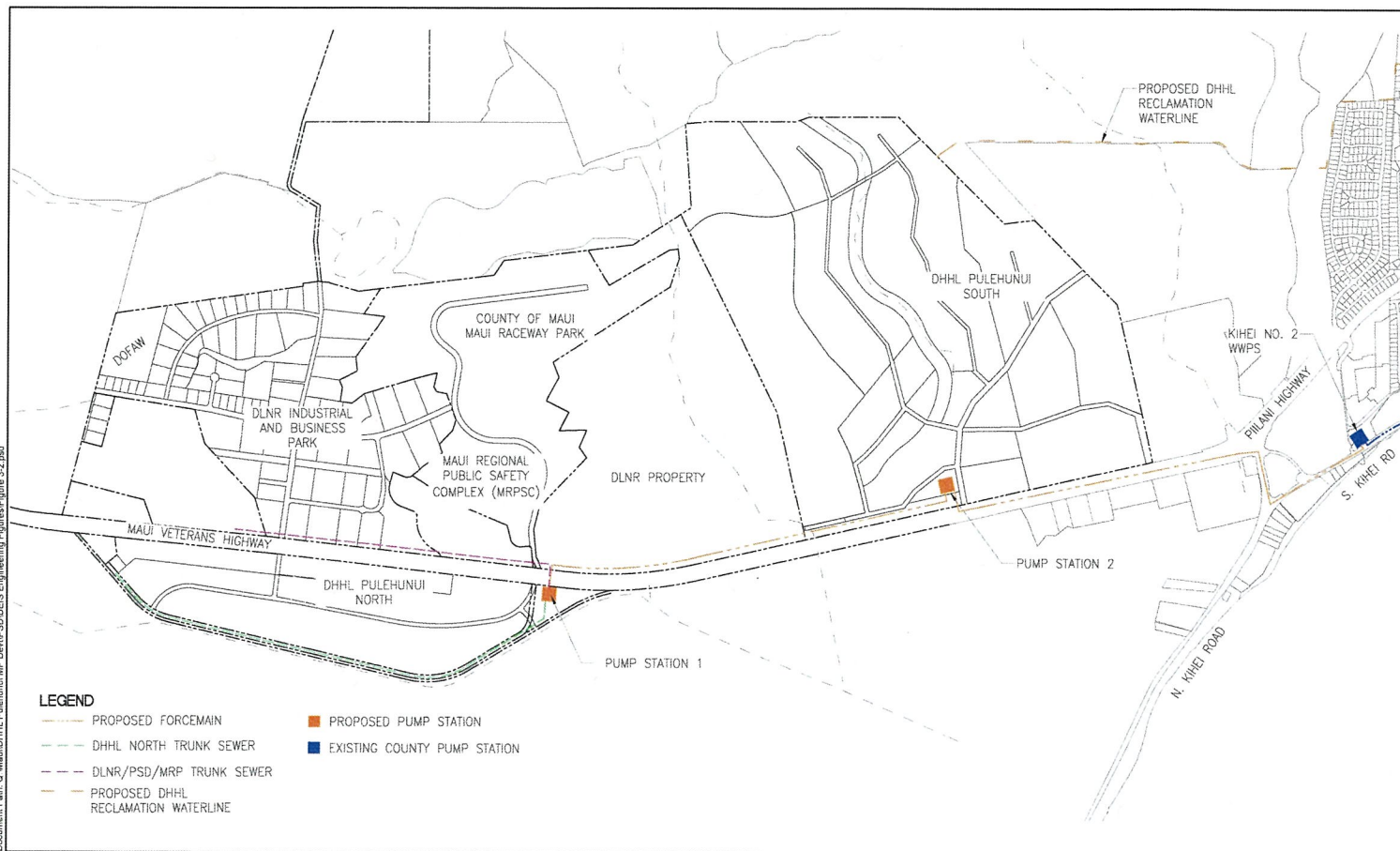
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**Figure 5-11**  
**Proposed Wastewater Alternative 1A**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands Island of Maui

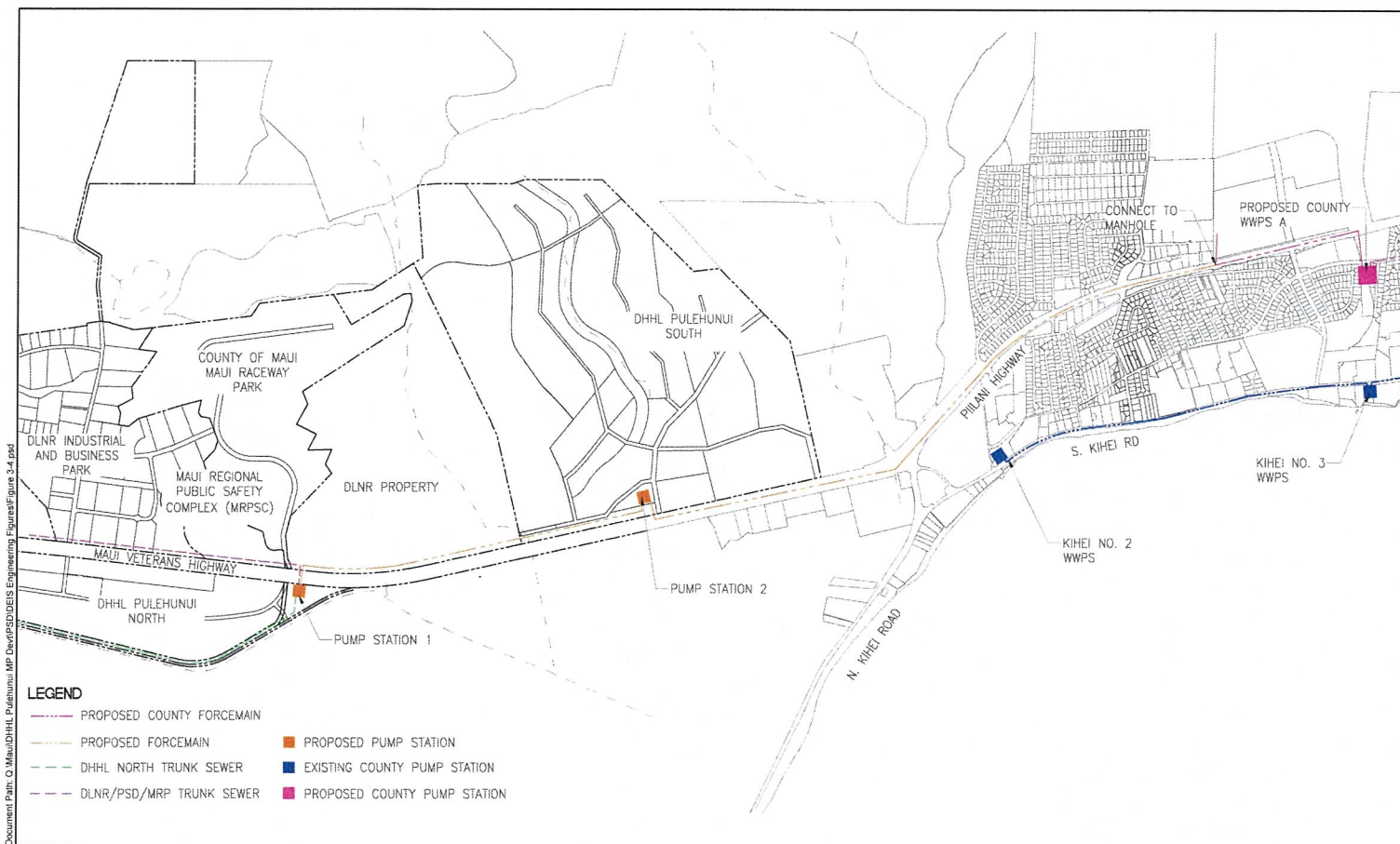


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**Figure 5-12**  
**Proposed Wastewater Alternative 1B**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands Island of Maui

North



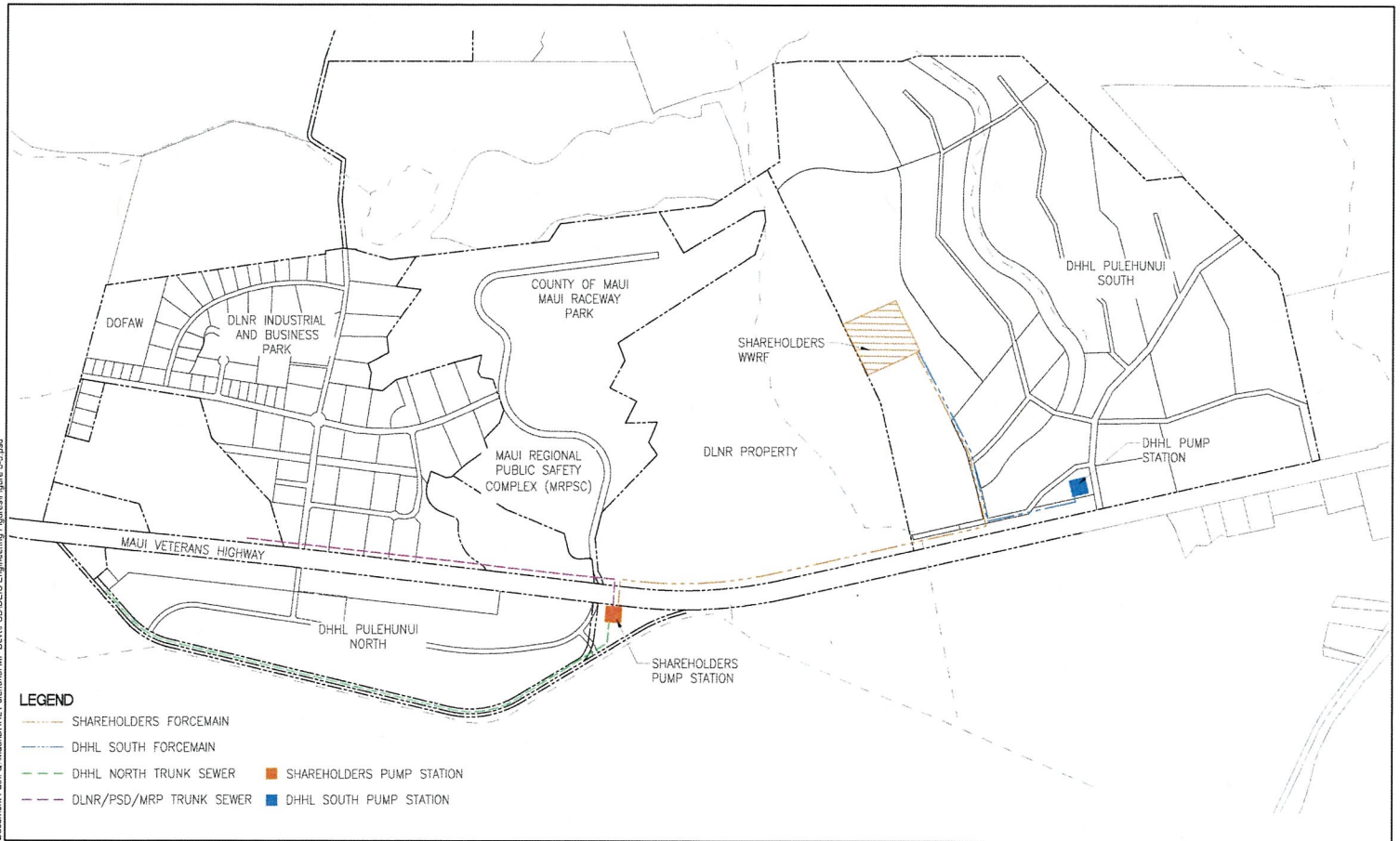
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**Figure 5-13**  
**Proposed Wastewater Alternative 2A**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

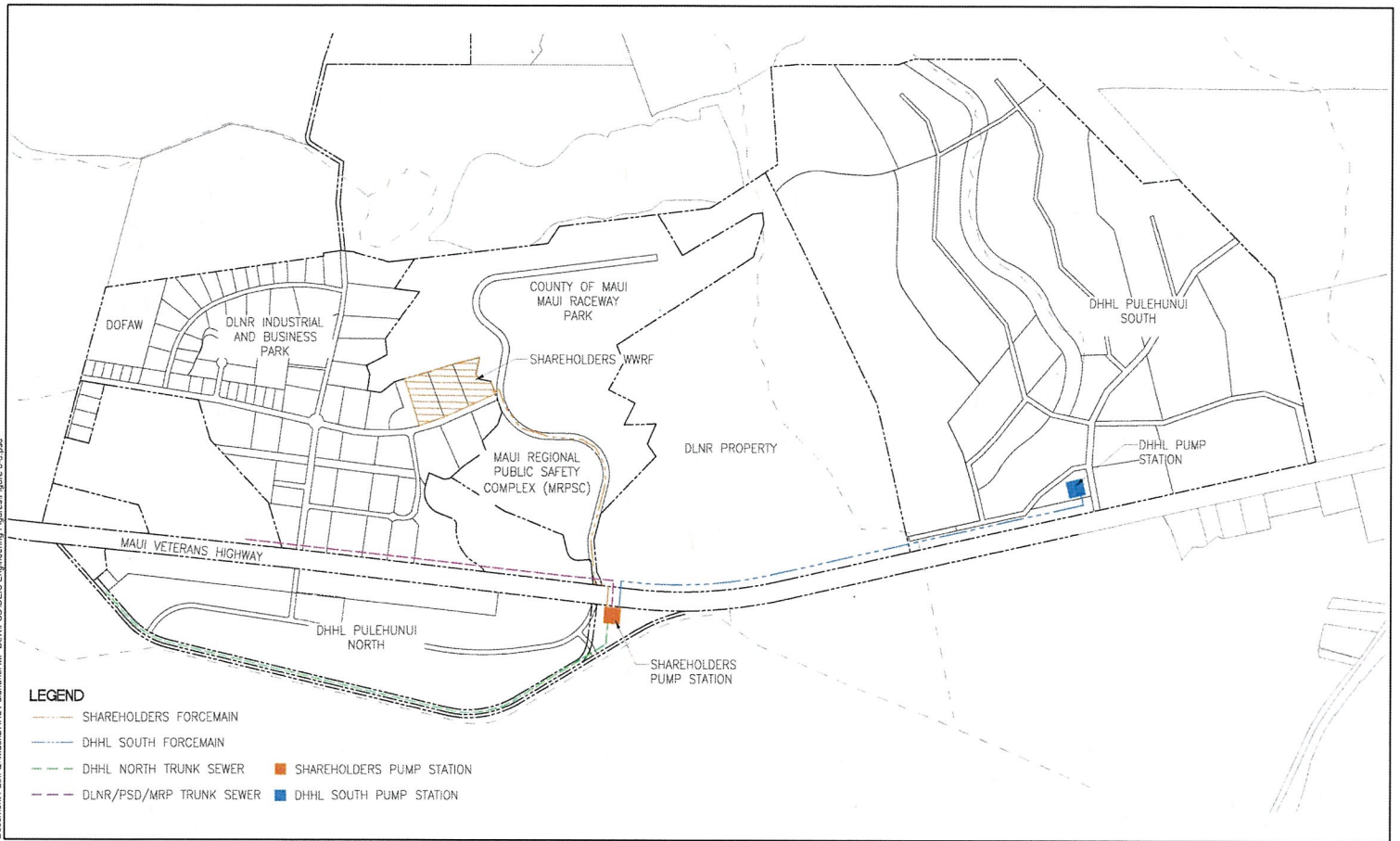
Island of Maui

North



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**Figure 5-14**  
**Proposed Wastewater Alternative 2B**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

North



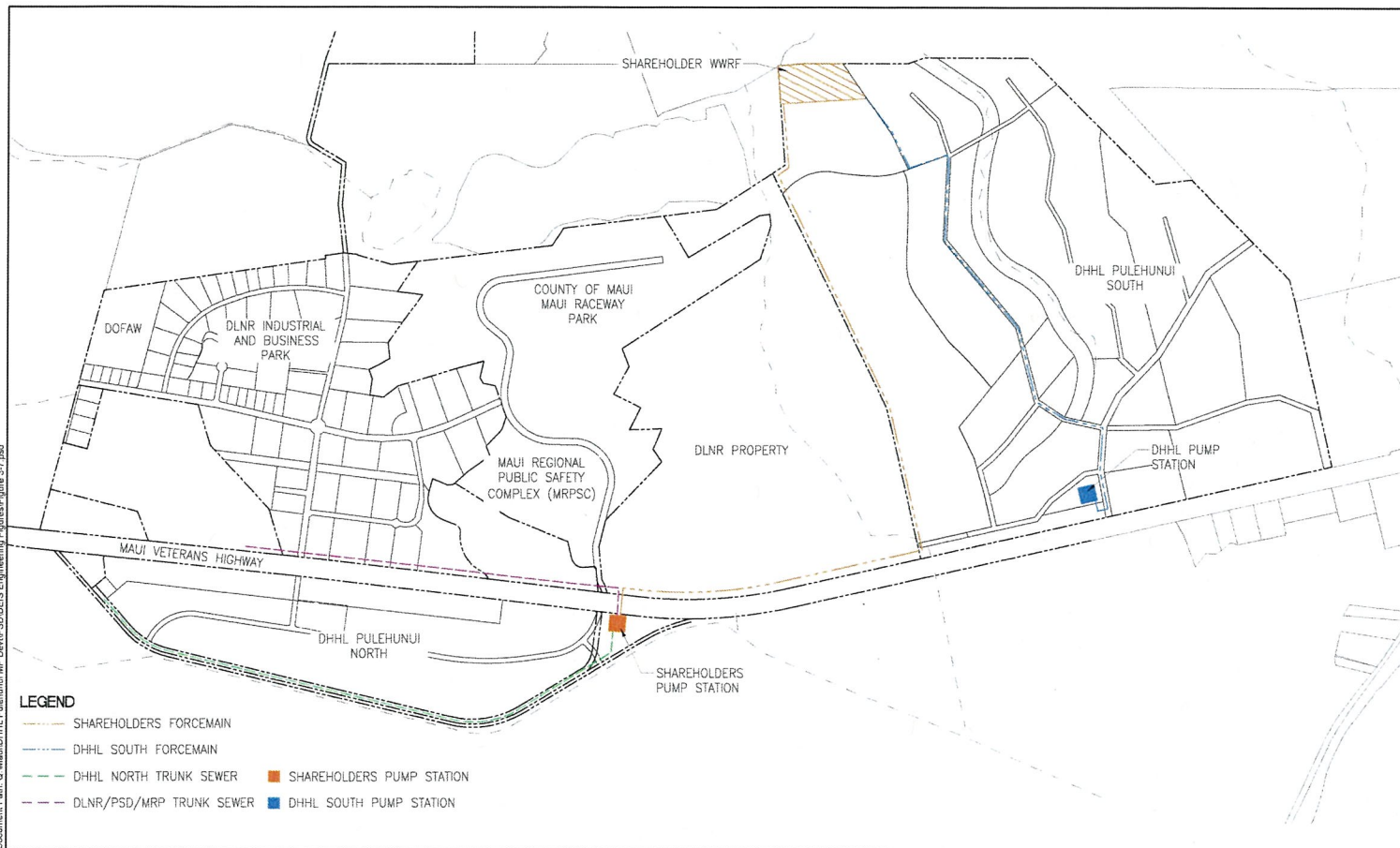
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**Figure 5-15**  
**Proposed Wastewater Alternative 2C**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

North



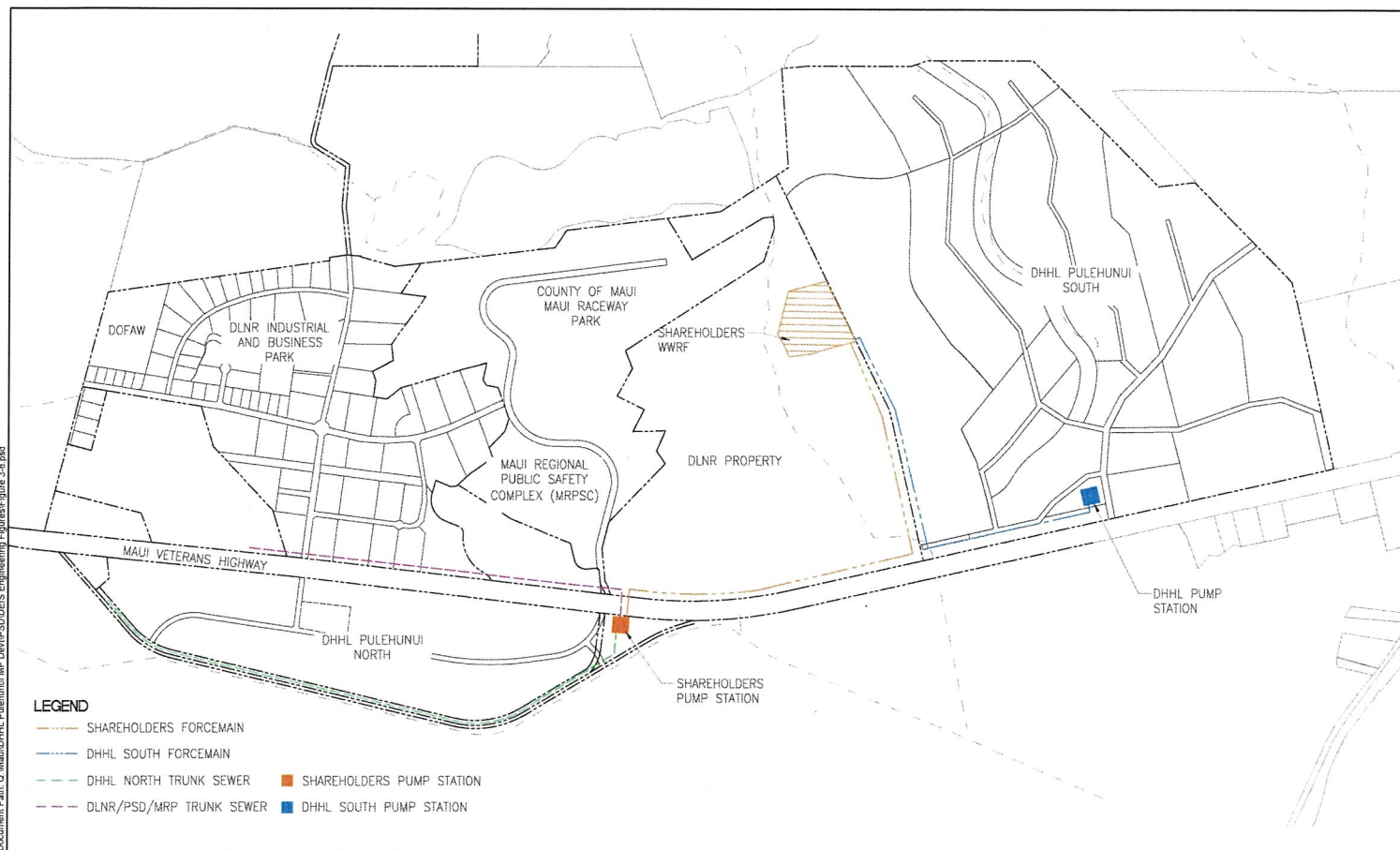
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**Figure 5-16**  
**Proposed Wastewater Alternative 3A**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands      Island of Maui

North



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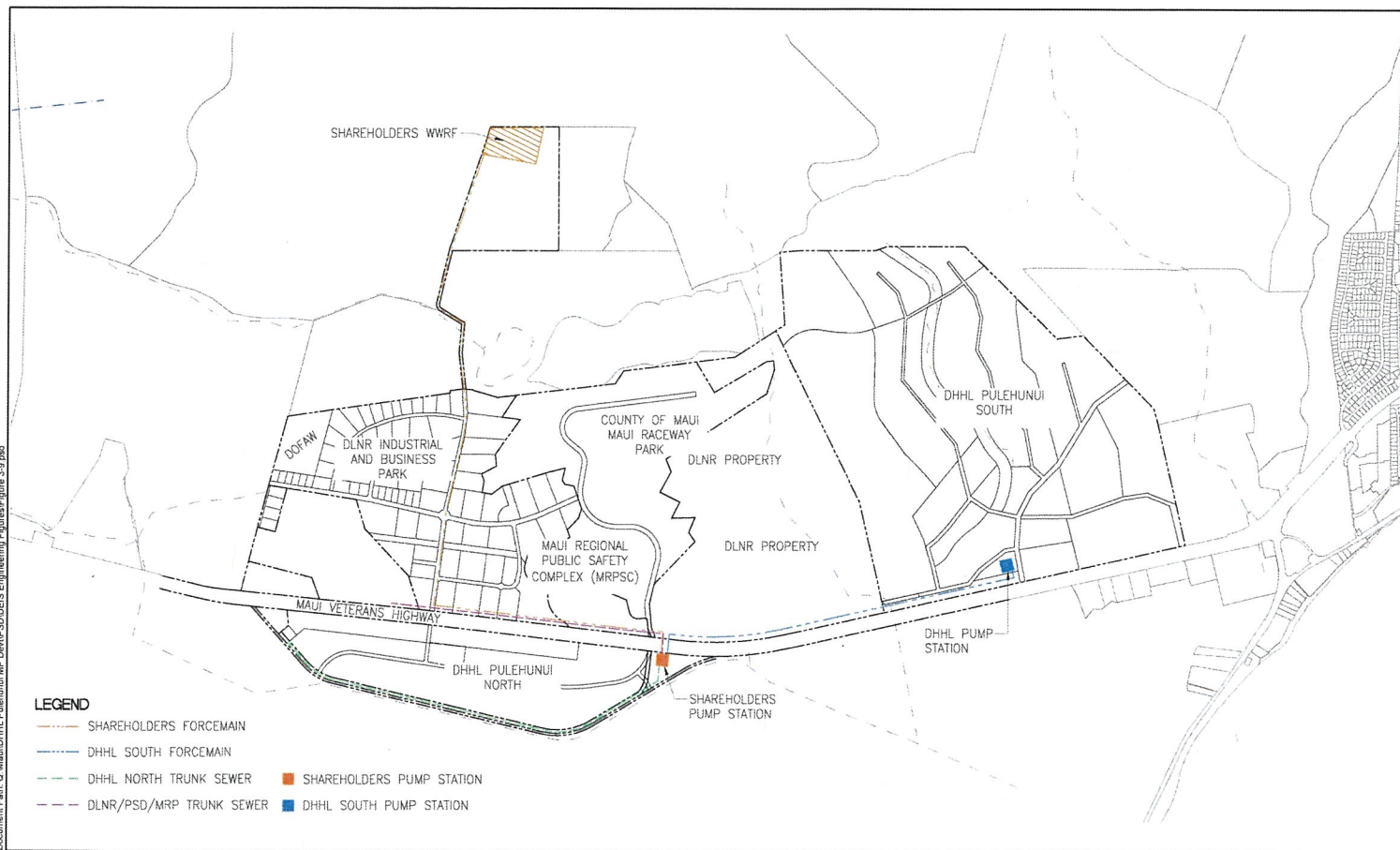


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**Figure 5-17**  
**Proposed Wastewater Alternative 3B**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands Island of Maui

North



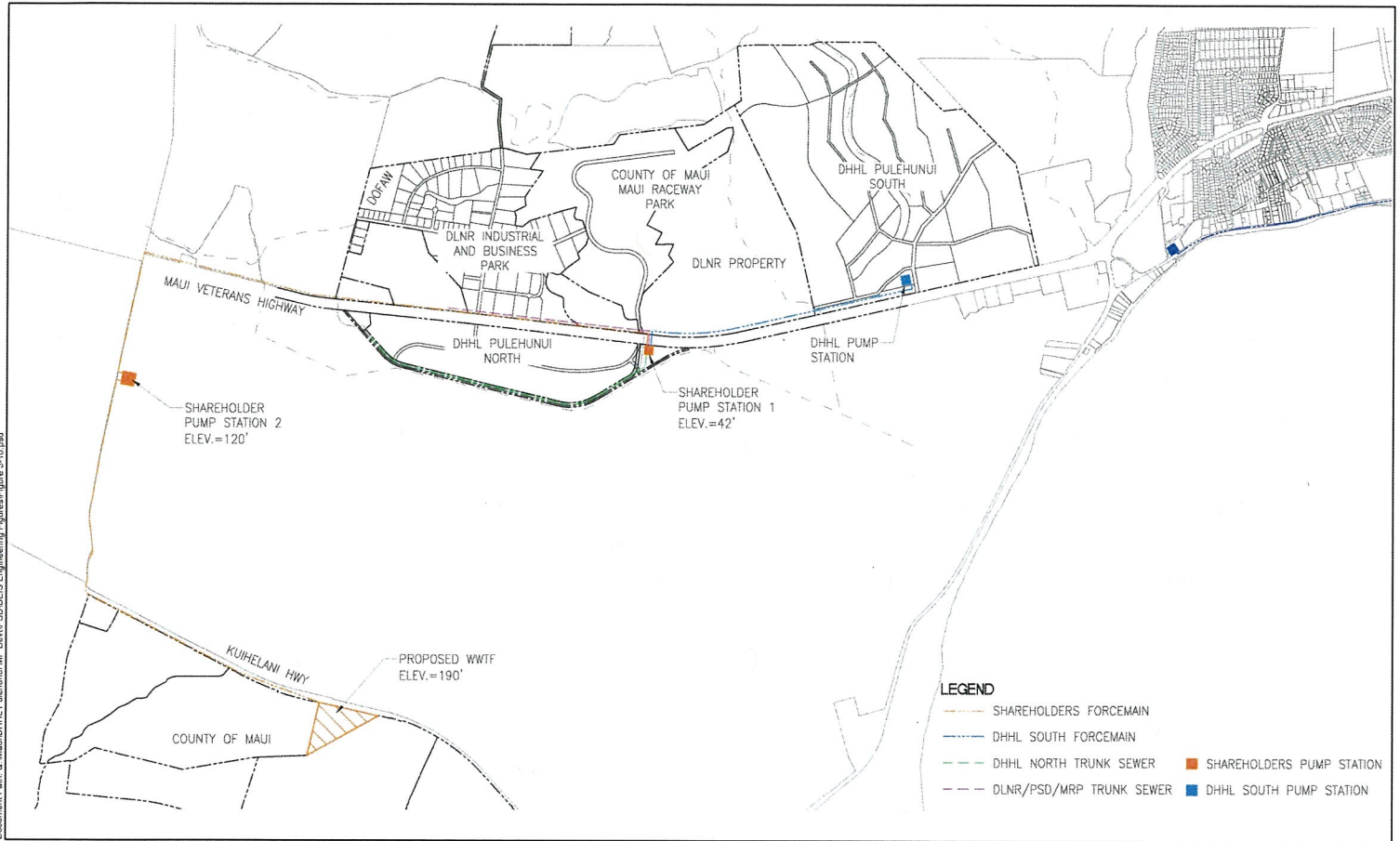
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**Figure 5-18**  
**Proposed Wastewater Alternative 4**

**PŪLEHUNUI REGIONAL  
INFRASTRUCTURE MASTER PLAN**

Department of Hawaiian Home Lands

Island of Maui

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## Schedule Milestones

### Pūlehunui Regional Infrastructure Master Plan (EIS)



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager  
From: Bryan Esmeralda, AICP, Planner  
Julie-Ann Cachola, Planner  
Subject: Maui Island Plans Update

RECOMMENDED MOTION/ACTION

None; for information only.

BACKGROUND

The Planning Office provides information and updates on Department of Hawaiian Home Lands (DHHL) plan, programs, and projects previously adopted by the Hawaiian Homes Commission (HHC) that affect lands and homestead communities where the HHC is scheduled to meet. As the HHC will be meeting on Maui this month, this submittal is intended to provide an update on the Maui Island Plan (MIP) and four (4) Regional Plans for the island of Maui.

EXISTING PLANS AND IMPLEMENTATION STATUS

Maui Island Plan

The MIP was adopted by the HHC in September 2004. The MIP serves as a comprehensive resource for planning and managing the DHHL's lands on Maui and establishes land use designations to encourage orderly social, physical, and economic development. The MIP examines infrastructure needs and demands, proposes plans for both homesteading and non-homesteading uses, examines costs for both on- and off-site infrastructure, and based on these findings, identifies priority areas for homestead development.

**Table 1** identifies the number and percent of acres designated for each land use.

**Table 1.** Maui Island Land Use Designations

Land Use Designation	Acres	Percent of Island
Special District	15,485	48.5%
Conservation	7,483	23.4%
General Agriculture	5,776	18.1%
Residential	1,531	4.8%
Pastoral	675	2.1%
Subsistence Agriculture	302	0.9%
Supplemental Agriculture	233	0.7%
Industrial	190	0.6%
Commercial	138	0.4%
Community Use	110	0.3%
<b>TOTAL</b>	<b>31,923</b>	<b>100.0%</b>

The MIP identifies five (5) planning regions for the island: Upcountry, South, East, Central, and West. The MIP also identified Kēōkea-Waiohuli, Honokōwai, and Wākiu as high priority tracts for homestead development. Of these tracts, the DHHL focused first on Kēōkea-Waiohuli and has since awarded 688 leases, making it the largest homestead area on Maui. Honokōwai was also identified as a priority tract in order to provide residential homesteads in West Maui. A year after the MIP was adopted, DHHL acquired the Villages of Leiali'i Phases I-A and I-B. Leiali'i Phase I-A included infrastructure improvements that had been constructed to support the planned 104-lot subdivision, thus shifting the focus of residential demand in West Maui from Honokōwai to Leiali'i. Master planning has commenced earlier this year on the Honokōwai tract for a subsistence agriculture community and supporting uses. The DHHL is actively working on acquiring water for the development of Leiali'i I-B and Honokōwai through a proposed intergovernmental agreement with the County of Maui, Department of Water Supply and through the development of water system improvements to be able to bring the DHHL's Honokōwai Well online. Briefings on both these efforts are also being presented to the HHC at this meeting.

**Table 2** below summarizes information on current leases, proposed lots, and MIP land use designations by each planning region and homestead area.



Table 2. Summary of Maui Leases and Land Use Designations

REGION	LEASES		LAND USE DESIGNATIONS BY ACRES										Special District	TOTAL
	Existing	Proposed Lots	Residential	Subsistence Ag.	Supplemental Ag.	General Ag.	Pastoral	Community Use	Commercial	Industrial	Conservation			
<b>CENTRAL MAUI</b>														
Paukubelo	180							6						986.19
Waiehu Kou	359		58					7						64
Wailuku			84						0.19					91
Pulehimi									105	180				0.19
<b>WEST MAUI</b>														831
Honokowai		426	111					19						853
Leiali	104	250	76		205	407			30	5				777
<b>EAST MAUI</b>														76
Waiau														898
Keanae		102	46	75		522		5	3	5				656
Waiau		32		57		92		2						151
<b>UPCOUNTRY</b>		11		28		53					10			91
Keokea-Waihiuli														6157
Kualapa	688	485	1160	170		3940		69			773			6112
Uluhalakua						43								43
<b>SOUTH MAUI</b>								2						2
Kahikini														23033
Kahini/Kanahena	75					100	675				6700	15485		22860
Ahihi						73								100
<b>TOTAL</b>	1406	1306	1535	330	205	5716	675	110	138.19	190	7483	15485		31927.19

### Regional Plans

The island of Maui has four (4) regional plans: Villages of Leialii'i and Honokōwai (December 2009), Kēōkea-Waiohuli (June 2010), Paukūkalo-Wai'ehu Kou (June 2010), and Kahikinui (July 2011). The regional plans provide the DHHL with the means to solidify visions and partnerships that are essential to effectively manage Hawaiian Home Lands Trust lands for the betterment of Beneficiaries. Furthermore, the regional plans are a tool for communities to strengthen the growth of their regions, develop partnerships to leverage diverse resources and capital investment, and foster participation in determining the future direction of homestead communities. The regional plans provide the DHHL and the communities the opportunity to assess land use development factors, identify issues and opportunities, and identify the region's top priority projects.

**Exhibit A** provides a summary of the four (4) Maui regional plan priority projects and updates on their status.



**Status of Maui Regional Plan Priority Projects**  
October 2018

<b>VILLAGES OF LEIALII AND HONOKOWAI (December 2009)</b>		
<b>Priority Project</b>	<b>Description</b>	<b>Status</b>
Leialii Parkway and Honoapiilani Highway Intersection Improvements	As a condition of the acquisition of Leiali'i Phases I-A and I-B, DHHL is required to improve the Leiali'i Parkway to the Honoapi'ilani Highway intersection. Two of four lanes end abruptly; they do not connect to the main highway.	DHHL has a legislative appropriation to complete this project. Upon completion, Leiali'i Parkway will be dedicated to the County of Maui.
Water Source Development	Development at Leiali'i Phase I-B and Honokowai will require the development of a water source, additional storage capacity, and transmission lines. DHHL has constructed a well on State lands in Honokowai and is in the process of designing water system improvements.	<ul style="list-style-type: none"> <li>- A Draft Environmental Assessment is currently being prepared for proposed water system improvements related to operation of DHHL's Honokowai Well.</li> <li>- HHFDC, through a Memorandum of Understanding, will contribute \$10 million for the design and construction of the improvements in exchange for 50% of the well's available capacity.</li> <li>- Through an intergovernmental agreement with the County Dept. of Water Supply, DHHL will receive 200,000 GPD from the existing Mahinahina SWTP in exchange for a land use license to DWS.</li> </ul>
Park Development	The Villages of Leiali'i Homeowners Association expressed a need for parks and playground equipment. The County of Maui agreed to assist with the development of a public playground in the area. Various sites were identified; the most suitable site is under the jurisdiction of HHFDC and is currently identified as a drainage retention basin. Grassed, park use would serve the purpose of ensuring the capture of runoff surface water.	To complete the Act 14 settlement, there is a balance of properties owed to DHHL by the State. Lands at Leiali'i under the jurisdiction of HHFDC were identified as potential lands for acquisition, however, the area identified by the community for park development was not included. This land transaction has not been finalized so the park land could still be included.

**Status of Maui Regional Plan Priority Projects**  
October 2018

Preliminary Review of Honokowai Lands	A preliminary master plan was prepared for the Honokowai lands with participation of Beneficiaries on the waitlist. The preferred plan envisioned residential, agricultural, commercial, and public uses. While the master plan for the Honokowai lands may be revisited in the future, in the meantime, a preliminary review of the property is proposed to determine the activities and/or uses that could be undertaken in the near future.	Master planning for a new subsistence agricultural community at Honokowai has begun. The preliminary project schedule shows the master plan being completed by the end of 2019 and Environmental Assessment process in 2020.
<b>KEOKEA-WAIOHULI (June 2010)</b>		
Develop Water Source and Related Infrastructure for Agriculture and Residential Lots	Develop new water source, storage, and transmission infrastructure for the build-out of Kula properties. Coordinate with NRCS, DOA, County DWS and the Maui County Farm Bureau to extend the agricultural water line to the Keokea agricultural lots.	<ul style="list-style-type: none"> <li>- A water bypass line was constructed to improve the efficiency of transmission to DHHL properties.</li> <li>- In 2017, the Legislature appropriated \$2 million for the design and construction of an agricultural offsite water system, however source is still an issue.</li> <li>- DHHL successfully negotiated an agreement with the County DWS for 500,000 gallons of source water which will accommodate approximately 800 existing and Undivided Interest lots.</li> </ul>

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Identify and Support Development of Community Facilities for Waiohuli and Keokea	A total of 69 acres are allocated for community and park use throughout the Waiohuli and Keokea homesteads. A site has been identified and community planning is in progress for a community facility in Waiohuli. Beneficiaries expressed the need for a community area in Keokea.	<p>- The Waiohuli Hawaiian Homesteaders Association received a 50-year license for their community center site in 2007. They completed a master plan, secured \$1.5 million in GIA CIP funding, and completed Phase I of construction which includes a 656 SF certified kitchen, 984 SF trellised lanai, 1152 SF Hale Halawai cultural zone facility, a garden, amphitheater, and paved parking. In 2017 the Association received \$500,000 in GIA CIP funding for Phase II, which consists of the expansion and improvement of the existing event facilities, the establishment of a health and wellness component, and a community renewable energy initiative feasibility assessment.</p> <p>- Keokea Homestead Farm Lota Association secured a ROE permit for their marketplace and plant nursery site. They completed a site plan for their community center and have filed a Land Use Request for a long-term license. They have made temporary improvements to the marketplace in order to host a monthly farmers market.</p>
Support the Development of a Kihei to Kula Road through Hawaiian Home Lands	Beneficiaries expressed a desire for a new roadway that would connect the Keokea-Waiohuli lands to Kihei. The new roadway would run through the DHHL lands, bringing access and value to the large acreage makai of Waiohuli and Keokea.	Lessees would like DHHL to negotiate the use of Ulupalakua's private road that connects Ulupalakua to Kihei. A portion of that road goes through DHHL lands at Kanahena-Ahihi which we lease to Haleakala Ranch.
Support Efforts to Implement/Malama Cultural Preserve Management Plans	Beneficiaries expressed a need to maintain archaeological and cultural sites located within the Waiohuli-Keokea area. Both areas have approved Cultural Preserve Management Plans in place.	In 2017, the Legislature appropriated \$1 million in CIP funding for design, construction, repair, and maintenance of archaeological preservation improvements at Keokea and Waiohuli.
Awareness Campaign/Letter Writing Campaign to Address Safety Concerns	Beneficiaries have expressed concerns about safety and vandalism issues in Waiohuli and Keokea. To address these issues, a letter writing/awareness campaign was proposed.	In 2017, the Legislature appropriated \$1.2 million in CIP funding for the design, construction, repair, and maintenance of roadway safety and drainage improvements in Kula.

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<b>PAUKUKALO/WAIEHU KOU (June 2010)</b>		
Paukukalo Armory Site Development	The community has identified the armory site at Paukukalo for the development of a community center. The center is envisioned to serve the needs of the region. Possible facilities within the community center include a kupuna center, a certified kitchen, and a Native Hawaiian health center.	<ul style="list-style-type: none"> <li>- Hui No Ke Ola Pono, Maui's Native Hawaiian health care center, has expressed interest in leasing the site for the development of an integrated health care system. The former association board members were supportive of this proposed use.</li> <li>- Research indicates that there may be some unresolved soil contamination issues resulting from previous uses of the site. It needs to be determined what level of remediation needs to occur.</li> </ul>
Investigate Feasibility of Use of Waiehu Kou Vacant Lands Between Waiehu Kou III and IV	The Waiehu Kou Beneficiaries are interested in using the vacant lands located between Waiehu Kou III and IV. The site is currently located within a flood one, so no permanent structures can be developed. The community is interested in providing land management services in these areas in conjunction with community gardening activities and other ag uses.	<ul style="list-style-type: none"> <li>- Residents are using some portions closest to homes for growing plants.</li> <li>- LDD reports that the lands have maintenance issues, damage to fencing, and that there is a need to verify boundaries of DHHL lands, State highway, and County golf course. State highways seeks further improvement of the highway right of way. Land use and liability issues need to be resolved since lands are within drainage ways and floodplain.</li> </ul>
Address Traffic Congestion and Transportation Needs	There is a need to improve the transportation infrastructure to relieve traffic congestion in the Waihee area. Possible alternatives for this project include the extension of the County bus line to serve the area, and an internal bike path and walking trail network system which would connect Waiehu Kou I-IV.	<ul style="list-style-type: none"> <li>- Highway improvements, including widening the drainage culvert, improving site distance, construction of pocket lanes for ingress and egress have been constructed. Bus stop turn-in lanes have also been constructed.</li> <li>- County bus service has been extended to Waihee/Waiehu Kou.</li> </ul>
Address Drainage Issue at Paukukalo	Residents of the Paukukalo homestead expressed a need for improvements to Kalakaua Street where it intersects with Kuhio Place and Kealii Drive. Residents have experienced flooding and drainage problems for many years.	Waiehu Kou II was awarded a grant through the Resilient Hawaiian Communities Initiative and is preparing a plan to address drainage issues in the Waiehu Kou area.

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Identify Community Economic Development Uses at Puunene	Waiehu Kou and Paukukalo homesteaders expressed an interest in utilizing lands at Pulehunui to generate revenue for DHHL and the homestead associations.	Legislature appropriated \$4 million for an Environmental Impact Statement for a regional infrastructure master plan to service DHHL, DLNR, DAGS, and PSD projects in Pulehunui and \$17.5 million for wastewater infrastructure construction. EIS process is underway. Planning charrettes were held with Beneficiaries to determine desired uses on Pulehunui South while Pulehunui North is still envisioned for commercial/industrial uses for DHHL revenue generation purposes.
Identify Sites for a Potential Community Center at Waiehu Kou	Beneficiaries of Waiehu Kou have expressed an interest in constructing a community center that would unify the communities of Waiehu Kou I-IV. Potential sites include a parcel of land across from Waiehu Kou IV and a park at Waiehu Kou II, a vacant parcel at Waiehu Kou II, or a site adjacent to the Waiehu Golf Course or Maui Coastal Land Trust lands.	Potential sites still to be identified and assessed for feasibility of project.
<b>KAHIKINUI (July 2011)</b>		
Homestead Development Facilitation Program	Only a portion of the 75 lessees have settled on their lots. Without the participation of all lessees, kuleana and projects of the association are adversely affected. This project helps lessees build and settle in Kahikinui by providing a safe and secure place for their construction materials, and the development of a "how to" manual that compiles the lessons learned from existing residents.	The lessees who have not settled at Kahikinui continue to pose organizational and operational problems for the existing residents and the Association. Lessees have noted that without roads, many lessees cannot access their lots.

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Homestead Roads - Improve & Develop Roadway Network	The lack of an improved roadway network is the greatest impediment to homesteading at Kahikinui. Improved roadways will: facilitate more settlement at Kahikinui, decrease the cost and time involved in daily travel, provide access to emergency vehicles, create natural fire breaks, and facilitate the logistics involved in land stewardship and reforestation work.	<ul style="list-style-type: none"> <li>- After a fire burned over 6000 acres in Kahikinui in 2016, DHHH and the lessees met with firefighters, DOFAW, ranchers, County representatives, the LHWP and other stakeholders to strategize how to prevent and respond to the threat of wildfires.</li> <li>- With the assistance of the Hawaii Wildfire Management Organization, Kahikinui became one of the first Firewise Communities on the island. They conducted a fire hazard assessment which identified the one-lane access road as the major problem.</li> <li>- The LHWP secured funds from the Hawaii Wildfire Management group for fuel reduction work along the road and selected a company owned by fulltime Kahikinui residents. In May 2017, in a span of 7 days, 3 miles of road was cleared on both sides, 4 large pull-outs for passing vehicles and turn around areas, 7 drainage areas, and other road repairs were completed improving access for lessees and emergency vehicles.</li> </ul>
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Resource Management	<p>Kahikinui is a pilot project in the relationship of people to the land, to live sustainably in harmony with nature. As such, the relationship to nature is key to the meaning and purposed of the Kahikinui community. Kahikinui is home to the largest intact mature mesic koa forest on Maui and is therefore critical to the preservation of the native ecosystem which is home to many endemic species. After over 100 years of ungulate damage, management and restoration of the native ecosystem poses a significant challenge in terms of the scope and the scale of efforts required.</p>	<ul style="list-style-type: none"> <li>- The LHWP has been conducting resource management activities in the mauka forest for many years. It is through their efforts that the resource management fence to protect the forest from feral ungulates is nearly complete.</li> <li>- LHWP is now focused on feral ungulate removal and the preparation of an Ungulate Removal Plan which DLNR required as a condition of funding to complete the fence.</li> <li>- KIA Hawaii is a full-service ungulate management company that specializes in the planning, detection, assessment, capture, removal, and certification of ungulate or small mammal populations utilizing Forward Looking Infrared technology. KIA has been working closely with LHWP and the homestead community to remove ungulates from the forest and hosting community harvest days to supply homesteaders from across Maui with meat.</li> <li>- KIA produced the first map and count of the ungulate population in the forest and conducted a pilot project to ensure this method was viable at Kahikinui. KIA was granted an ROE for ungulate removal from within the resource management fence.</li> </ul>
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Develop a New Stewardship Economy for Kahikinui	There is support for developing new economic opportunities for Kahikinui that are in tune with its resources and compatible with the land and Hawaiian cultural values. Sustainable living and a sustainable economy is envisioned to work in concert and create a pioneering lifestyle that is appropriate for the 21st century, based on sustainable stewardship and resource management. Is it something being invented as the Kahikinui experiment evolves.	<p>- KOOK's board is working to develop the Hale Pili area as a community/commercial node for the region that would include restroom facilities, a storefront where lessees may sell their wares and a staging area for work groups.</p> <p>- They are working with the Polynesian Voyaging Society to restore 2 heiau that are linked to astronomy. They recognize that Kahikinui's night skies provide excellent opportunities for star-gazing and they want to provide cabins/shelters and viewing decks to support those users.</p>
Punawai Project & Water Infrastructure Improvements	There is support for developing new economic opportunities for Kahikinui that are in tune with its resources and compatible with the land and Hawaiian cultural values. Sustainable living and a sustainable economy is envisioned to work in concert and create a pioneering lifestyle that is appropriate for the 21st century, based on sustainable stewardship and resource management. Is it something being invented as the Kahikinui experiment evolves.	Dr. James Juvik (UH Hilo Geography and Environmental Studies Dept.) conducted initial fog catchment studies at Kahikinui in 1996-1997. His research at Kahikinui confirmed that the fog catchment system captured exponentially more water than conventional water catchment systems. He has implemented these systems in parts of Africa, and returned to Hawaii with a desire to construct a large scale fog catchment system, as originally planned, at Kahikinui. The materials list and development budget needs to be updated.



STATE OF HAWAII`I  
DEPARTMENT OF HAWAIIAN HOME LANDS  
OCTOBER 15-16, 2018

To: Chairperson and Members, Hawaiian Homes Commission  
From: Kaleo Manuel, Acting Planning Program Manager  
Through: E Halealoha Ayau, Water Resource Management Specialist *EA*  
Subject: For Information Only - Maui Island Water Issues  
and Projects

I. RECOMMENDED MOTION/ ACTION

None; for information only.

II. DISCUSSION

This submittal to the Hawaiian Homes Commission ("HHC") provides an overview of water issues and projects of significance to beneficiaries and the Department of Hawaiian Home Lands ("DHHL") on the island of Maui. Significant Maui water projects and issues include water resources management and development issues relating to: (1) Kēōkea - Waiōhuli (Upcountry); (2) Honokōwai - Leialī'i; (3) Pūlehunui; (4) East Maui stream tracts Ke'anae, Wailua, and Wākiu; (5) Kahikinui; (6) Central Maui (Wai'ehu, Paukūkalo); (7) DHHL receipts from East Maui Irrigation [EMI] Co. water licenses subject to the Native Hawaiian Rehabilitation Fund; and (8) I Mana I Ka Wai DHHL Water Law and Advocacy Training.

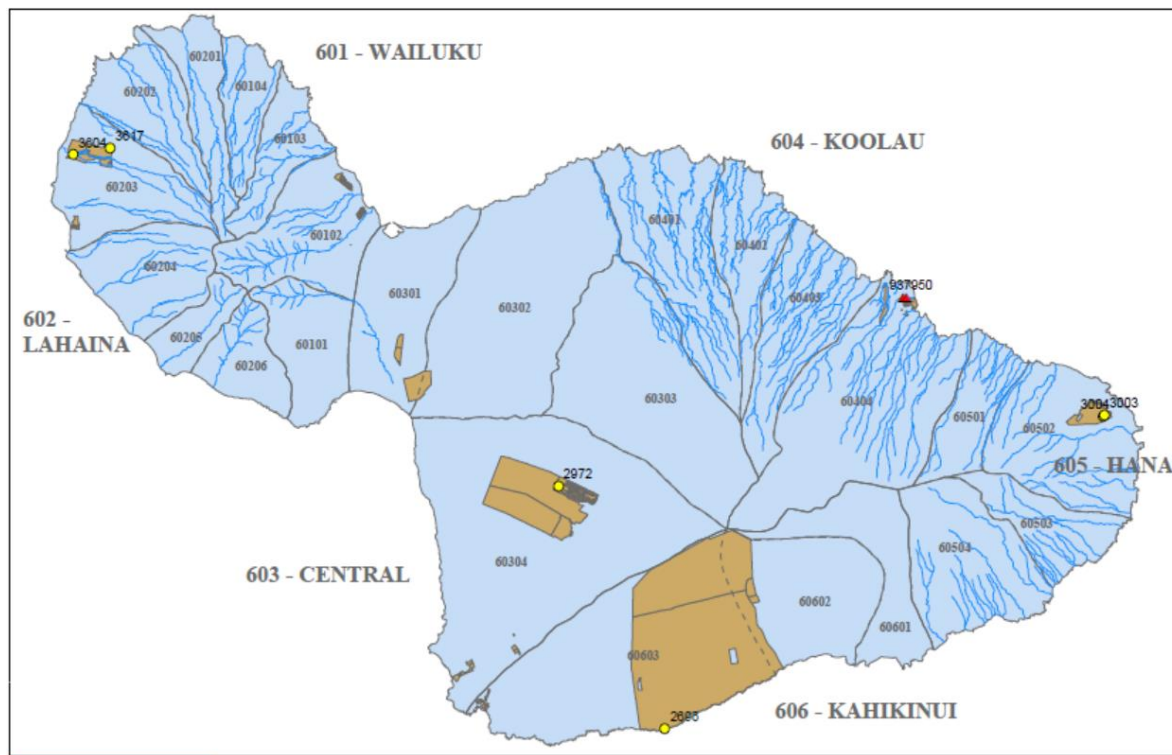


Fig. 1. Existing DHHL Tracts on Maui in relation to groundwater aquifers

1) Water needs and projects in Kēōkea- Waiōhuli (Upcountry)

DHHL holds in trust 6,112 acres of the Upcountry Kula region lands on the slopes of Haleakalā. Three homestead areas are currently under development at Kēōkea - Waiōhuli: (1) the Kula Residence Lots subdivision; (2) the Waiōhuli Undivided Interest subdivision; and (3) the Kēōkea Farm Lots. The Kēōkea - Waiōhuli subdivision consists of 320 residential lots and 66 Kēōkea Farm Lots and DHHL has long range plans to construct another 1,100 residential lots below this subdivision. The Kēōkea - Waiōhuli tract includes future Residential, Subsistence Agriculture, and Community Use areas, which will require water in the mauka half of the tract.

Kēōkea - Waiōhuli is part of DHHL's Upcountry planning region, which also includes 'Ulupalakua and Kualapa. It is also part of the County's Makawao-Pukalani-Kula Community Plan region, which is primarily supplied by surface water

sources. In the last century, the area has been used predominately for ranching and farming. This region is generally dry, with an annual rainfall of 20-30 inches.

a. *Potable water for Kēōkea - Waiōhuli tract.*

On December 9, 1997, DHHL signed a Water Credits Agreement with the Maui County Department of Water Supply (MDWS) for 0.5 million gallons a day (mgd) to DHHL for homesteading use in exchange for DHHL improvements to the water system (State Water Projects Plan [SWPP]- DHHL Update). The MDWS agreement imposed no time limitations on DHHL's use of this potable water reservation. Two existing developments, the 321-unit Kula Unit 1, and the 44-unit Hikina infill developments already use 0.219 mgd of these water credits, leaving a remaining balance of 0.281 mgd for future use. Total future potable demand, however, is 0.8097 mgd and a supplemental water source will be needed. In addition to water supply, new water delivery systems are needed for future development. See Fig. 2.

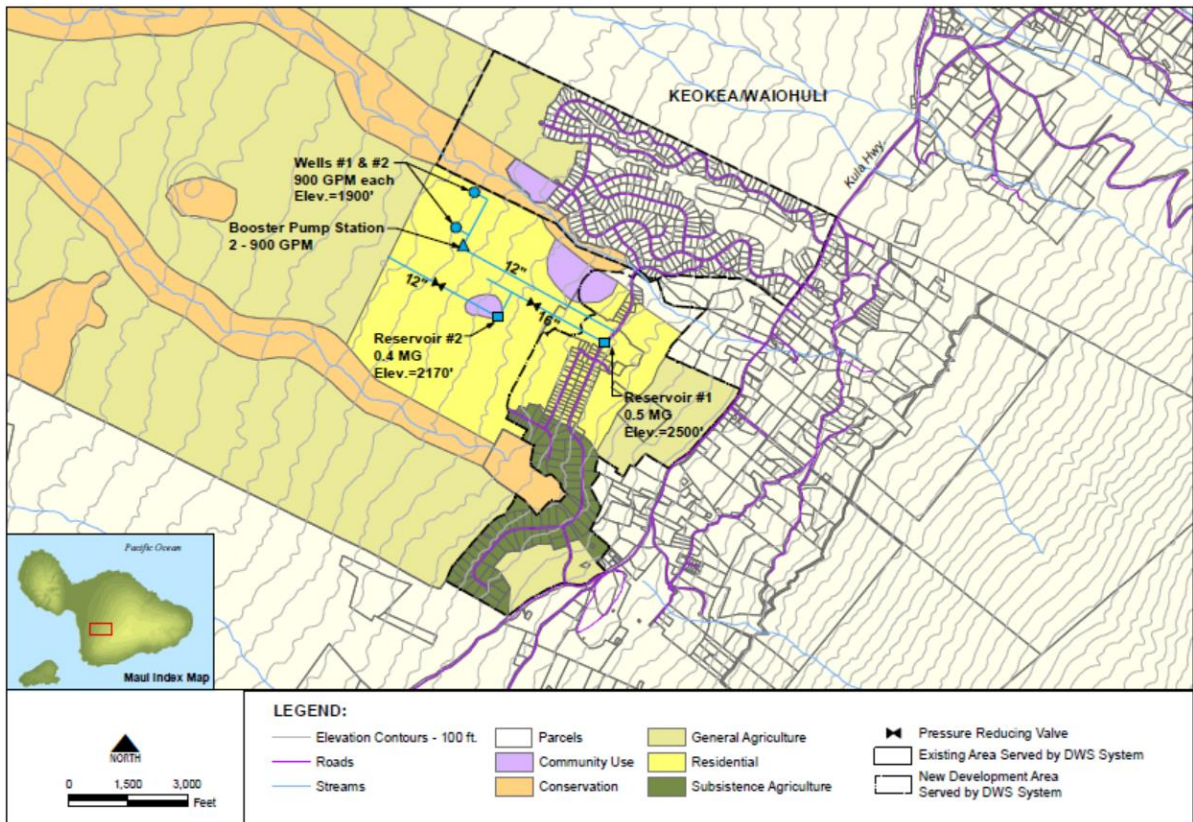


Fig. 2. DHHL Water System - Kēōkea - Waiōhuli Tract, SWPP Update, Appendix G.

b. *Nonpotable sources for Kēōkea - Waiōhuli*

Total Kēōkea - Waiōhuli future demand for non-potable water is 0.578 mgd. The Kēōkea - Waiōhuli tract also requires non-potable water for irrigation of the Subsistence Agricultural lands, which could be supplied by the Upcountry Maui Irrigation System if it was expanded to accommodate this area

Upcountry areas are primarily served by surface water sources. Surface water cannot be considered potable unless treated to meet standards under the Safe Drinking Water Act administered by the U.S. Environmental Protection Agency. Such surface water treatment is expensive and dependent on water treatment facility capacity. DHHL has recommended developing ground water sources to alleviate Upcountry regional dependency on treated surface water for potable water (Maui Island Plan [MIP] at 3-4). However, surface water remains a significant option for current and future agricultural water use.

The MDWS provides potable water for the Upcountry region through the Kula and Makawao systems (Exhibit A). The Kula system consists of an upper system at the 4,200 feet elevation, which collects surface water from Haipua'ena, Puohakamoa and Waiakamoi Streams, and the lower system, at the 3,000 foot level, which diverts water from the Haipua'ena, Puohakamoa, Waiakamoi and Honomanu Streams. Both upper and lower systems supply water to the Kēōkea - Waiōhuli area. The upper system feeds into a water treatment plant at Olinda, which has a capacity of 1.7 mgd. Major storage reservoirs for the upper system include the 100 million gallon (MG) Kahakapao reservoir, the 10 MG Upper Waiakamoi dam/reservoir, the lower Waiakamoi dam, and the 3 MG Olinda tank. Kēōkea - Waiōhuli tracts receive water from the lower Kula system. That water is treated by the Pi'iholo Water Treatment Facility, collected at the Kula Kai Reservoir, and then pumped to three (3) reservoirs consisting of a 1.5 MG tank, a 0.2 MG tank and a 0.1 MG tank, all of which serve the existing Kula Residential Lots (Unit 1 and Unit 2) at Waiōhuli.

The major source for the Makawao system is the intake at the end of the Wailoa Ditch, which is part of the EMI system. The Kamole Water Treatment Plant treats water from the Wailoa Ditch for residential use in Makawao, Pukalani,

Hali'imaile, and Ha'ikü. The 500,000 mgd that DHHL receives from MDWS comes from the lower Kula system, but that system also intermingles with water from the Kamole Water Treatment Facility. Present agreements with EMI allows the MDWS to take up to 12 mgd without prior notice.

DHHL's Këökea - Waiöhuli developments receive water from EMI's diversions via its 1997 water credits agreement with the MDWS, but EMI's diversions also affect the Haipua'ena, Waiakamoi and Honomanu streams, which feed into the Upper Kula System. Those streams were subject to CWRM contested case proceedings concerning EMI system diversions, and those streams also feed into the Upper Kula water system that communicates with DWS lines to Këökea - Waiöhuli developments. As an update to the completed EMI contested case, CWRM did not fully restore the three aforementioned streams, and instead partially restored them as follows.

(Decision and Order Chart at page 268-269):

<u>Stream Name</u>	<u>Restoration Status</u>	<u>BFQ50 at IIFS (cfs38)</u>	<u>IIFS Value (cfs)</u>	<u>Location Hana Hwy</u>
Honomanū	H90	4.2	4.2	Above
Ha'ipua'ena	Connectivity	4.9	1.36	Below
Waikamoi	H90	6.7	3.8	Above

H90 represents minimum habitat flow = to 64% of median baseflow and connectivity refers to streams that have barriers to biological or ecological improvement. While it is great that there is water in these three streams to restore habitat and traditional and customary practices that support our lands in Keanae and Wailuanui, it is difficult to determine the impacts to Këökea, Waiöhuli, and Pūlehunui considering a reduction in the amount of water diverted.

The U.S. Department of Agriculture (USDA), National Resource Conservation Service (NRCS), studied the construction of an agricultural water system to supply untreated irrigation water from the Kahakapo Reservoir to farmers in the Upper Kula area. In 1997, NRCS, in partnership with the State Department of Agriculture (DOA) planned for nine lateral systems to be supplied by the main pipeline, including the DHHL Këökea area, which would be

supplied by the Lower Kula Water System.<sup>1</sup> However, subsequently, the DOA indicated they would not construct lateral to service the Kēōkea area due to budgetary constraints, but that DHHL could construct this lateral at its own cost (SWPP Update). Costs to construct the Kēōkea lateral could be reflected in DHHL contributions to the Agricultural Water Use Development Plan Update.<sup>2</sup> *Id.*

Although Governor Ige released \$500,000 for design and \$1,500,000 for construction to extend the ag waterline to the DHHL Keokea area, there may no longer be sufficient source capacity in this ag waterline rendering construction unfeasible. LDD is finalizing procurement of a consultant to conduct a feasibility study on other options for Keokea such as catchment onsite, catchment offsite, pumping from other sources, and improving surface water system capacity with allocated source for DHHL. There is also the need to project the ag water needs of the Keokea Farm lessees.

*c. Other proposed water system improvements for Kēōkea - Waiōhuli.*

The MDWS also plans to construct an agricultural non-potable water system in upper Kula for irrigation purposes and to relieve potable water demands under its Upcountry Maui Watershed project. The State released \$1.7 million for this purpose in early 2014. The separate agricultural water distribution system would take water from the Kahakapao Reservoir through a main distribution pipeline that would extend from Olinda to Kēōkea, with nine lateral systems servicing areas including Kēōkea - Waiōhuli. The proposed system would include 9.4 miles of eight to 18-inch diameter high density polyethylene main distribution pipeline, 14.8 miles of lateral and sub lateral pipelines, 9.2 miles of access roads, gulches and roadway crossings, and 16 acres acquired as easements and right-of-ways and service 473 acres of cropland (MIP).

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<sup>1</sup> NRCS, Final Watershed Plan Environmental Impact Statement Upcountry Maui Watershed, at 27 (Mar. 1997) *available at*: [http://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs142p2\\_036676.pdf](http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_036676.pdf).

<sup>2</sup> Kēōkea-Waiōhuli water resource demands and planning to meet these demands are discussed in more detail in the East Maui Water Reservation Petition, HHC Item G-3 August 2015.

In addition to the MDWS separate agricultural water system, DHHL's Kēōkea - Waiōhuli Regional Plan (2010) assessed the following further water source and system improvements:

- Water may be pumped from the Hamakuapoko and proposed Ha'ikū Wells, however, due to the high cost of pumping to higher elevations, development and utilization of these wells are unlikely. The Po'okela well in Makawao was completed and went online in May 2007. This well is currently utilized only under drought conditions or other emergency purposes, when Upcountry water sources are inadequate.
- By 2015, intake improvements are expected on the Lower Kula Water System. By 2020, the County is planning to develop wells in Kēōkea and complete the Pūlehu Well and Transmission Project.
- When the Environmental Assessment was filed for the Waiōhuli Homestead Community Project, it was assumed that the water demand for Waiōhuli, Waiōhuli Uka and Waiōhuli Hikina would total approximately 293,400 GPD. About 4,250 gpd would be allocated to a 2.5-acre park. However, based on DWS comments, it appears that by the time Waiōhuli Uka and Waiōhuli Hikina are completed, all of the existing water allocation will be utilized.
- In the proposed Fiscal Year (FY) 2009, County of Maui budget, approximately \$15 million is proposed for water infrastructure projects in the Upcountry area. Among the proposed projects are improvements to the Kamole Water Treatment Plant, Kula Tank, and Makawao Waterline, as well as increased Upcountry Water Storage and improvements to the Waikamoi Flume. Collectively, these projects will improve water service for the Upcountry area.<sup>3</sup>

In summary, demand for Upcountry water is expected to increase, notwithstanding relief on potable water sources expected from MDWS' separate agricultural water line. County projections did not include significant build-out of DHHL lands at Kēōkea - Waiōhuli, most of which will consist

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<sup>3</sup> DHHL, Kēōkea - Waiōhuli Regional Plan, at 20 (2010).

in residential lots, some with agricultural demands. Existing water credit agreements with MDWS could provide water to another 343 units at Këökea - Waiöhuli, but not the long range planned 1,100 housing units, nor existing or future agricultural demands.

## 2) Honoköwai - Leiali'i

DHHL plans to develop 50 acres of commercial and industrial lands on the Honoköwai tract. The Leali'i tract and the remainder of the Honoköwai tract include Residential, Subsistence Agricultural, and Community Use lands. The existing MDWS Lahaina Water System cannot accommodate increased potable water demand from DHHL planned developments (SWPP Update at 4-25). DHHL is therefore developing a potable water well mauka of the Honoköwai tract and examining water transmission alternatives to integrate this well with the MDWS system, which will then be able to service the Honoköwai and Leali'i tracts, as well as some MDWS demands in the area. Total potable demand for this area from DHHL lands will be 0.7696 mgd.

Mauka portions of these tracts require irrigation water for agricultural uses of up to 2.0808 mgd. Maui County's Lahaina Wastewater Reclamation Facility is located adjacent to the makai boundary of the Honoköwai tract, and can produce up to 9.0 mgd of R-1 recycled water; however, the facility currently only receives an average of 4 mgd. Maui County plans to modify and expand the distribution system for this plant. DHHL and the County discussed servicing options in exchange for infrastructure construction within the Honoköwai tract, without reaching an agreement. Honoköwai Stream, however, runs through the General Agricultural portion of the Honoköwai tract and may provide irrigation water. Additionally, the Maui Land & Pineapple Irrigation System Honoköhau Ditch, including three reservoirs, is located along the mauka boundary of the tract. According to the 2004 AWUDP, the ditch is intact, but some sections are not being used, are abandoned, or in a state of flux pending ownership issues. DHHL is examining all of these options for non-potable water provision (SWPP Update).

DHHL is developing a master plan for Honokowai that will focus on agricultural opportunities and homesteads.



This may affect the overall water demand and strategy in the region.

DHHL and Department of Water Supply (DWS) are entering into an intergovernmental agreement that will provide 200,000 gpd to DHHL from the Mahinahina Surface Water Treatment Plant. Water received will be in lieu of monetary compensation for formal license and easement dispositions to DWS for the water system and appurtenances.

Items F-1 and G-6 on this month's agenda provide updates on the actions related to DHHL's efforts to secure water resources and infrastructure for Honokowai lands.

### 3) Pūlehunui water needs and development

DHHL holds in trust 831 acres of lands at Pūlehunui, also known as Pu'unene, in Central Maui. Pūlehunui is located within the Kahului Aquifer System Area, which has a sustainable yield of 1 mgd of heavily brackish water. These lands were acquired in two different transactions from the Department of Land and Natural Resources (DLNR) over the last few years.

#### *a. Water resource challenges for Pūlehunui lands.*

DHHL's planned potable water demand associated with these tracts is currently 1.734 mgd. Groundwater extraction from the already overtaxed Kahului aquifer is not a viable option for meeting water resource needs without expensive and permanent desalination. In addition, DHHL's future non-potable water demand is 1.8564 mgd (SWPP Update).

In Central Maui, the majority of municipal water is provided from the 'Īao and Waihe'e aquifers and surface water from Nā Wai 'Ehā. The 'Īao Aquifer was designated as a State Water Management Area in 2003 after pumping exceeded the Sustainable Yield of the aquifer, and pumping from the Waihe'e Aquifer is nearing its Sustainable Yield. The surface waters of Nā Wai 'Ehā have also been the subject of ongoing litigation and were designated as a surface water management area in March 13, 2008. Other aquifers in the region are less reliable or costly to develop like the Kahului aquifer that is brackish and the Waikapu aquifer that has limited water resources.

In water management areas, Water Use Permits must be obtained by all users from CWRM, and by law all water permits must ". . . not interfere with the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act." HRS §174C-49(a)(7). In other words, all permitted uses can be reduced by CWRM if those uses will interfere with DHHL's water rights. CWRM's water use permitting system provides a mechanism for enforcing these priority rights in water resources; however, it has never been executed since passage of the Water Code in 1987.

On July 22, 2004, DHHL submitted a water reservation request for portions of its lands in central Maui. Back and forth discussion and correspondence occurred up until January 23, 2007 resulting in a final water reservation request from the 'Īao Ground Water Management Area for 600,000 gallons per day for 100 acres of industrial use in Pu'unene (Pūlehunui). No further formal action was taken by DHHL or CWRM related to the reservation request. Since 2004, DHHL acquired additional lands and has additional foreseeable development in Pūlehunui that have water demands. Recommended actions include revising and updating the pending Department water reservation request and submit a Water Use Permit Application. Staff have been preparing an updated reservation request for these lands.

b. *Water planning and projects for Pūlehunui.*

Multiple possible water source alternatives exist for Pūlehunui lands, ranging from continued diversions from East Maui streams and altering their use (by crop type or from agricultural to commercial), to pumping and desalinating underlying brackish water. These possible alternatives differ from each other in multiple ways including:

- Short and long-term development and maintenance costs
- Capacity and potential yield
- Impacts on other stakeholders and Native Hawaiian users and rights
- Source resiliency to environmental change

Two abandoned brackish wells may provide irrigation water for Pūlehunui. DHHL has developed a matrix of potential water servicing alternatives, which included

options such as collaboration with multiple agencies, water conservation, and water reuse, for its own purposes. Currently, a Pulehunui infrastructure master plan is being developed through a collaboration between DHHL, DLNR, the Department of Public Safety, and the Department of Accounting and General Services, in consultation with the Maui County Planning Department and is further detailed in Item G-3. See Fig. 3.

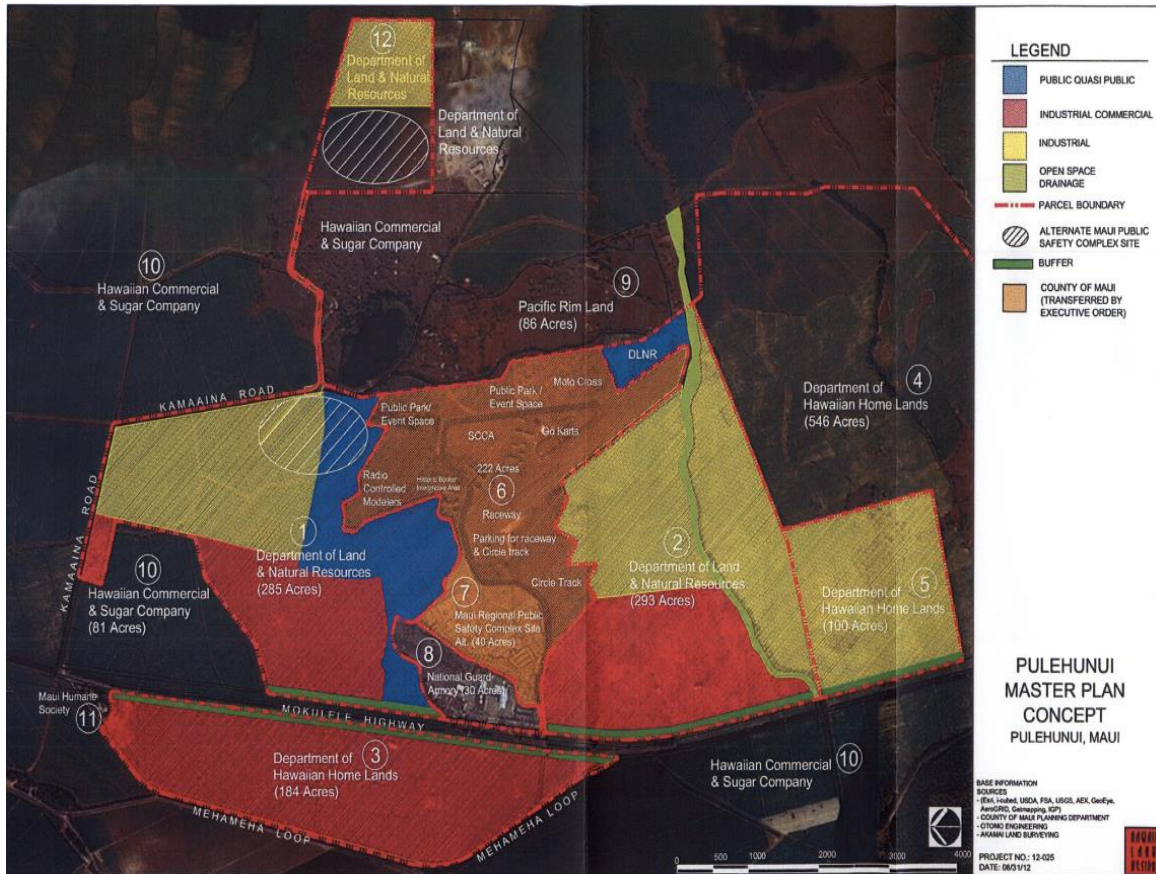


Fig. 3. Pulehunui Master Plan Concept, 2012.<sup>4</sup>

#### 4) Wailua, Wākiu, and Ke‘anae (East Maui)

DHHL holds in trust 91.4 acres at Wailua, 150.6 acres at Ke‘anae, and 743 acres at its Wākiu tract, all of which are located in East Maui. In a 1994 settlement with DLNR, DHHL acquired approximately 93 acres in Wailua Valley. The 16 parcels that make up the tract have lot sizes ranging

<sup>4</sup> See Pulehunui Master Plan, submitted by DHHL, DLNR, DPS, DAGS, in consultation with the County of Maui, Planning Dep’t to the Maui County Council General Plan Committee (Aug. 2012) (on file with DHHL).

from 0.5 to 60 acres and are spread throughout the existing Wailua Homesteads.

Total domestic water demand in the East Maui region is projected to increase from 0.2 mgd in 2001 to 0.33 mgd by the year 2020, reflecting an overall increase of 0.13 mgd or about 65 percent of the present consumption. The greatest demand for increased potable water resources is for single-family residential use (MIP at 6-1, 6-2). DHHL Development plans, however, primarily consist in proposed agricultural/aquaculture lots. Ke'anae and Wailua tracts are primarily planned for use as general agricultural and lo'i kalo uses. Lo'i kalo cultivation is possible through utilization of surface waters and ambient rainfall in Ke'anae and in Wailua. Currently, potable needs are served by the MDWS.

a. *Wailua lands*

U.S. Geological Study (USGS) topographic maps show Wailuanui and Waiokamilo perennial streams lie within the Wailua tract, as well as Wakani Falls along the southern border. All three streams are subjects of the long running CWRM contested case referred to above, related to the EMI system, that has been recently settled. High annual rainfall at Wailua (averaging between 120 and 200 inches) and stream flow from Wailuanui Stream could provide water to kalo crops planted throughout this valley area and generally make Wailua a candidate area for agricultural use.

According to DHHL's MIP beneficiary survey, the residential demand in East Maui is 79 units and agricultural demand in East Maui is 204 lots (MIP). The Wailua tract is better suited for agricultural uses, thus the final land use plan for Wailua proposes: 11 subsistence agricultural lots on 28 acres; 52 acres of general agricultural use; 10 acres of conservation land.

Notably, in developing its plans for Wailua, DHHL rejected a proposal by Nā Moku to designate the Wailua tract as a Special District Use. (MIP at 6-31). Nā Moku represents approximately 500 families residing in East Maui and is the petitioner in the CWRM contested case hearing. On March 27, 2003, Nā Moku president, Edward Wendt noted that Ke'anae and Wailua lands were not part of the original

inventory of Department lands under the HHCA, but were rather transferred to DHHL from the Department of Land and Natural Resources (DLNR) as part of a breach of trust settlement in the mid-1990s. Nä Moku had opposed the land transfer on the basis of concerns that DHHL would settle beneficiaries on Ke'anae and Wailua lands who would be unaccustomed to traditional, subsistence lifestyles preserved in the area; and those beneficiaries would bypass Nä Moku residents who had been waiting for decades to gain leases for those Ke'anae and Wailua lands. The Special District designation, developed under to DHHL's 2002 General Plan, would have recognized Nä Moku's concerns as "unusual constraints" requiring special attention by DHHL and allowing opportunities for further discussions with Nä Moku regarding the future of Ke'anae and Wailua. Over the past two years, Planning Office staff have continued informal conversations in this community to discuss these and related issues.

Wailua homesteads are currently served by DWS systems, which pump an average of 168,000 gpd to a larger East Maui region. The county system consists of three deep wells and a surface water source located at Wailua Stream. DWS projects a 65% increase in water demand by 2024 and plans to implement transmission improvements. To implement planned development in Wailua, DHHL proposed to extend a six-inch line from Hāna Highway to serve new agricultural lots. Catchment systems in Wailua, however, could also be used to produce potable water for consumption and nonpotable irrigation water.

b. *Wäkiu lands:*

No streams run through the 743 acres of DHHL's Wäkiu lands. These lands have potential for a mix of uses and of the three tracts in the East Maui region, Wäkiu was Maui beneficiaries' first choice for residential use. Approximately 200 acres located in the lower portion of the tract are readily developable; high slopes in upper elevations are the primary development constraint. Western portions of Wäkiu have soils that are suitable for producing food, feed, fiber, and forage crops. Average annual rainfall is high enough that water catchment could be used for crop irrigation. The area has an existing access road connecting to Hāna Highway.

MDWS maintains a 0.5 MG storage tank on the Häna side of the Wäkiu tract and this tank is fed by two wells (Wäkiu Well B and Hämoa Well) capable of supplying 1 mgd. This storage tank supplies a 12-inch water line along Häna Highway and into Häna town. A second, 6-inch line runs to Wai'anapanapa Road. Wäkiu Well A is not being used and a surface water source at Wailua stream is not being used currently. DWS is adding a well at Hämoa and the county water system could provide water to Wäkiu developments.

Proposed land uses for Wäkiu include 80 half-acre residential lots on 46 acres; 22 three-acre subsistence agricultural lots on 75 acres; five acres of community use; three acres of commercial use; five acres of industrial; and five hundred twenty-two acres of general agriculture use. DHHL planned the Wäkiu tract as a small Residential and Subsistence Agricultural community located mauka of Häna Highway. MDWS' Häna Water system could service DHHL's planned developments. SWPP Update at 4-26. DHHL is negotiating an agreement to receive water credits sufficient for potable water needs in exchange for the use of DHHL land.

c. *Ke'anae Lands:*

Ke'anae is composed of two properties (mauka and makai) totaling approximately 150.6 acres. The mauka property is composed of 148.7 acres and the makai property is 1.9 acres and is composed of two contiguous parcels. Both properties are fairly flat. Mauka portions of the Ke'anae tract are adjacent to Palauhulu stream, leads to Ke'äkü Falls, 'Öhi'a Spring, and Pi'ina'au Stream within Ke'anae. Both streams are perennial and subjects of the CWRM contested case. Water service to the Ke'anae properties is currently provided through a DWS line off of Häna Highway. Ke'anae's development plan proposed to use catchment to develop new lots.

Proposed uses of the Ke'anae tracts do not include residential use. The mauka parcel is suited for pastoral and agricultural use due to its soils, high rainfall, and an existing pasture on a portion of the property. The makai portion of the Ke'anae tract is not suitable for residential use due to its designation as a floodplain and is more suited to community and cultural uses, including ocean access. Proposed use of Ke'anae properties includes

two acres of community use on the makai property, three-acre subsistence agricultural lots on 57 acres of the mauka property, with the remaining acres are designated for general agriculture.

#### 5) Kahikinui water needs and projects

Future water needs for the Kahikinui tract are entirely for Pastoral uses. Long term potable water needs are 0.063 mgd and non-potable needs are 0.0135 mgd. SWPP Update at 4-27. Ambient annual rainfall is 20-50 inches per year, insufficient to support water catchment, however DHHL is exploring fog drip catchment systems supplemented by truck hauling to provide fire protection. The existing MDWS Kula Water System previously extended to Kahikinui but now ends at Kanaio. This line could be reinstated to deliver potable water to Kahikinui, but a cost analysis is needed to assess the feasibility of this alternative. SWPP Update. DHHL awarded a Regional Plan Priority Project Grant of \$100,000 to Ka 'Ohana o Kahikinui to plan, design, and construct a pilot fog drip catchment system to provide water to the community and homestead lessees of Kahikinui.

#### Paukūkalo and Wai'ehu water needs and development

The remaining tracts on Maui that will require water are within the service area of the MDWS Central Maui system. The MDWS system supplies Waihe'e, Wai'ehu and Paukūkalo areas, as well as to the areas of Wailuku, Kahului, Pā'ia, and Kihei. The majority of Central Maui water supplies are drawn from the 'Īao and Waihe'e aquifers, at a rate of approximately 17 million gallons per day (MGD) and 5 MGD, respectively. This supply is supplemented by water drawn from the Kepaniwai Well, 'Īao Tunnel, and the 'Īao -Waikapu Ditch (approximately 3.5 mgd).

While water delivery systems are available for the Paukūkalo and Wai'ehu tracts, water resource availability in Central Maui has given rise to significant disputes. Total future potable water demand for Paukūkalo and Wai'ehu tracts will be 0.0238 mgd. SWPP Update at 4-28. These tracts lie within the 'Īao Aquifer, which the CWRM designated as both a ground water management area, within which water use is regulated through a permitting system.

The surface waters of Nä Wai 'Ehä are also designated as a surface water management area. CWRM is also currently reviewing interim instream flow standards (IIFS) for Nä Wai 'Eha, which is composed of 'Īao stream, Waihe'e stream, Wai'ehu stream, and Waikapu stream. 'Īao and Waihe'e stream are located nearby the Paukūkalo and Wai'ehu tracts.<sup>5</sup>

#### 7) NHRF Revenues & EMI Water Licenses

DHHL receives monies from state dispositions of water licenses through the Native Hawaiian Rehabilitation Fund (NHRF). According to a 2007 report of NHRF receipts prepared by Grant Thornton (GT) for DHHL, Deloitte & Touche, DHHL Entitlement Study (Nov. 29, 1993) (D&T); the DLNR State Land Information Management System (SLIMS) database, and DLNR reports on dispositions to the legislature pursuant to HRS §171-29 (Leg. Rpt.), DLNR receipts from its water licenses, including revocable permits (RPs), issued to EMI have been paid into NHRF. Limitations on data verification render the currency of water license rates uncertain.

Table V. Revenues from EMI water licenses subject to NHRF:

<b>Water License</b>	<b>Lease/ rent rate<sup>6</sup></b>	<b>TMK</b>	<b>Reference:</b>
RP 7263 (Honomanu License)	\$1,698.32/ month	2-1-1- 001:044	GT at 231-32; SLIMS; D&T at 211; Leg. Rpt. 2001
RP 7264	\$6,588.40/ month	2-1-1- 1:50; 2-9- 14:various	GT at 233-34; SLIMS; D&T at 224; Leg. Rpt. 2001
RP 7265 (Huelo License)	\$3,476.72/ month	2-1-1- 002:002	GT at 236, SLIMS, D&T at 224; Leg. Rpt. 2001

<sup>5</sup> DHHL, Paukūkalo- Wai'ehu Kou Regional Plan, at 18 (Jun. 2010).

<sup>6</sup> As the NHRF receives 30% of these funds, the amount received by the Department is 30% of these lease rents.



RP 7266 (Nahiku Lease)	\$1,426.88/ month	2-1-2-004: 005, 007	GT at 238; SLIMS; D&T at 230; Leg. Rpt. 2001
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In addition, DHHL is in consultation with EMI on its water license, pursuant to §171-58 HRS.

#### 8) Water Rights Trainings

Planning Office contracted Ka Huli Ao Center for Excellence in Native Hawaiian Law to conduct I Mana I Ka Wai - DHHL Water Law and Advocacy Training to teach DHHL beneficiaries about their water rights and responsibilities and how to bring these rights to life on the ground. For West Maui, a water rights training was held on June 2, 2018 at the Lahaina Intermediate School and included a site visit. Topics included an introduction to Hawaii's legal framework with a focus on the rights of DHHL beneficiaries, updates on the CWRM West Maui IIFS process, DHHL's Water Policy Plan and what it means to you, and two case studies which discussed specific ways homestead communities can advocate for the pono use and protection of water. There were 10 participants including lessees and some from the general public. Evaluation comments from lessees are highlighted:

**1. Overall, how satisfied are you with the training?**

"Very satisfied"

"Excellent"

**2. What are your top "take-aways" from today's training?**

"Understanding more in detail of water issues"

"Community input important"

"The science behind to define IFS"

"Need to sign up on CWRM's email list"

"Advocate in person/in writing to CWRM"

**3. How likely are you to use any skills or knowledge covered by today's training in your homestead area?**

"Knowing our rights"

**4. How can the training be improved?**

"PA System"

"More advertising"

For East Maui, the training was held on June 16, 2018 at Haiku Elementary School and included the same topics except it also included a presentation by State House representatives supportive of DHHL water issues as well as

case studies relevant to West Maui. There were 27 participants including lessees and some from the general public. Evaluation comments from lessees are highlighted:

**1. Overall, how satisfied are you with the training?**

"Very comprehensive with great resources, insights"

"Very satisfied"

**2. What are your top "take-aways" from today's training?**

"Foundation to educate homestead lessees and further expand their knowledge base to promote advocacy"

"Confirmation of HHC Act and water entitlement"

"DDHL is stepping up to help beneficiaries, this is good"

"Hope"

"Get more involved"

**3. How likely are you to use any skills or knowledge covered by today's training in your homestead area?**

"Besides being President of a homestead association and webmaster for community web site, I intend to post Ka Huli Ao handouts to educate lessees"

"I will share with my family and neighbors"

**4. How can the training be improved?**

"Foundational, great training, need to promote to wider audience, emphasizing opio."

"Spread the word"

III. CONCLUSION

Maui Island faces significant water issues that must be addressed in order for the goals of the Maui Island Plan to be fulfilled. In a few cases, such as in parts East Maui, the primary obstacles to achieve these goals are securing sufficient funding to provide infrastructure. Across most of the remainder of the island, however, securing water supplies for DHHL lands will not only require sufficient funding but also significant assertions of the rights of the Department and beneficiaries, as these source waters are subject to significant competing demands and long running contention and litigation.

IV. RECOMMENDED MOTION/ACTION:

None; for informational only.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15-16, 2018

To: Chairman and Members, Hawaiian Homes Commission

Thru: Norman Sakamoto, Land Development Division Administrator  
M. Kaleo Manuel, Acting Planning Program Manager

From: Stewart Matsunaga, Master-Planned Community Development Manager  
Bryan Esmeralda, AICP, Planner

Subject: Update on Honokōwai Water System Improvements Project and Draft Environmental Assessment; Honokōwai, Lahaina, Maui; TMK (2) 4-4-002:008, 009, 018 (pors.), (2) 4-4-003:013 (por.), (2) 4-4-004:002 (por.), and (2) 4-5-021:003, 017, 020, and 022 (pors.)

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The purpose of this submittal is to provide the Hawaiian Homes Commission (HHC) with an update on the status of the Honokōwai Water System Improvements Project and Draft Environmental Assessment (EA).

BACKGROUND

Pursuant to Act 62, Session Laws of Hawai'i 2009, the Hawai'i State Legislature appropriated funding for the construction of an exploratory well that would support Department of Hawaiian Home Lands (DHHL) and other State affordable housing projects in West Maui. The location of the potable well was changed from a Honokōwai site on Hawaiian Home Lands to State-owned lands south of Honokōwai gulch due to potential pesticide intrusion from former pineapple cultivation into the groundwater aquifer.

In 2010, DHHL planned, designed, drilled and cased an exploratory well (State Well No. 5639-04) on a portion of TMK (2) 4-4-004:002 owned by the State of Hawai'i in the Honokōwai area. While the State Legislature funded the construction of the well as stated above, DHHL funded the design and hydrogeological work for the well with Hawaiian Home Lands Trust funds in the amount of approximately \$200,000.00.

The well, once operational, will have an estimated yield of 1.0 Million Gallons Per Day (MGD). As part of DHHL's water system improvements project, DHHL intends to install a pump within the well, construct a single-story control building to house electrical components and a sodium hypochlorite disinfection system, fencing, a Maui Electric Company Transformer and a standby generator at the well site, as well as transmission lines and a new 100,000-gallon head breaker tank to accept the well water which will eventually be conveyed to the County of Maui, Department of Water Supply's (DWS) existing Mahinahina Water System. In addition, a storage tank and transmission lines will also be constructed in the Wahikuli area south of Honokōwai. Water from this storage tank will be conveyed to DHHL's future planned development at the Leiali'i Phase I-B. See **Exhibit A** for a general site plan and conceptual plan of the proposed water system improvements.

Under a proposed intergovernmental agreement currently being prepared, the DWS would receive a land use license for approximately 22.6 acres of the DHHL's Honokōwai tract for the existing Mahinahina Surface Water Treatment Plant (SWTP), existing water system infrastructure, and future planned improvements, as well for access, utility, and grading easements in exchange for a water allocation of 200,000 Gallons Per Day (GPD) for DHHL.

The water produced from DHHL's well will be conveyed to DWS' Mahinahina Water System and the proposed Wahikuli tank, and will be used to provide water for DHHL's future planned developments at Leiali'i Phase I-B and Honokōwai. The EA document will include an alternative for connection to the DWS' proposed mixing tank. Should water from DHHL's well be conveyed to the Mahinahina Water System, a separate intergovernmental agreement will be needed. The DHHL would contribute its prorated share of the cost of a new 500,000-gallon mixing tank to be constructed by DWS which will accept water from DHHL's well and new wells being drilled by the DWS.

An EA is currently being prepared for DHHL's proposed water system improvements and operation of the well.

#### STATUS OF WATER SYSTEM IMPROVEMENTS DESIGN/TECHNICAL STUDIES

A Draft EA is currently being prepared to assess the technical characteristics of the proposed project, any potential environmental and/or socio-economic impacts which may result from the proposed project, as well as any proposed measures to mitigate potential impacts. The Draft EA will include a number of technical studies currently being prepared which will largely inform the analysis. A list of studies, their current status, and their preparers are provided in **Table 1** below.

**Table 1.** List of Draft EA Studies, Status, and Preparers

STUDY	STATUS	PREPARER
Survey Work	In Process; Need to Survey Honokōwai Gulch	Austin, Tsutsumi, & Associates (ATA)
Preliminary Engineering and Drainage Report (PEDR)	In Process	ATA
Archaeological Inventory Survey	Partially Complete; Need to Survey Honokōwai Gulch	Archaeological Services Hawaii
Cultural Impact Assessment Interviews	Complete	Munekiyo Hiraga
Flora/Fauna Survey	Partially Complete; Need to Survey Honokōwai Gulch	Robert Hobdy
Ordinary High Water Mark Delineation of Honokōwai Gulch	Consultant Being Contracted	AECOS

In terms of water system design, ATA has been working closely with the DWS to explore alternative tank sites and sizes as well as various pump alternatives for DHHL's well. Once final components have been decided upon, ATA will finalize their PEDR which will evaluate the overall water system improvements proposed to be constructed as part of the project.

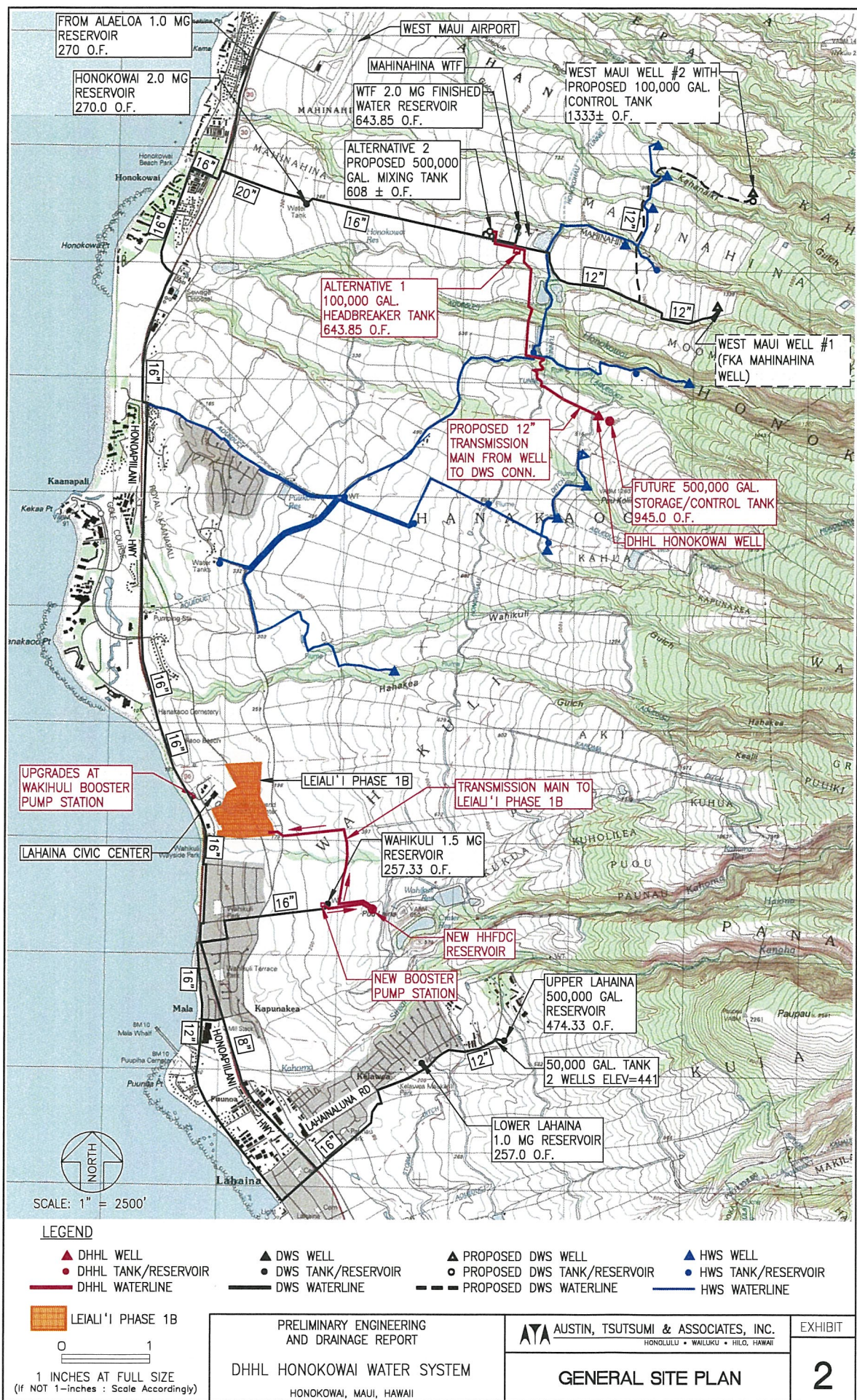
#### STATUS OF DRAFT EA/PROJECT SCHEDULE

The Draft EA is largely informed by the technical studies being prepared as discussed above. Once all technical studies have been completed, the Draft EA will be completed and prepared for submittal and publication by the Office of Environmental Quality Control. The target date for publication is First Quarter of 2019.

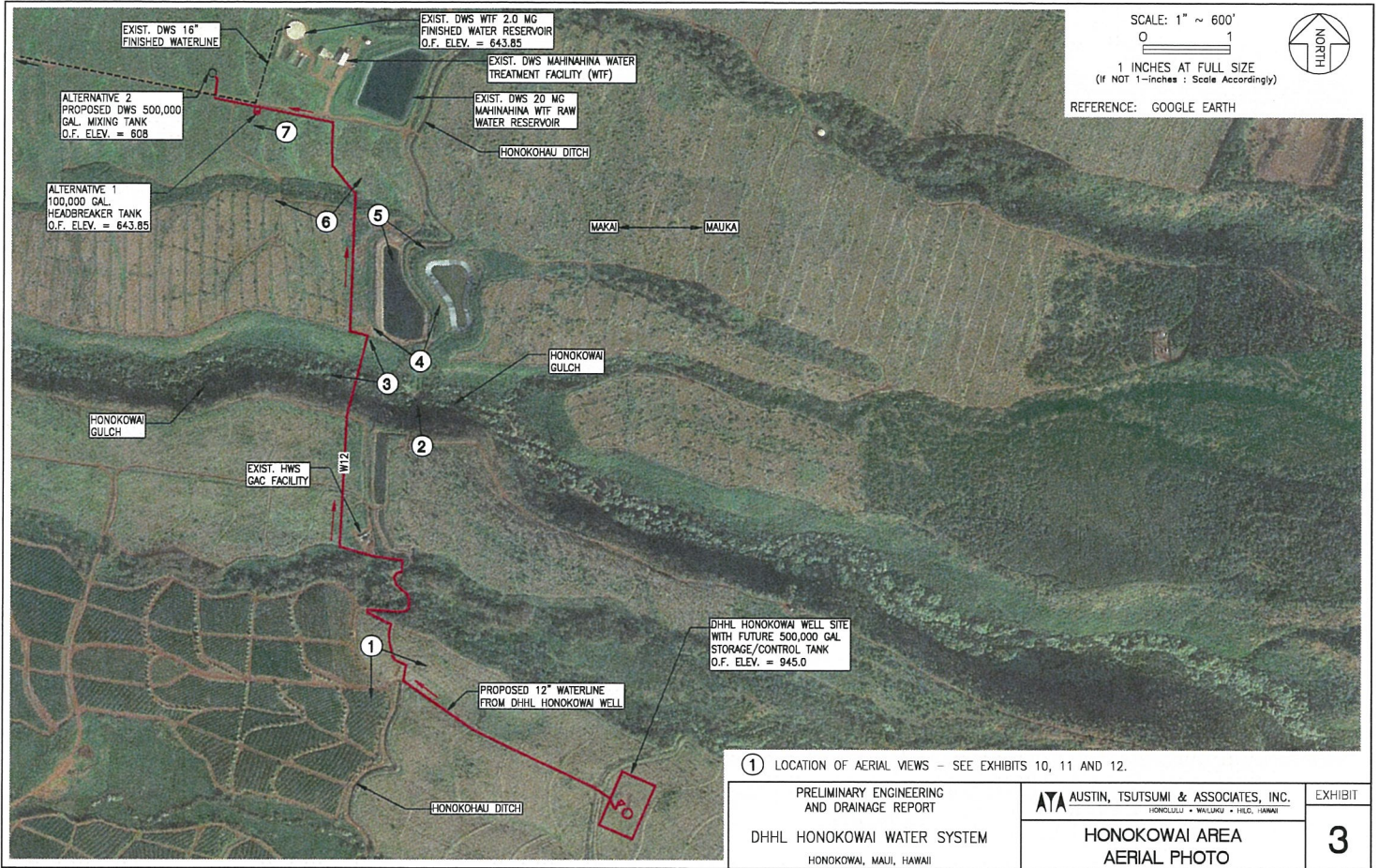
#### CONSTRUCTION OF WATER SYSTEM IMPROVEMENTS

On March 31, 2017, DHHL entered into a Memorandum of Understanding, Dwelling Unit Revolving Fund Funding for Honokowai Well, Villages of Leialii with Hawaii Housing Finance Development Corporation (HHFDC). (See **Exhibit B**) This agreement provides the first \$10 million towards the construction of improvements to be articulated in the EA. In return for the construction funding, DHHL and HHFDC shall split 50-50 the available capacity of the well. Most recent estimates of costs to fully construct the proposed improvements is \$14-\$15 million. DHHL proposes to fund the shortfall in the upcoming Legislative Fiscal Biennium 2019-2020.









FILE NAME: D:\12 - WORK FILES\PROJECT FOLDERS\2015\12-032 - HONOKOWAI WELL\PERMITS\EXHIBIT 03 - OVERALL AERIAL MAP.DWG Sep 28, 2016-10:22 AM

MEMORANDUM OF UNDERSTANDING  
DWELLING UNIT REVOLVING FUND FUNDING FOR HONOKOWAI WELL  
VILLAGES OF LEIALI'I

THIS MEMORANDUM OF UNDERSTANDING, dated as of  
MARCH 31, 2017 ("MOU"), made by and between the HAWAII  
HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body  
corporate and politic of the State of Hawaii ("HHFDC"), doing business at 677 Queen  
Street, Suite 300, Honolulu, Hawaii, 96813, and the DEPARTMENT OF HAWAIIAN  
HOME LANDS, State of Hawaii ("DHHL"), whose principal place of business is 91-5420  
Kapolei Parkway, Kapolei, Hawaii 96707 and post office address is P. O. Box 1879,  
Honolulu, Hawaii 96805.

WITNESSETH:

WHEREAS, HHFDC is the master developer of the Villages of Leialii project in  
Lahaina, Maui, Hawaii, Tax Map Key Nos. (2) 4-5-021: 003, 004 (portion of), 005  
(portion of), 013, 018, 019, 020, 021, 022 (portion of), 023 (portion of); (2) 4-5-028: 070  
and 081; (2) 4-5-036: 001 to 112 ("Leialii").

WHEREAS, Villages 1A and 1B at Leialii were sold to DHHL by the Transfer  
Agreement dated December 30, 2004, as amended.

WHEREAS, DHHL completed the construction of 104 homes at Village 1A and  
DHHL is working on the development of 250 homes at Village 1B.

WHEREAS, DHHL has drilled and tested an exploratory potable water well on  
State land in Honokowai, Maui, Hawaii, Honokowai Well (State Well No. 5639-04) at  
Tax Map Key No. (2) 4-4-004: 002 (por.) ("Honokowai Well") at a design and  
construction cost of approximately \$1,000,000.

WHEREAS, test results indicate that Honokowai Well has a capacity of 1 MGD,  
which is preliminarily estimated will serve approximately 560 units whether the well is  
dedicated to the County of Maui Department of Water Supply ("DWS") or a private water  
company.

WHEREAS, DHHL is currently working on an environmental assessment  
pursuant to Chapter 343, Hawaii Revised Statutes ("HRS"), for the Honokowai Well  
Improvements ("EA") and the designs for source, storage and transmission  
improvements ("Honokowai Well Improvements"), at a cost of approximately  
\$1,000,000 to utilize the well as a potable water source for its Village 1B project at  
Leialii.

WHEREAS, DHHL reviewed several alternative transmission waterline  
alignments and additives as described in its Draft Water Master Plan for DHHL



Honokowai Water System, by Austin, Tsutsumi & Associates, Inc., dated March 15 and April 10, 2013, ranging in cost from \$4.8 million to \$14.2 million ("Honokowai Water Master Plan").

WHEREAS, new well sources, in addition to the Honokowai Well, storage and transmission improvements are needed for development at Leiali'i and HHFDC would like to develop affordable rentals at Leiali'i.

WHEREAS, the HHFDC Board of Directors approved entry into a MOU with DHHL for potable water infrastructure at Leiali'i on December 8, 2016.

WHEREAS, the Hawaiian Homes Commission authorized the Chairman to enter into a MOU with HHFDC to provide funding for potable water infrastructure at Leiali'i on December 20, 2016.

**NOW, THEREFORE,** the Parties hereby agree as follows:

- I. Honokowai Well Improvements. Of the alternatives and additives described in the Honokowai Water Master Plan, Alternative 2, Additive 2, appears to be the alternative that HHFDC and DHHL will focus on with an estimated cost of \$8.5 million. This option includes outfitting the well, a control building and a 50,000-gallon control reservoir at the well site, and a 12-inch ductile iron transmission line extending approximately 8,000 lineal feet from the well site, north across Honokowai Gulch over State land as well as privately owned properties of Maui Land and Pineapple Company and Kaanapali Land Management Corp., to a connection at a storage tank near the County of Maui's existing Mahinahina Water Treatment Facility. This option also includes reactivation of the Waiohuli Booster Pump Station near the entrance to Leiali'i Parkway, and a 12-inch transmission line 5,400 feet up to a new 250,000-gallon reservoir at elevation 320' at Leiali'i above the Wahikuli Reservoir. The estimated cost of this option from the Honokowai Water Master Plan is attached hereto as Exhibit A. This option is subject to change, as may be mutually agreed upon by DHHL and HHFDC.
- II. Use of DURF Funds. HHFDC agrees to finance the first \$10 million of the Honokowai Well Improvements from its Dwelling Unit Revolving Fund ("DURF Funds") for which HHFDC shall be entitled to half of the available capacity of the Honokowai Well. DHHL shall be entitled to the remaining half of the available capacity of the Honokowai Well.
- III. DWS or Private Operator. At this time, HHFDC and DHHL contemplate a dedication of the Honokowai Well and Honokowai Well Improvements to DWS, unless otherwise mutually agreed to by HHFDC and DHHL.
- IV. Division of Labor. Either Party may undertake components of the Honokowai Well Improvements as both Parties mutually agree. Each Party shall be

responsible for procurement and administration of any contract it enters into to accomplish the component of work such Party undertakes.

- V. Budget. An initial DURF budget of the Honokowai Well Improvements is attached hereto as Exhibit B ("DURF Budget").
- VI. Administration of DURF Fund. The DURF funds shall be administered by HHFDC as follows, unless otherwise approved by HHFDC:
- A. The DURF Fund may be used for any project related expense, as approved by HHFDC;
  - B. Except for payment for the EA, there shall be no expenditure from the DURF Fund prior to the completion of the EA;
  - C. All contracts, commitments or change orders to be paid from the DURF Fund shall be approved by HHFDC and DHHL prior to execution;
  - D. Withdrawals from the DURF Fund shall be made by submittal of a written request to HHFDC (no more than once a month), accompanied by the worksheets and information supporting the withdrawal, in the forms attached hereto as Exhibit C;
  - E. Withdrawals by DHHL may be requested for the entire contract amount by submittal to HHFDC of a copy of the executed contract procured in compliance with HRS Chapter 103D;
  - F. Checks for withdrawals by DHHL shall be made payable to DHHL, for payment to its vendors;
  - G. Copies of withdrawals from the DURF Fund by HHFDC for project related expenses shall be provided to DHHL at the time of such withdrawal;
  - H. All contracts shall name DHHL, HHFDC and the State of Hawaii as additional indemnitees and additional insured parties;
  - I. All construction contracts shall be accompanied with a 100% payment and performance bond and labor and materials bond naming DHHL, HHFDC and the State of Hawaii as additional obligees under the surety bond;
- VII. Compliance with All Laws. Each Party shall comply with all Federal, State, and County laws, ordinances, codes, rules, and regulations as the same may be amended from time to time, that in any way affect such Party's performance under this MOU.
- VIII. Amendments, Waiver. This MOU can only be changed by an instrument in writing signed by HHFDC and DHHL. The terms of this MOU may not be waived, modified, or in any way changed by implication, through conduct, correspondence, or otherwise, unless such waiver, modification, or change shall be specifically agreed to in writing by HHFDC and DHHL. Any waiver in whole or in part to any of the terms and conditions hereunder, shall be specific and not general. Each waiver shall only apply to specific conditions and circumstances.

- IX. Binding Effect of Agreement. This MOU shall be binding upon and inure to the benefit of HHFDC and DHHL, and their respective successors and assigns.
- X. Gender and Number. The use of any pronoun in reference to HHFDC and DHHL shall be construed to mean the singular or plural, the masculine, feminine or neuter, as the instrument and context may require.
- XI. No Party Deemed Drafter. The parties agree that neither HHFDC nor DHHL shall be deemed to be the drafter of this MOU and in the event this MOU is ever construed by a court of law, such court shall not construe this MOU or any provision hereof against any party as the drafter of this MOU.
- XII. Counterparts. This MOU may be executed in any number of counterparts. Each such counterpart hereof shall be deemed to be an original instrument but all such counterparts together shall constitute but one MOU.
- XIII. Invalidity of Provision. If any provision of this MOU as applied to any party or to any circumstances shall be adjudged by a court of competent jurisdiction to be void or unenforceable for any reason, the same shall in no way effect any other provision under circumstances different from those adjudicated by the court, or the validity or enforceability of this MOU as a whole.
- XIV. Approvals Required.
- A. HHFDC's proposed use of DURF Funds shall be subject to approval by the HHFDC Board of Directors, availability of DURF Funds, and approval of release of funds by the Governor.
  - B. Funding of the DURF Funds shall be subject to completion of the Final Environmental Assessment for the Honokowai Well Improvements and compliance with HRS Chapter 343.
  - C. DHHL shall obtain written consent of this MOU from the Office of Hawaiian Affairs (OHA), if required.
  - D. If Governor's approval of this MOU is required, DHHL shall be responsible for obtaining the written approval of the Governor.
- XV. Clause or Provision Contrary to Hawaiian Homes Commission Act. In the event any clause or provision in this MOU is found to be contrary to the Hawaiian Homes Commission Act, 1920, as amended and or any clause or provision is such where it may put the Hawaiian Homes Commission in such a position where it would violate its Fiduciary responsibility to its native Hawaiian beneficiaries, such clause or provision shall be removed from the MOU without canceling or altering the intent of the MOU.

[The remainder of this page is blank. The next page is a signature page.]

IN WITNESS WHEREOF, the undersigned have executed these presents as of the day and year first written above.

Approved as to Form:


Hawaii Housing Finance and Development Corporation

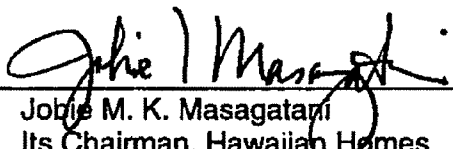
\_\_\_\_\_  
Deputy Attorney General  
Representing HHFDC

By \_\_\_\_\_  
Craig K. Hirai  
Its Executive Director

Approved as to Form:

Department of Hawaiian Home Lands

  
\_\_\_\_\_  
Deputy Attorney General  
Representing DHHL

By   
\_\_\_\_\_  
Jobie M. K. Masagatani  
Its Chairman, Hawaiian Homes Commission

x:\c:\Vol\2016\dhhl\duf\mou.final.3-21-17

STATE OF HAWAII )  
 )  
 ) SS  
CITY AND COUNTY OF HONOLULU )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared CRAIG K. HIRAI, personally known to me, who, being by me duly sworn, did say that he is the EXECUTIVE DIRECTOR of the HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body corporate and politic of the State of Hawaii, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that this \_\_\_\_-page MEMORANDUM OF UNDERSTANDING, DWELLING UNIT REVOLVING FUND FUNDING FOR HONOKOWAI WELL, VILLAGES OF LEIALI'I dated \_\_\_\_\_, was signed and sealed on behalf of the corporation by authority of its Board of Directors, and the said officer acknowledged the instrument to be the free act and deed of the corporation.

Name: \_\_\_\_\_  
Notary Public, State of Hawaii  
\_\_\_\_\_ Judicial Circuit

My commission expires: \_\_\_\_\_

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS

On this 31<sup>st</sup> day of March, 2017, before me appeared JOBIE M. K. MASAGATANI, to me personally known, who, being by me duly sworn, did say that she is the CHAIRMAN of the HAWAIIAN HOMES COMMISSION, DEPARTMENT OF HAWAIIAN HOME LANDS, STATE OF HAWAII, and the person described in and who executed this 5-page MEMORANDUM OF UNDERSTANDING, DWELLING UNIT REVOLVING FUND FUNDING FOR HONOKOWAI WELL, VILLAGES OF LEIALI'I dated \_\_\_\_\_, and acknowledged to me that she executed the same freely and voluntarily for the use and purposes therein set forth.



Kehaulani Quatero

Name: Kehaulani Quatero  
Notary Public, State of Hawaii  
First Judicial Circuit

My commission expires: 6/12/2017

Doc. Date: Updated at time of Commission  
Notary Name: Kehaulani Quatero  
Doc. Description: Mou Dwelling unit revolving fund funding for Honokowai Well  
Kehaulani Quatero  
Notary Signature

# Pages: 14 13  
First Circuit

3/31/17  
Date



**Exhibit A**  
**(Estimated Cost)**

**Exhibit B**  
**(DURF Budget)**

**Exhibit C**  
**(Forms for Draw Request)**

HONOKOWAI WELL  
ESTIMATED COST - ALTERNATE 2, ADDITIVE 2

3/7/2017

Well Site	1,500,000
50,000-Gallon Control Tank, 940' Elev.	300,000
Transmission Waterline - Alt. 2, North to Mahinahina	2,600,000
250,000-Gallon Reservoir, 320' Elev.	1,700,000
Reactivate Waiohuli BPS	20,000
12" Waterline from BPS to New Reservoir	1,600,000
	7,720,000
Contingency, 10%	772,000
Sub-Total	8,492,000
Say,	8,500,000
From Draft Water Master Plan for DHHH Honokowai Water System, Austin, Tsutsumi & Associates, Inc. (April 10, 2013).	

**EXHIBIT A**

x:\c:\lei\2017\exh a - mou.cost.2-17-17



HONOKOWAI WELL  
DURF BUDGET

3/7/2017

Land		100,000.00
Planning		200,000.00
Engineering		500,000.00
Construction		8,500,000.00
Contingency		700,000.00
Total		10,000,000.00

**EXHIBIT B**

x:\c:\lei\2017\exh b - budget.2-17-17

DRAFT 2/17/17

DEPARTMENT OF HAWAIIAN HOME LANDS  
P. O. Box 1879  
Honolulu, Oahu, Hawaii 96805

Date: \_\_\_\_\_

**DRAW REQUEST AND CERTIFICATION**

Hawaii Housing Finance and Development Corporation  
677 Queen Street, Suite 300  
Honolulu, Hawaii 96813  
ATTN: Stan S. Fujimoto, Project Manager

Subject: Draw Request No. \_\_\_\_\_  
DURF Funds  
Honokowai Well for Villages of Leialii  
Lahaina, Maui, Hawaii

We request payment for the attached contract and/or invoices in the following total amount for the above subject Honokowai Well for DHHL and HHFDC projects at the Villages of Leialii in Lahaina, Maui, Hawaii, TMK Nos. (2) 4-5-021: 003, 004 (por.), 005 (por.), 013, 018, 019, 020, 021, 022 (por.), 023 (por.); (2) 4-5-028: 070 and 081; (2) 4-5-036: 001 to 112:

\$\_\_\_\_\_ From DURF Funds

We hereby certify that all of the requested items have been paid or are due and payable in connection with the project pursuant to the project documents including the following:

- Hawaii Housing Finance and Development Corporation (HHFDC) For Action dated December 8, 2016 approving the Memorandum of Understanding for Honokowai Well (MOU), and For Action dated \_\_\_\_\_ approving the DURF Funds for the project;
- Governor's approval of release of DURF Funds for the project dated \_\_\_\_\_; and
- MOU between DHHL and HHFDC for Honokowai Well dated \_\_\_\_\_;

After disbursement of the amount requested, the total amount disbursed, and the balance of proceeds remaining after this disbursement will be as stated in the attached worksheets for the DURF Funds for the project.

Sincerely,

DEPARTMENT OF HAWAIIAN HOME LANDS

\_\_\_\_\_  
Jobie K. Masagatani  
Chairperson

## DRAW REQUEST NO. \_\_\_\_\_

Total	100	100	100
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HONOKOWAI WELL  
DURF FUNDS  
Draw Request No. \_\_\_\_

3/7/2017  
5:55 AM

DURF Funds		INITIAL	CURRENT		COST TO	COST TO		THIS
SCOPE OF WORK		APPROVED	APPROVED	%	DATE	DATE	BALANCE	DRAW
		BUDGET	BUDGET	COMP	PREVIOUS	NEW		REQUEST
								#
<b>LAND</b>								
	Land	\$100,000.00	\$100,000.00		0.00	0.00	100,000.00	0.00
<b>FOR SITE WORK</b>								
	Sitework Costs	\$0.00	\$0.00		0.00	0.00	0.00	0.00
<b>NEW CONSTRUCTION</b>								
	Well and Facilities	\$8,500,000.00	\$8,500,000.00		\$0.00	\$0.00	8,500,000.00	0.00
<b>CONTINGENCY</b>								
	Construction Contingency	\$700,000.00	\$700,000.00		\$0.00	\$0.00	700,000.00	0.00
	Soft Cost Contingency	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>ARCHITECTURAL &amp; ENGINEERING FEES</b>								
	Architect Fee - Design	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Architect Fee - Supervision	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Engineering Fees	\$500,000.00	\$500,000.00		\$0.00	\$0.00	500,000.00	0.00
	Landscape Architect	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	LEED Certification	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Reimbursables	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>INTERIM COSTS</b>								
	Construction Insurance	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Construction Interest	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Construction Loan Origination Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Construction Credit Enhancement	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Payment and Performance Bond	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Real Property Tax & Other Taxes	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>PERMITS AND FEES</b>								
	Building Permits	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	BWS Fees	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	DOE Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Special Inspections	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>SOFT COSTS</b>								
	Planning	\$200,000.00	\$200,000.00		\$0.00	\$0.00	200,000.00	0.00
	Property Appraisal	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Market Study	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Environmental Report	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	HHPDC LIHTC Fee/(Good Faith Deposit)	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Advertising/Marketing	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Furnishings	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Survey	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Accounting/Cost Certification	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Working Capital	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>SYNDICATION COSTS</b>								
	Organizational (Partnership)	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>FINANCING FEES &amp; EXPENSES</b>								
	Permanent Loan Origination Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Title and Recording	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Counsel's Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Lender's Counsel	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Lender's Out of Pocket	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>DEVELOPER'S FEES</b>								
	Developer's Overhead	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Developer's Fee	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>TOTAL COST BEFORE RESERVE</b>		\$10,000,000.00	\$10,000,000.00		\$0.00	\$0.00	\$10,000,000.00	\$0.00
<b>PROJECT RESERVES</b>								
	Operating Reserves	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
	Escrows	\$0.00	\$0.00		\$0.00	\$0.00	0.00	0.00
<b>TOTAL PROJECT COST</b>		\$10,000,000.00	\$10,000,000.00		\$0.00	\$0.00	\$10,000,000.00	\$0.00

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION

October 15 & 16, 2018

Paukukalo, Maui

H-ITEMS  
**ADMINISTRATIVE SERVICES  
OFFICE**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 15 &16, 2018

TO: Chairman and Members, Hawaiian Homes Commission  
FROM: Rodney Lau, Administrative Services Officer  
SUBJECT: H-1 Approval of Amendment No. 1 to the Fiscal Year 2019 Development Budget to  
the Hawaiian Home Lands Trust Fund and NAHASDA Fund

*RELEVANT MATERIAL WILL BE DISTRIBUTED AT THE TABLE.*

ITEM NO. H-1

DEPARTMENT OF HAWAIIAN HOME LANDS  
HAWAIIAN HOMES COMMISSION  
October 15 &16, 2018  
Paukukalo, Maui

J-ITEMS  
**GENERAL AGENDA**

**Subject:**

FW: REQUEST TO ADDRESS THE COMMISSION-STEPHEN CRAMER-PAUKUKALO  
HAWAIIAN HOMESTEAD PARK

Aloha

My name is Daphne Lee and are one of the officers for Paukukalo Hawaiian Homestead Community Association. I am emailing you on behalf of Stephen Cramer who is our current President as of July 2, 2018.

Stephen would like to come before the Commission to introduce the association and see how we would go about taking over the usage of Paukukalo Hawaiian Homestead Park.

If there's anything else I need to do, or fill out a special form for this request please advise. I'm very new to this and want to make sure I follow proper protocol in the request and/or provide proper documents to do so.

Your help in this request is greatly appreciated.

Warmest Aloha,  
Daphne



Daphne K. Kaio-Lee  
**PHHCA SECRETARY**  
808-269-9269 Cell  
daphnelee@primovip.com | dkaiolee@yahoo.com

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

EXHIBIT 



HC1 Box 961  
Kula, HI 96790  
September 27, 2018

Ms. Jobie Masagatani, Chairperson  
Hawaiian Homes Commission  
P.O. Box 1879  
Honolulu, Hawaii 96814

Aloha Chairperson Masagatani;

For the past year, Ka Ohana O Kahikinui has been working with Sempra Renewables in the development of a renewable energy opportunity in Kahikinui. After careful consideration and numerous meetings in our community, the Ohana would present this letter of support of a land use request for Sempra Renewables to conduct some feasibility studies in Kahikinui.

We understand that there is a land use request for a Right-of-Entry to install two meteorological towers to measure the wind capacity in the southeast end of the moku. At the last meeting with the board, we believe that a short term general lease would be more appropriate for the work that needs to be done. A five year general lease with a two year ROE would be more conducive for Sempra Renewables to be able to conduct the necessary work done.

We understand that, as a policy initiative, the Commission reviews all non-homesteading land use requests on the island in which the land is located. We would like to see this request on your agenda for the October 2018 Maui Commission meeting currently scheduled for October 15-16, 2018.

While the Ohana has concerns about this project, we are willing to support this effort with the hope that the benefits to the Department and the Ohana will have long lasting positive effects. Please contact us should you have any questions.

O wau me ka ha'aha'a,



Ainoa Kaiaokamalie, President  
Ka 'Ohana O Kahikinui, Inc.

Cc: KOOK BOD  
Peter Kahana Albinio

Subject:

FW: Collette Thomas

My name is Gustavo H. Gonzalez, Esq. and I am the attorney representing Ms. Thomas in a matter of concern to the Hawaiian Homes Commission. My client was fraudulently induced to pay \$10,000.00 in back-owed taxes on lot #216, 321 Puuola Street, Kula, Maui, HI. My client was induced to pay the back taxes on lot #216, so that the lot's transfer would be effectuated. However, not only did the lessee, LLOYD K. LOPES, make false statements to the officer overseeing the transfer, JANE GORDON, but he also made false statements to my client before and during the transfer process.

Now MR. LOPES is suing my client for possession of the lot in District Court, DC CIV NO 18-1-1487, claiming that a landlord/tenant relationship was established with the lease transfer paperwork. I know that this land cannot be rented to another leaseholder, and that this is another scheme by MR. LOPES to defraud my client at his own expense.

We would like to be added to the meeting 10/15/2018 here on Maui, and give my client the chance to plead her case, as MR. LOPES unilaterally canceled the transfer, for no cause stated to the HHC, because he was committing illegal acts.

If there are any questions, please feel free to contact me.

Gustavo H. Gonzalez, Esq.

HI Bar No 10858

~~808 646 0527~~

~~415 Dairy Road, Suite E #122~~

Kahului, HI 96732

~~G.H.Gonzalez.Esq@gmail.com~~

**Subject:**

FW: Pūlehunui

It was suggested by Mona Kapaku and Bryan Esmeralda, that we request to do a short powerpoint presentation to the commissioners at the upcoming DHHL meeting at Paukukalo on October 15th. Would you be able to place us on the agenda that day?

We are Nā Leo Kāko'o o Maui, the parent and community support group for the Hawaiian immersion schools at Pā'ia, Kalama and Kekaulike schools. We would like to present an updated status report on immersion education on Maui and the possibilities of establishing a dedicated immersion school at the Pūlehunui site.

Please let us know if there is any additional information needed. My contact information is [kili@ahapunanaleo.org](mailto:kili@ahapunanaleo.org) and ~~808.283.713~~. We look forward to hearing from you.

With much aloha,  
Kili Namau'u & Kahele Dukelow

~~Burrows Nuiuanu, Leatrice W~~

---

**Subject:**

FW: Testimony to HHC

The Association of Hawaiians for Homestead Lands would like to present testimony to the Hawaiian Homes Commission at the next Commission meeting scheduled for October 15-16, 2018 in Paukukalo, Maui.

Please let me know at your earliest convenience.

Mahalo,

Blossom Feiteira,  
President

Sent from my iPhone



## Pa`upena Community Development Inc.

96 Ahulua Street, Kula, Maui, Hawai'i 96790

Telephone/Text: (808) 276-2713

Email: kenomoto1@hawaii.rr.com

---

September 30, 2018

Ms. Jobie Masagatani  
Hawaiian Homes Commission  
Department of Hawaiian Home Lands  
Hale Kalaniana`ole  
91-5420 Kapolei Parkway  
Kapolei, Hawai'i 96707

REFERENCE: Beneficiary consultation concerning an ROE request.

Aloha mai e Jobie,

The DHHL Planning Office has indicated it intends to hold an unprecedented beneficiary consultation on a beneficiary organization's (Pa`upena Community Development Corporation) land-use request for a Right Of Entry.

I would like to address the Hawaiian Homes Commission on the J agenda at its Oct. 15 or 16, 2018, meeting at Paukukalo, Maui. I seek to testify about this beneficiary consultation, reportedly being proposed due to "the size of scale" of the homelands parcel, for which an ROE is being sought.

The land-use request concerns Pa`upena CDC's Dec. 24, 2016, land-use application, under Hawaiian Homes Commission Act Section 211 "Community pastures," for a two-year due-diligence ROE to 4,006 Waiohuli-Keokea homeland acres, in order to 1) run 100 or more head of dairy or beef cattle, and 2) operate a 100-acre ag park to train beneficiaries to farm and to raise livestock.

Mahalo for your attention to my request,

Kekoa Enomoto  
Chairwoman of the board  
Pa`upena CDC

cc: Norman Abihai, president, Pa`upena CDC  
Robin Puanani Danner, chairwoman, Sovereign Council of Hawaiian Homestead Associations  
Irene Plunkett Mina, treasurer, Hawai'i Farmers Union United Mauna Kahalawai chapter  
Pikake Newhouse, president, Keokea Homestead Farm Lots Association  
Robert H. Pahia, vice president, Maui Homestead Farmers & Ranchers Association  
Kahana Albinio, DHHL Land Management Division  
Shelly Carreira, DHHL Land Management Division  
Kaleo Manuel, DHHL Planning Office  
Moanike`ala Cachola, DHHL Planning Office  
Bryan Esmeralda, DHHL Maui planner

---

*Pa`upena Community Development's vision is to fulfill Prince Kuhio's century-old dream for native Hawaiians to reconnect with Waiohuli ahupua`a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae`aina.*

EXHIBIT **Jb**



~~Burrows-Nuuanu, Leatrice W~~

---

**Subject:**

FW: J Agenda Confirmation and June HHC Agenda

Aloha Leah and Jobie,

I so await to finally be placed on my MAUI 1920 AWARDED SPOKEN LANDS OF MY MAUI SACRED ROYAL KUPUNA KAHIKO.

I am very prepared to once again Face OAHU DEPT. OF HAWAIIAN HOME LANDS COMMISSIONERS TO FINALLY GET ME ON MY MAUI 1920 SPOKEN AWARDED LANDS AS I BEEN WAIRING FOR OVER 25 (1993 I became legally QUALIFIED)....SOILD YEARS TODAY I AM 56.... I have waited for HALF MY LIVING LIFETIME..... and in our LAND LAWS..... THIS IS UNFORGIVABLE .... to be continued in my GOD GOVERN GENERATION AS I WATCH CHOKE FOREIGNERS ON OUR HAWAIIAN LANDS IS UNACCETABLE IN OUR HAWAIIAN KINGDOM LAND LAWS.

Please OAHU DHHL COMMISIONERS .... GET ME ON MY 1920 SPOKEN MAUI AWARDED LANDS BEFORE I DIE....FOR YOUR WRITTEN LAWS STATES .... IF I DIE .... MY DEATH STOPS YOUR ACCOUNTABILITY TO PROVIDE A PROMISE.... that was NEVER DELIVERED.... FOR OVER 25 YEARS.... and if I DIE.... NOTHING GOES TO MY NEXT LIVING KANAKA MAOLI 7 GENERATIONS TO COME..... I NOW PUT ALL ON NOTICE.

O MAU KAU KAU.... EO.... EA

PrincesLehuanani

Kumaewakainakaleomomona

~~813-359-1848~~

~~wahimani@yahoo.com~~

**Subject:**

FW: Request to address Commission

**Attachments:**

HFUU\_convention 9 24 2018 poster legal.pdf

Aloha Kakou,

My Name is Irene Plunkett-Mina, I am a Kanaka wahine ecological farmer, our Family Farm is Kahanu Aina Greens LLC, a postage size farm in urban-Wailuku, Maui. For over 24 years we have made our living Farming. We currently grow 500-600 pounds of fresh greens weekly. We market and sell everything we grow. I am also a alumni of the Agricultural Leadership Program of Hawaii. A Co-founder of the Hawaii Farmers Union United. [www.hfuuhi.org](http://www.hfuuhi.org). Before starting the very first chapter of HFUU on Maui (2010-current), I was The Special Event Coordinator for Maui County Farm Bureau. My husband Vincent, is Hawaii's State President of HFUU. Vincent is currently on the Hawaii Board of Agriculture. I was on the Board of Directors for our Non-Profit Maui Aloha Aina Association from 2001-2013. I love farming , a educator and a Leader for Hawaii Agriculture. As a matter of fact HFUU is celebrating our 8th Annual Farmers Convention October 26-28th in beautiful upcountry Kula.

I am emailing my Request to address DHHL commissioners" during the "J" agenda.

Thank You for your time.

Mahalo, Irene Plunkett-Mina

# Hawai'i Farmers Union United

## 8TH ANNUAL CONVENTION



### "Growing Farm Resiliency"

A convention for everyone who values supporting local agriculture.  
Diverse presentations offering whole systems of regenerative agriculture.

**October 26, 27, 28**  
**Oko'a Farms, Kula, Maui**



### Presenters:



Mark McAfee - Organic Raw Milk Dairy "From Grass to Glass"  
Dr. David Johnson - Regenerating the Diversity of Life in Soils  
Ms. Hui-Chun Su Johnson - Bio-Digester  
Jim Zamzow - Soil Microbes & Natural Soil-Building Techniques  
Jennifer Kucera - NRCS Soil Health Scientist  
Doug Fine - HEMP Farmer and Author on Hemp Production  
Bob Shaffer - Soil Culture Consulting  
Kiana Frank - Mālāmā Microbes for Momona Futures  
HDOA Director Scott Enright - Hawaii Dept of Agriculture  
Eva Lee - Domestic Tea Production for Small Family Farms  
Kaleikoa Ka'eo - Kumulipo Hawai'ian Creation Story  
Glenn Martinez/Natalie Cash - Air Lift False Bottom Aquaponics  
Dr. David Wright - Integrating Livestock with Cropping Systems  
Vincent Kimura, Christopher Spezzano, Kyle Datta & David Fisher - Ag.Tech Panel  
Lelle of Lelle Vie - Essential Oil Distillation & Botanical Extractor  
Don Heacock - Integrated Fish and Taro System  
Dr. Chrissy Mogren - Pest Management to Benefit Pollinators  
Michael Marchand - Low-Cost Mushroom Operation  
Anissa Lucero - Hawai'i Island Ulu Coopertive  
John Cadman - Ulu Chef Extraordinaire  
Noa Lincoln - Indigenous Cropping Systems  
Anabella Bruch, Phyllis Robinson, Scott Crawford - HFU Foundation  
Hoku'ao Pellegrino - Kaulana Hui O Na Wai Eha  
Dave Velde - NFU Legal Counsel  
Local HFUU Chapter Presidents - Chapter Progress Presentations



Camping On Site, Local Vendors, Inspirational Ag Shorts, Live Music,  
Day & Night Programs. An Agricultural Festival for Everyone.

2710 Kula Highway, Kula, Maui

Registration & More Info at [HFUUHI.ORG](http://HFUUHI.ORG)

EXHIBIT **J8**