

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

91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i
Monday, June 17, 2019 at 10:00 a.m. to be continued, if necessary, on
Tuesday, June 18, 2019; at 9:00 a.m.

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov, by Friday, June 14, 2019.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for June 2018
- D. Public Testimony on Agendized Items

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Ratification of Loan Approvals (see exhibit)
- D-3 Approval of Consent to Mortgage (see exhibit)
- D-4 Approval of Streamline Refinance of Loans (see exhibit)
- D-5 Approval to Schedule Loan Delinquency Contested Case Hearings (see exhibit)
- D-6 Approval of Homestead Application / Cancellations (see exhibit)
- D-7 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-8 Approval of Assignment of Leasehold Interest (see exhibit)
- D-9 Approval of Amendment of Leasehold Interest (see exhibit)
- D-10 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Request to Schedule a Contested Case Hearing – Failure to Build and Occupy, Lease No. 1389, Lot No. 147, Keaukaha, Hawaii – **KAWEKIULANI SWAIN**
- D-14 Request to Approve Third Party Agreement – **HARRY H.Y. KAWAI**, Pastoral Lot Lease No. 02683, Lot No. 20, Nienie, Hawaii
- D-16 Request to Hold a Contested Case Hearing – **GEORGE F. RAPOZO**, Residential Lease No. 4342, Lot No. 4, Anahola, Kauai, Hawaii
- D-17 Cancellation of Lease – **JOHN K. REYES**, Residential Lease No. 6578, Lot No. 9, Anahola, Kauai

B. REGULAR AGENDA

Office of the Chairman

- C-1 Adoption of Resolution No. 301 Honoring Michael P. Kahikina for His Service to the Hawaiian Homes Commission
- C-2 Adoption of Resolution No. 302 Honoring Wren W. Wescoatt III for His Service to the Hawaiian Homes Commission

- C-3 Adoption of Proposed Hawaii Administrative Rules Chapter 10-7, Entitled Planned Communities, Multi-Family Complexes, and Rental Housing
- C-4 Ratification of Loan Approvals (see exhibit)

Homestead Services Division

- D-11 Commission Designation of Successor – **BENJAMIN K. KELIIHOLOKAI**, Residential Lease No. 1758, Lot No. 87, Waimanalo, Oahu
- D-12 Commission Designation of Successor – **JEANETTE M. HANAWAHINE**, Residential Lease No. 1758, Lot No. 87, Waimanalo, Oahu
- D-15 Request to Schedule Contested Case Hearing – **IMOGENE K. MAIO** (Deceased), Residential Lease No. 3485, Lot No. 32, Paukukalo, Wailuku, Maui

Land Development Division

- E-1 Ratification of Acquisition of Pu'unani Homestead and Development Agreement, County of Maui, State of Hawaii, TMK: (2) 3-5-002, pursuant to Request for Proposals No: RFP-19-HHL-004, Land Acquisition, Island of Maui, dated October 26, 2018

Land Management Division

- F-1 Approval to Issue First Amendment to License Easement No. 484, Board of Water Supply, City & County of Honolulu, Kalawahine Streamside Subdivision, Oahu, TMKS: (1) 2-4-042:047, 051 (por.), 052 (por.), 2-4-043:089 (por.), 090 (por.)

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR AGENDA

Planning Division

- G-1 For information only – Update on DHHL Efforts: Climate Change and Sea Level Rise Adaptation, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide.

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. Impact of possible changes to residential mortgage availability through Homestreet Bank for DHHL lessees
2. Royal Contracting v. DHHL
3. Discussion of Section 10-4-21, Hawaii Administrative Rules, regarding rental rates and use of licensed lands

V. ITEMS FOR INFORMATION/DISCUSSION

B. GENERAL AGENDA

Requests to Address the Commission

- J-1 Kimberly Balauro – Waiahole Lease Issues
- J-2 Zak Shimose – Queen Kapiolani Canoe Replica Project
- J-3 Kau‘ilani Almedia – Panaewa Hawaiian Home Lands Community Association
- J-4 Daryl-Jean Kea – Residential Water Issue
- J-5 Lane Lima – Property Tax Concerns
- J-6 Kekoa Enomoto and Bobby Pahia – Pa‘upena Community Development Corporation Land Use Request Wiohuli/Keokea
- J-7 Robin Danner – Lease Concerns
- J-8 Bo Kahui – La‘i ‘Opua 2020 and Villages of La‘i ‘Opua
- J-9 Princeslehuanani Kumaewakainakaleomomona – Wait List

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

91-5420 Kapolei Parkway, Kapolei, O'ahu, Hawai'i
Tuesday, June 18, 2019, 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

Administrative Services Office

- H-1 Approval of Fiscal Year 2020 Department of Hawaiian Home Lands Budget
- H-2 Transfer of Hawaiian Home Receipts Moneys at the End of the Fourth Quarter, FY 2019

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

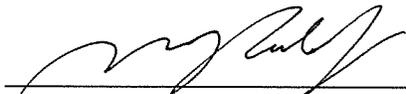
Planning Division

- G-2 Summary of Legislative Session 2019

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Meeting – July 15 & 16, 2019, Kapolei, Oahu
- B. Adjournment

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



William J. Aila Jr., Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Michael P. Kahikina, O‘ahu
Wren W. Wescoatt, O‘ahu
Dennis L. Neves, Kaua‘i

Zachary Z. Helm, Moloka‘i
David B. Ka‘apu, West Hawai‘i
Pauline N. Namu‘o, O‘ahu
Vacant, East Hawai‘i

Next community meeting is scheduled for Monday,
July 15, 2019 at Papakolea, O‘ahu

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 C-4 EXHIBIT
APPROVAL OF LEASE AWARD

LESSEE	LEASE NO.	AREA
Punzal, Mabel	12847	Ka'uluokaha'i Residential Subdivision, Ewa Beach, Hawaii

ITEM D-2 EXHIBIT
RATIFICATION OF LOAN APPROVALS

LESSEE	LEASE NO.	AREA
KEOHULOA, Nolan	9326	Kaniohale, Hawaii

ITEM D-3 EXHIBIT
APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
CALIBUSO, Nicole L.	10300	Waiohuli, Maui
DE COSTA, Thomas	12861	Kaulukahai, Oahu
DEAN, Jolynn	6187	Puukapu, Hawaii
D'ENTREMONT, Margaret W.	5148	Nanakuli, Oahu
ENGLISH, Deven	12388	Kaulukahai, Oahu
GONSALVES, Angie	12854	Kaulukahai, Oahu
JARDINE, Christine K.	8290	Nanakuli, Oahu
KAHIHIKOLO, Lisa Ann N.	3943	Waimanalo, Oahu
KAILILAAU, Sherri Ann U.	10304	Waiohuli, Maui
KAINA, Earl B.	12873	Keaukaha, Hawaii
KALAKAU, Michelle L.	3339	Waimanalo, Oahu
KALANI, Angel N.	5585	Lualualei, Oahu
KALILIMOKU, Fredrick K.	12467	Kaulukahai, Oahu
KAMAKANA, Dennis K., Sr.	5823	Hoolehua, Molokai
KANOA, Harrigan	4089	Waimanalo, Oahu
KEALAIKI, Lorraine U.	4212	Hoolehua, Molokai
KEKAULA, Jasmine K.	12587	Kanehili, Oahu
KEKOA, Joseph N.	9852	Maluohai, Oahu
KIM, Kaipo H.	5194	Nanakuli, Oahu
KOMODA, Besilluan	12860	Kaulukahai, Oahu
KUHIKI, Jonah K.	5531	Lualualei, Oahu
LAIKONA, Glenn P.	3973	Waimanalo, Oahu
LEONG, Donna K.	1878	Keaukaha, Hawaii
MANDAC, Adeline W. L.	11883	Kanehili, Oahu
NAEOLE, Joseph K., Jr.	7323	Nanakuli, Oahu
NAHALE, Lorna K. C.	9358	Kaniohale, Hawaii
NAMAHOE, Leilani	12470	Kaulukahai, Oahu

NEUMANN, Jerry M., Jr.	2141	Kewalo, Oahu
OTA, Anne N.	11156	Anahola, Kauai
OZAKI, Helene C. U.	4212	Hoolehua, Molokai
PUALOA-UBANDO, Lois N.	9393	Kaniohale, Hawaii
PUNZAL, Mabel	12847	Kaulukahai, Oahu
QUINDICA, Joanne	12859	Kaulukahai, Oahu
RAMSEYER, Clifford S.	8821	Waimanalo, Oahu
RODRIGUEZ, Elizabeth	12858	Kaulukahai, Oahu
SEXTON, Andrew M. U., III	8560	Princess Kahanu Estates, Oahu
YAGODICH, Darrell C.	9955	Waiehu 3, Maui

ITEM D-4 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
AGAO, Iwalani K. F.	11635	Kanehili, Oahu

ITEM D-5 EXHIBIT

APPROVAL TO SCHEDULE LOAN DELINQUENCY CONTESTED CASE HEARINGS

LESSEE	LEASE NO.	AREA
MCBRAYER, Timothy K.	11368	Kaupea, Oahu
NAKOA, James K.	11621	Kanehili, Oahu

ITEM D-6 EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AGUIAR, Renee-Michele M.	Kauai IW Res
BARDO, Mary Ann	Waimanalo Area / Oahu IW Res
CASTRO, Marilyn K.Y.K.	Oahu IW Res
FUNTANILLA, Anthony K.	Hawaii IW Res to Oahu IW Res
GOO, George A., Jr.	Maui IW Res
GOO, Kevin B.	Maui IW Agr
GOO, Kevin B.	Maui IW Res
GRACE, William W.	Waimanalo Area / Oahu IW Res
HANOHANO, Kaori-Lei K.	Maui IW Res
HAUHIO, David	Oahu IW Res
HIRATA, Lance M.K.	Maui IW Res
JOYCE, Joseph L.	Oahu IW Res
KAEHUAEA, Keala, Jr.	Kauai IW Agr to Maui IW Agr
KAEO, Kailani S.	Oahu IW Res
KAHOLOAA, Elias Y.W.	Molokai IW Agr to Maui IW Agr
KALAWAIA, Earl V., Jr.	Hawaii IW Pas
KAMANAO, Jamie K.	Waimanalo Area / Oahu IW Res

KAOHU, Chandee D.K.	Maui IW Res
KAUHAA PO, Sherman Lee K.	Maui IW Res
KEAWE, Shama V.	Maui IW Res
KUPAU, Leonard	Maui IW Res
LEWIS, Jayson N.K.	Oahu IW Res
LOPEZ, Jimmienette	Waimanalo Area / Oahu IW Res
LUUWAI, Robert J.	Maui IW Res
MAUNU, Sharolyn P.K.	Oahu IW Res
NAKOA, Kanoelehua C.	Oahu IW Res
RODRIGUES, Terrence J.K.	Maui IW Res
SWAIN, Kawekiulani T.P.	Hawaii IW Res
TINAO, Anuhea M.A.	Maui IW Res
WAN, Gwendolyn N.	Waimanalo Area / Oahu IW Res
WASHINGTON, Charmaine P.	Maui IW Res

* IW = Islandwide

ITEM D-7 EXHIBIT

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

LESSEE	LEASE NO.	AREA
CHOW, Cecilia	11255	Waimanalo, Oahu
KAHEIKI, Stephen M.	3094-A	Keaukaha, Hawaii
KELII, Beverly K.N.	5136	Nanakuli, Oahu
TEIXEIRA, Pearl P.	5578	Lualualei, Oahu
UA, Frances P.	5359	Waianae, Oahu

ITEM D-8 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
ARMITAGE, Carinthia U.	5344	Waianae, Oahu
AWEAU, Blossom M.	8290	Nanakuli, Oahu
DAMAS, Lorretta L.	8560	PKE, Oahu
EDDOLLS, Christine N.	9474	Waiehu Kou II, Maui
HALL, Jeffrey W.	9050	Puukapu, Hawaii
KO, Elden K.	11921	Kaupea, Oahu
MOLE, Charles D.	12871	Kauluokahai, Oahu
PARK, Stephen D.	7424	Keokea, Maui
MAHONEY, John J., III	10327	Waiohuli, Maui
ROSE, Yolanda M.	12872	Kauluokahai, Oahu
SILVA, Elizabeth N.B.	5621	Lualualei, Oahu
DIAMOND, Winona L.	11748	Kapolei, Oahu
NAKAMURA, Lucille H.	11634	Kapolei, Oahu
SILVA, Kenneth A., Jr.	11669	Kapolei, Oahu
PONTES, Ernest J. M.	7573	Waiohuli, Maui

ITEM D-9 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
CHARBONNET, Jean J.	2562	Waimanalo, Oahu
KAHEIKI, Stephen M., Jr.	3094-A	Keaukaha, Hawaii
MOORE, Bernard K.	9633	Kalawahine, Oahu
MOORE, BERNARD K., III	9633	Kalawahine, Oahu
NEUMANN, Jerry M., Jr.	2141	Kewalo, Oahu

ITEM D-10 EXHIBIT

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

LESSEE	LEASE NO.	AREA
PASCUA, Colleen L.Y.K.	11921	Kaupea, Oahu
SWAIN, Kealaokuuleialoha	1573	Keaukaha, Hawaii
YEE POONG, Ellareen L.	5511	Lualualei, Oahu

C ITEMS

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Niniau K. Simmons, NAHASDA Manager *MS*

SUBJECT: Adoption of Resolution No. 301 Honoring Michael Puamamo
Kahikina for His Service to the Hawaiian Homes Commission

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission adopt Resolution No. 301, as attached, honoring Michael Puamamo Kahikina for his service to the Hawaiian Homes Commission.



HAWAIIAN HOMES COMMISSION

RESOLUTION NUMBER 301

HONORING MICHAEL PUAMAMO KAHIKINA FOR HIS SERVICE TO THE
HAWAIIAN HOMES COMMISSION

WHEREAS, Prince Jonah Kuhio Kalanianaʻole, was Hawaii's delegate to the United States Congress from 1903 until his untimely passing on January 7, 1922; and,

WHEREAS, Prince Jonah Kuhio Kalanianaʻole introduced the Hawaiian Homes Commission Act for passage by the United States Congress for the betterment of his beloved Hawaiian people; and,

WHEREAS, the Hawaiian Homes Commission Act was signed on July 9, 1921 by President Warren G. Harding and fully operative on September 16, 1921; and,

WHEREAS, Michael Puamamo Kahikina was appointed a member of the Hawaiian Homes Commission in July 2011 by Governor Neil S. Abercrombie, serving for two terms until June 30, 2019; and,

WHEREAS, Michael Puamamo Kahikina is active in his Leeward community, serving as executive director of Kahikolu 'Ohana Hale 'O Wai'anae since 2009 and as a former legislator for 12 years in the state House of Representatives; and,

NOW, THEREFORE, BE IT RESOLVED, the undersigned, duly recognized as the chairman and members of the Hawaiian Homes Commission, on this 17th day of June 2019, do set forth their signatures in recognition of Michael



HAWAIIAN HOMES COMMISSION

Puamamo Kahikina and his service to the legacy of Prince Jonah Kuhio Kalaniana'ole and the thousands of beneficiaries of the Hawaiian Homes Commission Act; and,

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted in its entirety to his wife, Naomi; the Honorable Maile Shimabukuro, Hawaii State Senator; the Honorable Cedric Gates, Hawaii Representative; the Honorable Kirk Caldwell, Mayor of Honolulu; the Honorable Kymberly Marcos Pine, Councilwoman; and all the leaders of the Hawaiian Homestead Associations.

ADOPTED THIS 17th day of June 2019, at Kapolei, Hawaii, State of Hawaii, by the Hawaiian Homes Commission in Regular Meeting assembled.

OFFERED BY:

William J. Aila, Jr., Chair

David Kaapu, Member

Randy Kalei Awo, Member

Wren Westcoatt III, Member

Michael P. Kahikina, Member

Pauline Namuo, Member

Zachary Helm, Member

Vacant

Vacant

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Niniau K. Simmons, NAHASDA Manager 

SUBJECT: Adoption of Resolution No. 302 Honoring Wren Wallace Wescoatt, III for His Service to the Hawaiian Homes Commission

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission adopt Resolution No. 302, as attached, honoring Wren Wallace Wescoatt, III for his service to the Hawaiian Homes Commission.



HAWAIIAN HOMES COMMISSION RESOLUTION NUMBER 302

HONORING WREN WALLACE WESCOATT, III FOR HIS SERVICE TO THE
HAWAIIAN HOMES COMMISSION

WHEREAS, Prince Jonah Kuhio Kalanianaʻole, was Hawaii's delegate to the United States Congress from 1903 until his untimely passing on January 7, 1922; and,

WHEREAS, Prince Jonah Kuhio Kalanianaʻole introduced the Hawaiian Homes Commission Act for passage by the United States Congress for the betterment of his beloved Hawaiian people; and,

WHEREAS, the Hawaiian Homes Commission Act was signed on July 9, 1921 by President Warren G. Harding and fully operative on September 16, 1921; and,

WHEREAS, Wren Wallace Wescoatt, III was appointed a member of the Hawaiian Homes Commission on December 1, 2015 by Governor David Y. Ige with his term ending on June 30, 2019; and,

WHEREAS, Wren Wallace Wescoatt, III faithfully and ardently served the Commission and its beneficiaries, using his experience to advocate for changes

NOW, THEREFORE, BE IT RESOLVED, the undersigned, duly recognized as the chairman and members of the Hawaiian Homes Commission, on this 17th day of June 2019, do set forth their signatures in recognition of Wren Wallace Wescoatt, III and his service to the legacy of Prince Jonah Kuhio Kalanianaʻole and the thousands of beneficiaries of the Hawaiian Homes Commission Act; and,



HAWAIIAN HOMES COMMISSION

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted in its entirety to his wife, Jamie Lui; and all the leaders of the Hawaiian Homestead Associations.

ADOPTED THIS 17th day of June 2019, at Kapolei, Hawaii, State of Hawaii, by the Hawaiian Homes Commission in Regular Meeting assembled.

OFFERED BY:

William J. Aila, Jr., Chairman

David Kaapu, Member

Randy Kalei Awo, Member

Wren Westcoatt III, Member

Michael P. Kahikina, Member

Pauline Namuo, Member

Zachary Helm, Member

Vacant

Vacant

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17-18, 2019

TO: Chairman and Members, Hawaiian Homes Commission

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



SUBJECT: Adoption of Proposed Hawaii Administrative Rules
Chapter 10-7, Entitled Planned Communities, Multi-
Family Complexes, and Rental Housing

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt proposed Hawaii Administrative Rules Chapter 10-7, entitled Planned Communities, Multi-Family Complexes, and Rental Housing, and approve proceeding to promulgation.

DISCUSSION:

In December 2017, the Department of Hawaiian Home Lands began its process for administrative rulemaking for proposed rules related to planned communities, multi-family complexes, and rental housing. The chart below contains a summary of important actions taken by the HHC and the DHHL in that process.

December 2017	Approval to proceed to beneficiary consultation
April-July 2018	Statewide beneficiary consultation
September 2018/October 2018	For information: presentation of the beneficiary consultation report (amended in Oct)
October 2018	Acceptance of the amended beneficiary consultation report; Approval of recommendations and to proceed with rulemaking under Ch. 91, HRS

January 27, 2019	Publication of statewide notice for public hearing under Ch. 91, HRS
February 27, March 6, 11, 13, 2019	Public hearings
May 2019	For information: report of public hearings

Based upon comments received during the public hearing process, staff recommends changes for clarification and consistency. Staff believes these changes are not substantive nor do they alter the meaning or impact of the proposed rules. Rather, the changes respond to comments by clarifying existing language. Staff recommends the following changes:

- **All uses of "homestead" be replaced with "residential" or "applicant on a waitlist,"** as appropriate. A comment was received to add a definition of "homestead." The comment brought to light that the use of "homestead" in this chapter is overbroad for the intent of the proposal as presented and discussed throughout the beneficiary consultation and hearings processes. Therefore, staff recommends replacing use of "homestead" with "residential" to clarify that this chapter would apply only to residential lands and lease types. This change appears in several sections.
 - 10-7-1 Definitions.
 - 10-7-3 Method of disposition.
 - 10-7-26 Planned community education.
 - 10-7-42 Kupuna housing.
 - 10-7-44 Successorship.
 - 10-7-46 Conversion to lessee.

- **10-7-2 Applicability of chapter.** Subsection (a) be reworded to clarify the proposed chapter applies to residential developments on Hawaiian Home Lands.
 - "(a) This chapter shall apply to all planned community and multi-family complex developments on Hawaiian home lands that are designated as residential use in the relevant island plan and consisting of single-family lots or a multi-family complex, or both for which the declaration is recorded after the effective date of this chapter."

- **10-7-41 Rental housing offers.** Subsection (b) be moved to become the last sentence of subsection (a); and the subsections renumbered as appropriate. This is to clarify the intent that project-specific information be provided as

soon as it is relevant and useful to potential renters. Comment was received expressing concern that project-specific information might be distributed later in the process, thereby requiring potential renters to make decisions without adequate information. Although language will remain unchanged, staff believes moving the requirement from subsection (b) to (a) helps to more clearly convey the intended requirement that project-specific information be provided at its earliest practicability.

The proposed Chapter 10-7, showing the recommended changes, is attached as Exhibit A. The report from the public hearing process is attached as Exhibit B.

RECOMMENDATION:

Staff respectfully requests approval of the motion as stated above.

HAWAII ADMINISTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 10-7

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)

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

§10-7-1

§§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 kānāwai 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-residential~~ lease from the department, or anyone included in the definition of a member under

the governing documents.

"Multi-family complex" means a ~~homestead residential 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 residential~~ 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 and multi-family complex developments on Hawaiian home lands that are designated as residential use in the relevant island plan and ~~consisting of single-family lots or a multifamily complex, or both~~ for which the declaration is recorded after the effective date of this chapter.

(b) This chapter may apply to an association for which the declaration was recorded before the effective date of this chapter 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 residential~~ 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)

§§10-7-7 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 10-7-4(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~~ residential 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. Project-specific parameters shall be provided to the applicant pool as soon as practicable.

- (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 on a waitlist, 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 an homestead applicant on a waitlist, 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 an homestead-applicant on a waitlist shall remain an 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

Chapter 10-7, Hawaii Administrative Rules, on Summary Page dated [], following public hearings held on February 27, 2019, and on March 6, 11, and 13, 2019, after public notice was given on January 27, 2019 in the Honolulu Star-Advertiser, The Maui News, West Hawaii Today, Hawaii Tribune-Herald, and The Garden Island.

The adoption of chapter 10-7 shall take effect ten days after filing with the Office of the Lieutenant Governor.

WILLIAM J. AILA, JR., Chairman
Hawaiian Homes Commission

APPROVED:

DAVID Y. IGE, Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 20-21, 2019

TO: Chairman and Members, Hawaiian Homes Commission

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



SUBJECT: For Information Only - Report of Chapter 91, Hawaii Revised Statutes, Public Hearings for Administrative Rules Related to Planned Communities, Multi-Family Housing, and Rentals

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

Following the approval of the Hawaiian Homes Commission at its October 2018 regular meeting, and approval of the Governor, the Department of Hawaiian Home Lands held public hearings pursuant to chapter 91, Hawaii Revised Statutes, regarding proposed administrative rules related to planned communities, multi-family housing, and rental housing. Public notice was published statewide pursuant to section 91-3, HRS, on January 27, 2019 (Exhibit A) and, pursuant to section 10-5-22, HAR, copies were sent to the homestead associations with addresses on file (Exhibit B). Four public hearings were held as scheduled, each with an informational briefing immediately preceding the hearing. Locations for the hearings were chosen based upon the existence and prevalence of Hawaiian Home Lands planned communities in the area.

DATE	LOCATION	SIGN-IN	TESTIMONY	
			Oral	Written
February 27, 2019	Kapolei DHHL Hale Pono	5	1	1
March 6, 2019	Kona West Hawaii Civic Center	1	0	0

B

DATE	LOCATION	SIGN-IN	TESTIMONY	
			Oral	Written
March 11, 2019	Maui Paukukalo Community Center	16	4	0
March 13, 2019	Kauai King Kaumualii Elem.	3	0	0
OTHER TESTIMONY RECEIVED			Email	Mail
			2	1

Informational Briefings and Hearings

Each session was conducted in the same manner. Before each hearing an informational briefing was held during which staff used a powerpoint presentation to discuss the rulemaking process, the purpose of the proposal, and to highlight certain sections of the proposal, which staff believe to be of particular significance (Exhibit C). Binders containing the complete record and evolution of the current proposal was made available for review and reference. Time was allotted for questions. At each meeting, attendees arrived for the briefing and stayed thru the formal hearing. Once the briefing ended, the formal hearing was opened by the presiding officer (Exhibit D) and testimony, if any, was received.

Testimony

Multiple methods to submit written testimony were offered. Written options provide opportunity to testify for those unable to attend the hearing, those in attendance but unwilling to testify orally, or those who would prefer to submit in writing. The DHHL's post office box address was provided in the public notice to receive written testimony; a phone number and email address were also listed as available for additional information. At the informational briefing, three options were offered: the post office box address, an email address, and "green sheets" were provided for submitting written testimony at the hearing. In Kapolei and Kauai, several attendees indicated they would submit written testimony after the hearing. Having not received testimony from those individuals, staff sent an email to ensure nothing was missed. Of the five individuals contacted, one emailed testimony and another emailed to say that they decided not to testify; no other responses were received. In addition, the time period to submit written testimony was reopened because staff was informed the email address provided at the informational briefing did not work; notice of the

reopening was posted on the website (Exhibit E). No additional testimony was received.

Exhibit F is the testimony received and the staff responses to matters directly related to the proposal. During the hearings, staff took notes of oral testimony, which is reflected in Exhibit F, email or written testimony is reproduced verbatim.

RECOMMENDATION:

None. For information only.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS
TO TITLE 10, HAWAII ADMINISTRATIVE RULES

The Department of Hawaiian Home Lands (DHHL) will hold a public hearing on Oahu, Maui, Hawaii Island, and Kauai for Hawaii Administrative Rules (HAR) amendments. The proposed amendments to Title 10, HAR, DHHL, would adopt administrative rules related to the method of disposition, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of single family and multi-family units including rentals in a new HAR chapter 10-7 entitled, planned communities, multi-family complexes, and rental housing. The proposed rules create processes through which the Hawaiian Homes Commission and DHHL can develop, manage, and enforce provisions for planned communities, multi-family complexes, and rental housing developed on Hawaiian Home Lands. An informational briefing will be held immediately before the public hearing.

Date: Wednesday, February 27, 2019
Location: DHHL Main Office (Hale Pono), 91-5420 Kapolei Pkwy, Kapolei, HI 96707
Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

Date: Wednesday, March 6, 2019
Location: West Hawaii Civic Center, 74-5044 Ane Keohokalole Hwy, Kailua-Kona, HI 96740
Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

Date: Monday, March 11, 2019
Location: Paukukalo Community Center, 655 Kaumualii St, Wailuku, HI 96793
Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

Date: Wednesday, March 13, 2019
Location: King Kaumualii Elementary School Cafeteria, 4380 Hanamaulu Rd, Lihue, HI 96766
Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

All interested persons are urged to attend the public hearing to present relevant information and individual opinion for the DHHL to consider. Any person may file written comments or recommendations in support of or in opposition to the proposed rulemaking in person at the public hearing or by mail postmarked by March 20, 2019. Written testimony should be mailed to: ATTN: Administrative Rules, Department of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96805.

The Hawaiian Homes Commission shall take final action on this rulemaking at a future regularly scheduled commission meeting.

EXHIBIT A

B

The proposed rule amendments are currently available for review through March 20, 2019 between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday at the DHHL Main Office in Kapolei, Oahu (address listed above) and at any DHHL District Office: East Hawaii: 160 Baker Ave., Hilo, HI 96720; West Hawaii: 64-756 Mamalahoa Hwy, Kamuela, HI 96743; Maui: 655 Kaunualii St., Wailuku, HI 96793; Molokai: 600 Mauna Loa Hwy, Kaunakakai, HI 96748; Kauai: 3060 Eiwa St, Rm 203, Lihue, HI 96766. A copy of the proposed rule amendments will be mailed to any person who requests a copy in writing. The request must state the requestor's name and mailing address, and be delivered to the DHHL Main Office, P.O. Box 1879, Honolulu, HI 96805. For more information, email [dhhl.rules@hawaiianhomelands.org](mailto:dhdl.rules@hawaiianhomelands.org) or call (808) 620-9280. A copy of the proposed rule amendments is also available online: <http://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/>.

To request a sign language interpreter or disabled parking at the public hearing, please contact the DHHL Information and Community Relations Office on Oahu at 808-620-9590 at least seven days in advance of the public hearing.

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission
January 27, 2019

EXHIBIT A

B

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

January 24, 2019

Aloha Homestead Association Leaders,

The Department of Hawaiian Home Lands will be conducting public hearings for proposed amendments to its Administrative Rules regarding DCCRs, multi-family housing, rentals and kupuna housing. The public hearing process is required by state law. The notice for the hearing will be published in newspapers statewide and a copy is enclosed for your association. Also enclosed are two copies of the proposed rule amendments. Copies of the proposal are also available for reading at all Department offices and on DHHL's website. Hearings will be held according to the following schedule:

Date: Wednesday, February 27, 2019

Location: DHHL Main Office (Hale Pono), 91-5420 Kapolei Pkwy, Kapolei, HI 96707

Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

Date: Wednesday, March 6, 2019

Location: West Hawaii Civic Center, 74-5044 Ane Keohokalole Hwy, Kailua-Kona, HI 96740

Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

Date: Monday, March 11, 2019

Location: Paukukalo Community Center, 655 Kaunualii St, Wailuku, HI 96793

Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

Date: Wednesday, March 13, 2019

Location: King Kaunualii Elementary School Cafeteria, 4380 Hanamaulu Rd, Lihue, HI 96766

Time: Informational briefing: 6:00 p.m. – 6:30 p.m.
Public hearing: 6:30 p.m. – 7:30 p.m.

If you cannot attend the hearing but you want to comment on the proposal, the Department is accepting written comments. Please be sure to submit (or postmark) your written comments to the Department no later than March 20, 2019.

EXHIBIT B

B

You may remember beneficiary consultation meetings last summer (May thru August 2018) about proposed rule amendments, which included DCCRs, multi-family, rentals, and kupuna housing. The upcoming public hearings are the next step for those proposed rules. The proposed rules create processes through which the Hawaiian Homes Commission and DHHL can develop, manage, and enforce provisions for planned communities (DCCRs), multi-family complexes, and rental housing developed on Hawaiian Home Lands. An informational briefing will be held immediately before the public hearing. The beneficiary consultation report for this proposal is also on the website. Your mana'o and participation is much appreciated.

If you have any questions, please contact Hokulei Lindsey at (808) 620-9280 or Hokulei.Lindsey@hawaii.gov.

Aloha,

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Enc.

EXHIBIT B

B



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Informational Meeting

Proposed Rules for Planned Communities, Multi-Family Complexes, and Rental Housing

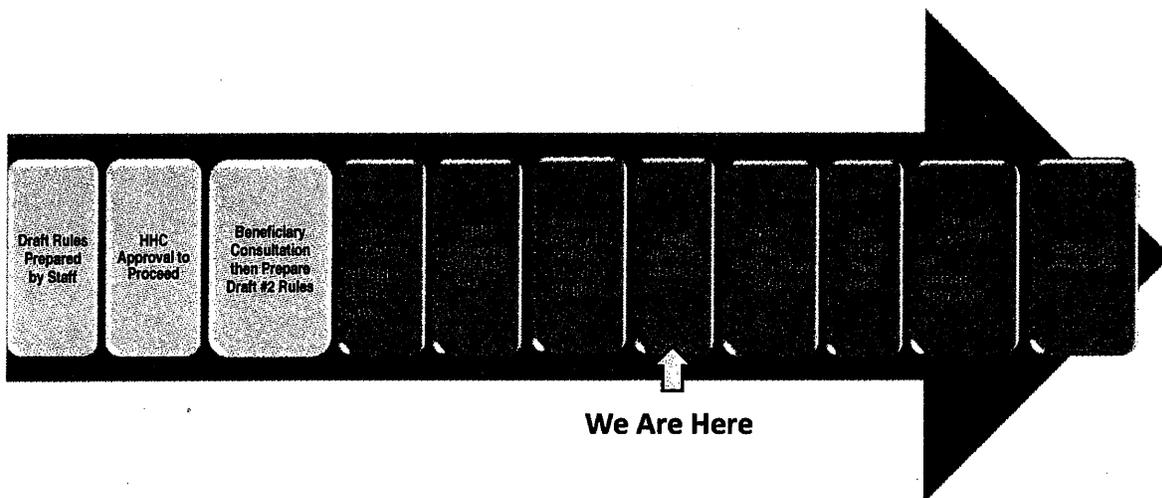
1

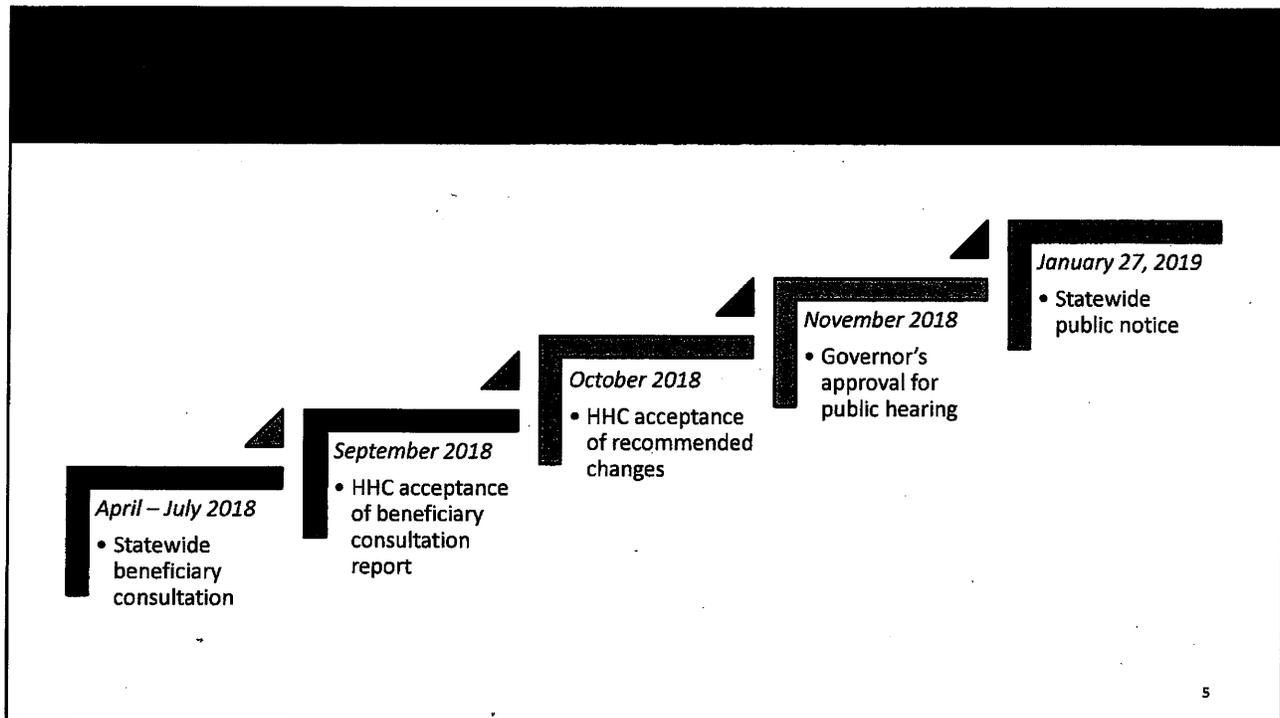
- Opening
- Presentation
 - Administrative Rules and Timeframes
 - Planned Communities
 - Multi-Family Complexes
 - Rental Housing
- Questions

2

- Provide information and answer questions about the proposed rules for Planned Communities, Multi-Family Complexes, and Rental Housing on Hawaiian Home Lands so there may be better understanding about the proposal before the public hearing.

3





- “The department is authorized to develop and construct single-family and multi-family units for housing native Hawaiians. The method of disposition, including rentals, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of such single-family and multi-family units shall be prescribed by [administrative] rules.”



HAWAIIAN HOME LANDS
 HAWAIIAN HOME LANDS COMMISSION
 DEPARTMENT OF HAWAIIAN HOME LANDS

Planned Communities

7

Community *Development on going	Lessees on Lot	Lots (Projected)
Lalepua	61	(1,340)
Lalamilo*	30	448
Lelani	104	(357)
Waiehu Kou 2	109	109
Waiehu Kou 3	114	114
Waiehu Kou 4	98	98
	29	45
Princess Kahanu Estates	271	271
Maluohai	222 (+1 in process)	226
Kaupea	326	326
Kanahou*	358	403
Kaupuni	19	19
Kumuhau-Kakaina*	52	97
Kalawahine Streamside	92	92
Piilani-Mai-Ke-Kai*	58 (+22 in process)	177

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

9

- Meet requirements of HHCA 207.5.
 - §10-7-2 Method of disposition
 - Subchapter 2; The Declaration
 - Subchapter 3; The Association
 - Subchapter 4; Obligations of the Lessee
- Pre-existing DCCR associations must vote to “opt-in” to the administrative rules.
 - §10-7-2 Applicability of chapter

10

- Account for assessments from vacant lots.
 - §10-7-20 Vacant lots
- Account for assessments from unoccupied units.
 - §10-7-21 Unoccupied units
- Associations provide an annual budget to the department for record-keeping purposes.
 - §10-7-22 Budget

11

- Subchapter 4; Obligations of the Lessee
 - Understand planned community living
 - Pay assessments
 - Comply with member obligations
- Subchapter 5; Enforcement of Governing Documents

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- Subchapter 3; The Association
 - Meetings and communication
 - Annual compliance
- Subchapter 5; Enforcement of Governing Documents
 - Enforce the CC&Rs

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- Training and communication
 - §10-7-22 Budget
 - §10-7-26 Planned community education
- Fill units
 - §10-7-21 Unoccupied units
- Subchapter 5; Enforcement of Governing Documents
 - Contested case hearings

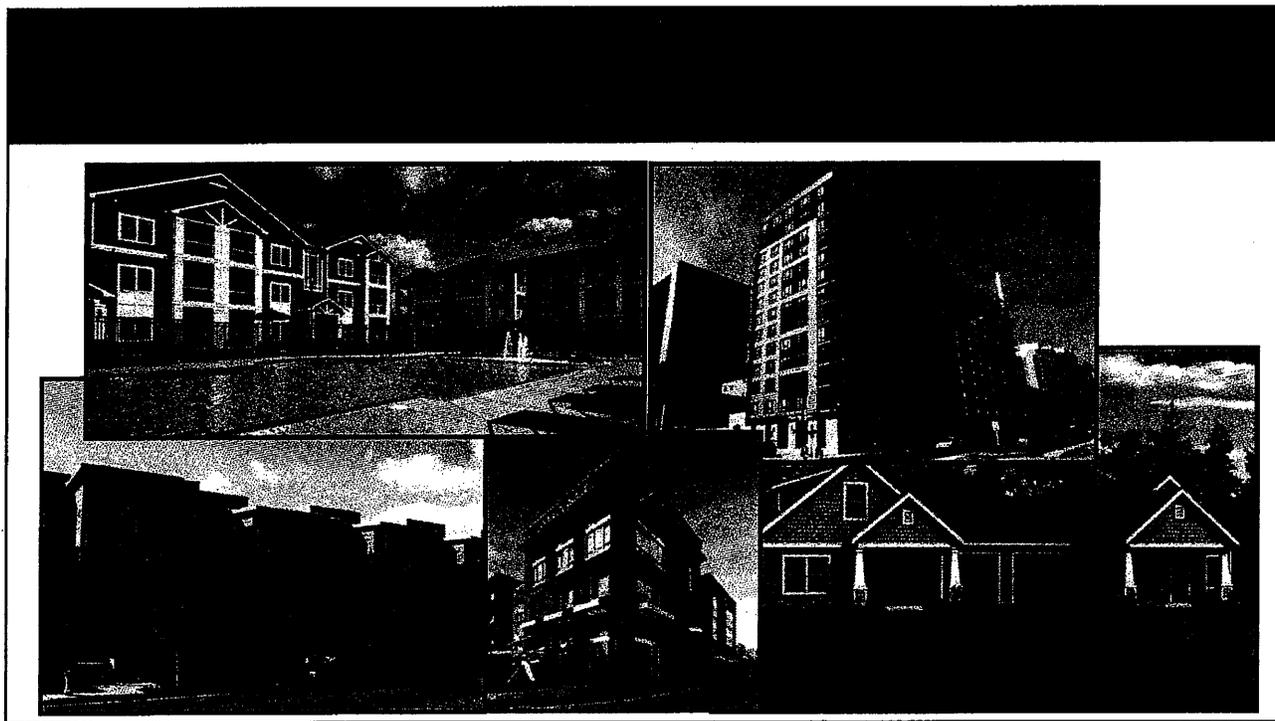
14



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Multi-Family Complexes

15



- §10-7-1 Definitions
 - “Multi-family complex”
- Subchapter 3; The Association
- Subchapter 4; Obligations of the Lessee
- Subchapter 5; Enforcement of Governing Documents

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HAWAIIAN HOME LANDS
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DEPARTMENT OF HAWAIIAN HOME LANDS

Rental Housing

18

- §10-7-1 Definitions
 - “Property management company”
 - “Rental agreement”
 - “Rental housing development”
 - “Renter”
- Subchapter 6; Rental Housing

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- Give testimony at a public hearing.
- Green sheets.
- Email: dhhl.rules@hawaiianhomelands.org
- Mail postmarked by Wednesday, March 20, 2019:

Department of Hawaiian Home Lands
DHHL Administrative Rules
P.O. Box 1879
Honolulu, HI 96805

20



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Mahalo

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

February 19, 2019

Pursuant to section 10-5-23, Hawaii Administrative Rules (HAR), I designate Hokulei Lindsey as the presiding officer in my absence over the public hearings for proposed amendments to Title 10, HAR, related to planned communities, multi-family complexes, and rental housing, held pursuant to Chapter 91, Hawaii Revised Statutes from 6:30 p.m. to 7:30 p.m. or adjournment, whichever is later, on the following dates and locations:

- February 27, 2019
Hale Pono, 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707
- March 6, 2019
West Hawaii Civic Center, 74-5044 Ane Keohokalole Hwy, Kailua-Kona, HI 96740
- March 11, 2019
Paukukalo Community Center, 655 Kaumualii St, Wailuku, HI 96793
- March 13, 2019
King Kaumualii Elementary School Cafeteria, 4380 Hanmaulu Rd, Lihue, HI 96766

A handwritten signature in black ink, appearing to read "Jobie M. K. Masagatani".

Jobie M. K. Masagatani
Chairman, Hawaiian Homes Commission

EXHIBIT D

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Department of Hawaiian Home Lands

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Home Divisions Legislation Procurement Employment Commercial Leases Awards Fact Sheets

HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION - FEDERAL GOVERNMENT OF HAWAII

Department of Hawaiian Home Lands Proposed Rule Changes
 You are invited to attend a Beneficiary Consultation meeting in your community to discuss important proposed changes to DHHL's administrative rules.

Declaration of Conditions Multi-family, Rentals, and Expenses Supplemental Dwelling Units

PUBLIC COMMENT - PLANNED COMMUNITY, MULTI-FAMILY COMPLEXES, AND RENTAL HOUSING
 Read More →

Applications & Wait List
 Information for Lessees
 Hawaiian Homes Commission
 Beneficiary Consultations

Department of Hawaiian Home Lands and Hawaii Community College dedicate their 52nd Model Home
 Posted on May 10, 2019

DEPARTMENT OF HAWAIIAN HOME LANDS AND HAWAII COMMUNITY COLLEGE DEDICATE THEIR 52ND MODEL HOME HILO, HAWAII - On Thursday May 9th, the Department of Hawaiian Home Lands and Hawaii Community College held a

ABOUT US

- HHC - Hawaiian Homes Commission
- DHHL - Department of Hawaiian Home Lands

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Department of Hawaiian Home Lands

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Home » Department of Hawaiian Home Lands, Public Information, Public Notice, Slider » PUBLIC COMMENT
- Planned Community, Multi-Family Complexes, and Rental Housing

PUBLIC COMMENT – PLANNED COMMUNITY, MULTI-FAMILY COMPLEXES, AND RENTAL HOUSING
Posted on May 8, 2019 in [Department of Hawaiian Home Lands](#), [Public Information](#), [Public Notice](#), [Slider](#)

PUBLIC COMMENT – Planned Community, Multi-Family Complexes, and Rental Housing

DHHL is accepting comments regarding proposed administrative rules for Planned Communities, Multi-Family Complexes, and Rental Housing until Monday, May 13, 2019.
Email: dhhl.adminrules@hawaii.gov

For more information [CLICK HERE](#)

PAGES

- 2019 Hawaiian Homes Commission and Community Meeting Schedule
- Agriculture Homesteads
- Department of Hawaiian Home Lands Administrative Rules
- Department of Hawaiian Home Lands Oahu and Kaua'i offices closed August 23 & 24, 2018
- DHHL Administrative Rules
- DHHL Leadership Conference 2016 – Resources
- DHHL's Fight for Funding
- DISPOSITION OF HAWAIIAN HOME LANDS BY GENERAL LEASES FOR RENEWABLE ENERGY PROJECTS ON OAHU AND MAUI
- Fact Sheets

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Department of Hawaiian Home Lands (<http://dhhl.hawaii.gov>)

Home (<http://dhhl.hawaii.gov/>) » PO – Planning Office (<http://dhhl.hawaii.gov/po/>) » Beneficiary Consultations (<http://dhhl.hawaii.gov/po/beneficiary-consultation/>) » DHHL Administrative Rules – DCCR's, Multi-Family, Rentals, Kupuna Housing and Supplemental Dwelling Units

DHHL ADMINISTRATIVE RULES – DCCR'S, MULTI-FAMILY, RENTALS, KUPUNA HOUSING AND SUPPLEMENTAL DWELLING UNITS

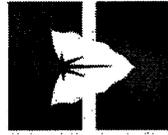
The Department of Hawaiian Home Lands is proposing to add Administrative Rules for

- Declaration of Conditions, Covenants, and Restrictions Communities (DCCR);
- Multi-family, Rentals, and Kupuna Housing; and
- Supplemental Dwelling Units.

The proposals are intended to increase the housing options available to beneficiaries of the Hawaiian Homes Commission Act and to improve certainty in Department processes. This is the third round of rule changes proposed by this administration. Rulemaking could take up to two years to complete.

EXHIBIT E

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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:

Declaration of Conditions, Covenants, and Restrictions Communities (DCCR)	Multi-family, Rentals, and Kupuna Housing	Supplemental Dwelling Units
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://dhhl.hawaii.gov/po/beneficiary-consultation/>) for the latest information or call DHHL Administrative Rules at (808) 620-9280. All meetings are subject to change.

Please click [here](#) for a downloadable (PDF) version of the [flyer](#) posted above.

BENEFICIARY CONSULTATIONS

1	Proposed Action or Issue for Discussion	Update the current set of Hawaii Administrative Rules governing the Department of Hawaiian Home Lands.
2	Notification	<p>Meeting Agenda:</p> <ul style="list-style-type: none"> • Meeting agenda (PDF version)
3	Meeting Schedule	<ul style="list-style-type: none"> • Molokai – Monday, April 30, 2018 DHHL Molokai Office – Kulana 'Oiwi Halau 600 Maunaloa Highway Kalamaula, Hawaii 96748 6 p.m. – 9 p.m. • Kauai – Monday, May 7, 2018 King Kaumualii Elementary School Cafeteria 4380 Hanamaulu Road Lihue, Hawaii 96766 6 p.m. – 9 p.m. <p style="text-align: center;">EXHIBIT <u>E</u></p> <p style="text-align: center;">B</p>

- **Paukukalo, Maui – Monday, May 21, 2018**
 Paukukalo Community Center
 655 Kaunualii Street
 Wailuku, Maui 96793
 6 p.m. – 9 p.m.

- **Lahaina, Maui -Tuesday, June 5, 2018**
 Lahaina Civic Center
 1840 Honoapiilani Highway
 Lahaina, Hawaii 96761
 6 p.m. – 9 p.m.

- **Keaukaha, Hawai’i- Monday, June 25, 2018**
 Keaukaha Elementary School Cafeteria
 240 Desha Avenue
 Hilo, Hawaii 96720
 6 p.m. – 9 p.m.

- **West Hawaii, Kailua, Kona – Monday, July 9, 2018**
 West Hawaii Civic Center
 74-5044 Ane Keohokalole Highway
 Kailua-Kona, Hawaii 96740
 6 p.m. – 9 p.m.

- **Honolulu, O’ahu – Monday, July 23, 2018**
 Robert Louis Stevenson Middle School
 1202 Prospect Street
 Honolulu, Hawaii 96822
 6 p.m. – 9 p.m.

- **Kapolei, O’ahu – Monday, July 30, 2018**
 DHHL Hale Pono’i
 91-5420 Kapolei Parkway,
 Kapolei, Hawaii 96707
 6 p.m. – 9 p.m

<p>4 Presentation Materials</p>	<p>Beneficiary Consultation Meetings:</p> <ul style="list-style-type: none"> • <u>Presentation DCCR.SDU v1 for posting</u>
<p>5 Background Information</p>	<p>DCCR Rules:</p> <ul style="list-style-type: none"> • <u>FAQ’s DCCR Rules</u> • <u>Proposed Rules DCCRs, Multi Family, Rental, Kupuna Housing</u> <p>Multi Family, Rentals, Kupuna Housing Rules:</p> <ul style="list-style-type: none"> • <u>FAQ’s Multi Family, Rental, Kupuna Housing Rules</u> • <u>Proposed Rules DCCRs, Multi Family, Rental, Kupuna Housing</u>

EXHIBIT E

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		<p>Supplemental Dwelling Units:</p> <ul style="list-style-type: none"> • <u>FAQ's Supplemental Dwelling Units Rules</u> • <u>Proposed Rules Supplemental Dwelling Units (Full Text)</u>
6	<p>Beneficiary Consultation Report: Meetings and Transcribed Notes</p>	<p><u>Oct 2018 Beneficiary Consultation Report</u></p>
7	<p>Review Period</p>	<p><u>Notice of Public Hearing for DCCR Multi Rentals</u></p> <p style="text-align: center;">STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO TITLE 10, HAWAII ADMINISTRATIVE RULES</p> <p>The Department of Hawaiian Home Lands (DHHL) will hold a public hearing on Oahu, Maui, Hawaii Island, and Kauai for Hawaii Administrative Rules (HAR) amendments. The proposed amendments to Title 10, HAR, DHHL, would adopt administrative rules related to the method of disposition, as well as the terms, conditions, covenants, and restrictions as to the use and occupancy of single family and multi-family units including rentals in a new HAR chapter 10-7 entitled, planned communities, multi-family complexes, and rental housing. The proposed rules create processes through which the Hawaiian Homes Commission and DHHL can develop, manage, and enforce provisions for planned communities, multi-family complexes, and rental housing developed on Hawaiian Home Lands. An informational briefing will be held immediately before the public hearing.</p> <p>Date: Wednesday, February 27, 2019 Location: DHHL Main Office (Hale Pono), 91-5420 Kapolei Pkwy, Kapolei, HI 96707 Time: Informational briefing: 6:00 p.m. – 6:30 p.m. Public hearing: 6:30 p.m. – 7:30 p.m.</p> <p>Date: Wednesday, March 6, 2019 Location: West Hawaii Civic Center, 74-5044 Ane Keohokalole Hwy, Kailua-Kona, HI 96740 Time: Informational briefing: 6:00 p.m. – 6:30 p.m. Public hearing: 6:30 p.m. – 7:30 p.m.</p> <p>Date: Monday, March 11, 2019 Location: Paukukalo Community Center, 655 Kaunualii St, Wailuku, HI 96793 Time: Informational briefing: 6:00 p.m. – 6:30 p.m. Public hearing: 6:30 p.m. – 7:30 p.m.</p>

EXHIBIT E

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Date: Wednesday, March 13, 2019

Location: King Kaumualii Elementary School Cafeteria, 4380 Hanamaulu Rd, Lihue, HI 96766

Time: Informational briefing: 6:00 p.m. – 6:30 p.m.

Public hearing: 6:30 p.m. – 7:30 p.m.

All interested persons are urged to attend the public hearing to present relevant information and individual opinion for the DHHL to consider. Any person may file written comments or recommendations in support of or in opposition to the proposed rulemaking in person at the public hearing or by mail postmarked by March 20, 2019. Written testimony should be mailed to: ATTN: Administrative Rules, Department of Hawaiian Home Lands, P.O. Box 1879, Honolulu, HI 96805.

The Hawaiian Homes Commission shall take final action on this rulemaking at a future regularly scheduled commission meeting.

The proposed rule amendments are currently available for review through March 20, 2019 between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday at the DHHL Main Office in Kapolei, Oahu (address listed above) and at any DHHL District Office: East Hawaii: 160 Baker Ave., Hilo, HI 96720; West Hawaii: 64-756 Mamalahoa Hwy, Kamuela, HI 96743; Maui: 655 Kaumualii St., Wailuku, HI 96793; Molokai: 600 Mauna Loa Hwy, Kaunakakai, HI 96748; Kauai: 3060 Eiwa St, Rm 203, Lihue, HI 96766. A copy of the proposed rule amendments will be mailed to any person who requests a copy in writing. The request must state the requestor's name and mailing address, and be delivered to the DHHL Main Office, P.O. Box 1879, Honolulu, HI 96805. For more information, email [dhhl.rules@hawaiianhomelands.org](mailto:dhdl.rules@hawaiianhomelands.org) or call (808) 620-9280. A copy of the proposed rule amendments is also available online: <http://dhhl.hawaii.gov/hhc/hawaii-administrative-rules/>. To request a sign language interpreter or disabled parking at the public hearing, please contact the DHHL Information and Community Relations Office on Oahu at 808-620-9590 at least seven days in advance of the public hearing.

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission
January 27, 2019

EXHIBIT E

	Commission Vote/Governor Approval	
9	Final Version of Hawaii Administrative Rules Amendments 2017	TBD

CONTACT INFORMATION:

For more information, please contact:

- Hokulei Lindsey, DHHL Administrative Rules Officer, 808-620-9280
hokulei.lindsey@hawaii.gov

COMMENT ON ADMINISTRATIVE RULES:

Comment on Proposed New Administrative Rules

Name

Applicant or Lessee?

E-mail *

Comment or Message *

EXHIBIT E

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Planned Communities, Multi-Family Complexes, and Rental Housing
Public Testimony 2019

TESTIFIER	COMMENT	MEETING	RESPONSE
Nalani Aipoalani-Tuaoi-To'oto'o (Oral)	I live on Nanakuli Hawaiian Homestead. I'm representing myself and my entire family. Getting land to them, taking care of our Kupunas. With, that being said, the monies generated from commercial properties should be used on them to pay for our Kupunas to be housed under the DHHL Properties that you folks have.	Kapolei	The proposed rules do not address loan, grant, or subsidy sources or opportunities. Those matters are addressed in other subchapters of the rules as well as the Hawaiian Home Commission Act.
Kailani Ross (Oral)	What newspaper was this published in [to advertise the public hearing]? On June 30, 1921, Prince Kuhio had an opportunity to testify in front of US Congress in support of the HHCA, he states "mister chairman helping the Hawaiian people who are dying out to get back to our land to rehabilitate themselves the Hawaiian people for the last 100 years have been dying off rapidly. This decline has been recognized by all — Kamehameha I, II, III, IV, V have all recognized something be done. Not many lands left, the Hawaiians were formally farmers under new conditions they were driven out from their lands and came to the cities. They were poor and lived in tenements." (67 session congressional record). The Act was passed by Congress of US, on July 9 1921, signed into law by President Warren Harding. Mission states "Title 1A Purpose section 101 this section states the policy to enable native Hawaiians to return to their lands to support self determination in the administration of the Act . . . To establish a permanent land base for the benefit of native Hawaiians placing native Hawaiians on the lands. Purpose is to rehabilitate as farmers. Confining native Hawaiians into condos is not in the spirit of the Prince Kuhio nor back to Kamehameha III. He also provided the mahele which is not a contract with the konohikis and still stands today. Land not to be sold in perpetuity. Kanaka maoli to protect the kamaainas. We have the apology bill Public Law 150 apologizes for taking away the land states that US committed an act of war against her [Queen Liliuokalani] people. DHHL employees you are putting them in condos, tenements, Spirit of the law says return to Land. I	Paukukalo	Public notice was made statewide, published in the major newspapers, in accordance with 91-3, Hawaii Revised Statutes, and Hawaii Administrative Rules Title 10. The Hawaiian Homes Commission Act section 207.5 gives explicit authority to the department to develop multi-family housing and rentals. The proposed rules provide the framework to implement section 207.5, HHCA.

Planned Communities, Multi-Family Complexes, and Rental Housing
Public Testimony 2019

	<p>oppose, strongly oppose, the proposition here today. This is a crime on top of a crime on top of a crime. This apology bill states [read from Apology Bill]. Those who work for Hawaiian Homes, there are lands for kanaka maoli, but they don't want to hear it. State of Hawaii vs Midkiff created a law that eminent domain — taking private lands for public purpose — Queen Liliuokalani and Lunalilo Trust — showed it can be done. Alexander & Baldwin said they owned the land. After overthrow of Liliuokalani they changed their lease to "own"</p>		
<p>Hinano Kaleleiki (Oral)</p>	<p>The land you stole, the land US stole. I worked for over 20 years, my job, these lands are the rights to the konohiki, right to the land and the water, this is not a privilege. We are outlaws. They have no permission, no right. The water, ocean is your right. If you listen to these guys you'll stay on the ground. I've been in the toughest parts of this world. The US government knows who owns the lands. 245 of us, only 2 of us left. The mahele was an inventory of the king's assets, by ledger, to his konohikis. Then he turned over his personal lands. First Supreme Court magistrate. Foreign invasion political unrest. It's privatized since then. Don't know where they got the permission from. I told you guys to cease and desist, almost 5 years. I'm there to go to court. The world is looking at you guys. You guys gonna eat it. Hawaiian homes you have nothing to say, you're thieves. This you guys final warning. It didn't say blood quantum. If a slave can come to these shores has the right, says nothing about blood quantum. We don't need another government. We didn't ask for it.</p>	<p>Paukukalo</p>	<p>None.</p>
<p>Germaine Balino (Oral)</p>	<p>Individual and lessee. Neither for nor against. What strikes me by fellow beneficiaries, and prior to others what was passed in history. My understanding is proposed rules have been part of Beneficiary Consultation, that Beneficiary Consultations have expressed the need for these proposed amendments. My concerns echo fellow beneficiaries here: make sure there is mandatory rules when DCCRs are created so lessees know, that there is a process/mechanism put in place</p>	<p>Paukukalo</p>	<p>Staff believes provisions are in place that would address concerns about lessee understanding of living in a development governed by covenants, conditions, and restrictions; as well as concerns that the covenants make sense for Hawaiian Home Lands and are not simply "boilerplate". Proposed section 10-7-4 Native Hawaiian Cultural Values requires that the governing documents take into account Hawaiian cultural values that are appropriate for the location, development, and the original lessees who would live in those</p>

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	<p>should any rules get passed, also a process in place that goes back to the beneficiaries (recourse). DCCR communities get caught in a catch 22, can't amend the DCCRs, they are stuck with DCCRs that were given to them without any beneficiary input.</p>		<p>homes. It also requires that the guidelines for the culturally appropriate provisions be developed by the department through beneficiary consultation. Those guidelines are to be included in the declaration. Staff believes this will help ease some of the cultural disconnect that some current DCCR lessees describe with the covenants and restrictions in their communities.</p> <p>The purpose of proposed section 10-7-26 Planned Community Education is to facilitate informed decision-making by homestead applicants. It creates a process with a mandatory orientation to explain the obligations of living in a planned community before award letters are mailed. Before leases are signed, the future lessees are required to attend a planned community education training that is tailored specifically to the development and its association rules. In addition, an orientation for lessees who receive the lease through transfer or succession is also required, ensuring that lessees who move into the community after the original award are informed about the CCRs.</p>
<p>Kekoa Enomoto (Oral)</p>	<p>I am here as chairman of the board Paupena Corp. but am speaking for myself. Planned communities inherently are not culturally appropriate, at least not on Maui. As proof, Waiehu Kou do not report nor pay assessments. Leialii cannot get a 40% quorum. Which brings us to the section, which Hokulei referenced. Self determination pre-supposed. But how are home lands planned and developed? Neither was there beneficiary input when lands are being considered to be used as Planned, Multi and rentals.</p>	<p>Paukukalo</p>	<p>In terms of the issues that are related to the current proposal, staff believes sections 10-7-4 and 10-7-26, previously discussed, address issues on a cultural level as well as providing information and training to lessees about the rights, responsibilities, and functioning of communities governed by CCRs.</p> <p>Promulgated in 2018, the department now has Planning System administrative rules, which ensure beneficiary consultation for the development of Island Plans, Area Plans, Regional Plans, and Special Area Plans.</p>
<p>Kailani Ross (Oral; additional time)</p>	<p>I'm a lessee at Leialii, homestead in Lahaina, residential. State for the record. I am opposed to DCCRs for Hawaiian Home lessees. DHHL should take care of common areas and those kinds of things. Associations tend to pit lessee against lessee cause DHHL is using the association as an enforcer. The Kalawahine lawsuit boiled down to "lessee did not have the opportunity to craft the DCCR for which they 're subjected to". Now DHHL is trying to do DCCRs in rules so they</p>	<p>Paukukalo</p>	<p>With regard to the issues within the scope of the proposal, staff believes cultural and informational issues will be addressed through sections 10-7-4 and 10-7-26. These two elements were not part of previous planned community developments.</p> <p>The holding in the Kalawahine case was that the department needs administrative rules to enforce DCCR documents under section 207.5 of the HHCA. As it relates to planned communities, the proposal is intended to address the gaps left by</p>

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	<p>can get associations to enforce them so I'm against this. I'm asking DHHL to do the maintenance and set the lessees free. I have a letter to read part of, from the UN Office of the High Commissioner on Indigenous Rights. He introduces himself and says based on understand of A/69/284 to UN General Assembly, I recommend people of Hawaii be provided access to UN procedures and mechanisms in order to exercise their rights protected under international human rights law. Adjudication of land transactions of the Hawaiian islands likely international law, not the US. The State of Hawaii courts should not lend themselves to flagrant violations . . . And ends with, therefore State of Hawaii should not collude in wrongful taking of land, bearing in mind the right of property art. 17 universal declaration (adopted by leadership of Eleanor Roosevelt)The HHCA says that Hawaiians should be sovereign. DCCRs isn't self-determination; it doesn't meet the spirit of the act.In HHCA, Hawaiians should be self-determining, I believe DHHL wants to make these DCCRs so Hawaiians have self-determination. This is not self-determination.</p>		<p>the Kalawahine holding, thus enabling the department to assist homestead planned community associations.</p>
<p>Sharlette Poe (Written; green sheet)</p>	<p>Would like to see an educational component for kupuna rentals re: kupuna that may have an existing lease and are considering transferring, surrendering, or selling their lease to become a (renter) tenant in any of the kupuna housing projects and the full impact. --now have monthly rent (may not have had before) --Association fees, rules, assessments --Spouse eligibility for successorship if qualifying tenant passes first **Can provisions be considered for "remainder for life"? For next time rules are made: cannot get back on waitlist; former lessee.</p>	<p>Kapolei</p>	<p>When the department offered kupuna housing in Waimanalo, general information was provided occupancy, waitlist status, lessee status, and income eligibility, the specific house rules were also provided. The proposed rules themselves provide more process-related information than was available at the time of the Waimanalo project. At this time, staff believes the type of information suggested and, in particular, the impact of moving into kupuna housing as a rental can be better provided going forward because of this proposal. The HHCA does not contemplate successorship structured as a life estate.</p>
<p>Kanani Higbee (Email)</p>	<p>Aloha, My name is Kanani Higbee. I live in Lahaina, Maui. I am an applicant for Hawaiian Homes. My mother-Delta Lapota, Sister- Pua Olena Moli Lapota, and brother- Kainalu Higbee are on the list too. My grandpa, Ernest Enoka Pakaki died on the list without getting a</p>		<p>Multi-family housing and rental projects are authorized by the HHCA. These types of products expand the mix of housing options as well as increase the range of affordability the department may offer to beneficiaries on the waitlist. While some beneficiaries want a single family house, others want the ease, convenience, and/or</p>

home.
I am emailing in regards to the proposal about adding lists to the Hawaiian Homes to get applicants into rental, rent to own, and condos- multi family structures. I do not support this proposal. I would not be happy with Hawaiian Home funding going to this. I feel it is a misuse of funds. I am offended that DHHL would even consider this. For me, it's a slap in the face. My mother has been on the list since 1987. My brother, sister, and I have been on the list since 2006. Our children are about grown. There is no reason why we shouldn't be living on Hawaiian home land. And this proposal is junk.
I was told Lahaina Leiali'i would be built soon. The 2nd phase. The water has gotten approved which was the biggest hurdle. And it's fast tracked to be built. I don't like this idea of adding rentals, rent to own. I would like to have a residential lot and/ or agriculture lot. I don't think it's wise to add more lists when people have been waiting a long time for a residential and agriculture already.
Furthermore, I feel that DHHL was sneaky. I heard of this proposal and meeting in the newspaper only 1 day before the meeting was to take place! I didn't get notice by mail. Had I known with enough time, I would have not scheduled anything. But I had plans. To take a credit class to prepare for my Hawaiian home. Luckily my coworker was able to attend the meeting. She said only a few people made it! I feel this is what DHHL wanted. For us to not show up so they could pull a fast one on us.
Basically, I feel that rentals and rent to own and condos is not the way to go. Instead, how about offering actual credit classes. I've been asking for a credit class to get my finances in order and work on a down payment. But DHHL didn't offer one for Maui. So I had to get a class through Queen Liliuokalani Trust instead. I feel that it is wise to take credit classes to prepare to get a home loan. And DHHL should offer credit classes to applicants well in advance of them getting a home. Supposedly, DHHL offers

affordability of a multi-family unit; this was expressed by beneficiaries during the Beneficiary Consultation process conducted from April thru July 2017. The department should be able to provide housing options to beneficiaries of different income levels as well as different lifestyle/housing priorities.

The proposal does not speak to any specific development. The proposal provides process to implement section 207.5, HHCA.

Planned Communities, Multi-Family Complexes, and Rental Housing
Public Testimony 2019

	<p>credit classes, but when I ask to take them, there are excuses DHHL comes up with like only Oahu has credit classes or we don't have any at this time.</p> <p>Please don't let this proposal pass. I know it will make it harder for me and my family to get our residential lot. We have been waiting and feel that we are so close and now DHHL wants to pull this. We are not interested in rent to own. We just want to get a regular home loan. Actually if DHHL truly wants to help Hawaiians, they can help by offering low interest loan programs. But if not, I know how to improve my credit so I will qualify for a lower interest rate.</p> <p>Thank you for taking the time to read this. I'm really hoping you don't add the rentals, rent to own, and multi family structures to DHHL.</p> <p>With Aloha, Kanani Higbee</p>		
<p>Kanani Higbee (Email)</p>	<p>Aloha, My name is Kanani Higbee. I am an applicant for Hawaiian Homes. The green paper that was given to people at the meeting at Paukukalo last week for us to provide testimony had the wrong email on it!!! The email said dhhl.rules@hawaiianhomelands.org. This is such a huge error. Basically, people are having a hard time giving testimony to what they want in regards to the rent, rent own, condo, etc. Please if you could notify everyone somehow or extend the date to give testimony. Thank you, Kanani Higbee</p>		<p>The Department established a new email, dhhl.adminrules@hawaii.gov and reopened the comment period. Staff reached out to those who attended the hearings and expressed an interest in submitting testimony but from whom none was received.</p> <p>Staff responded to this email notifying the sender that their testimony was received and of the new address and additional comment period.</p>
<p>M. Kapuniai (Mail)</p>	<p>See attached letter dated March 20, 2019.</p>		<p>10-7-1 Definitions. Staff believes the proposed definition of "Homestead" is too broad for the purpose of the proposed chapter. However, the comment does highlight an assumption that should be clarified. The proposal has been presented to beneficiaries and the public in the context of residential development because that is the intent of the proposed chapter. Staff believes the proposal should clearly reflect this intent and recommends "homestead" be replaced with "residential" or "applicant on a waitlist" as appropriate.</p>

10-7-11 Supplemental provisions of the declaration. This allows the declarant to adopt supplemental provisions to the declaration. By definition, supplement enhances or completes what is already there. As such, supplemental provisions would be those that add clarity or certainty as opposed to something new or different. Staff believes the proposed process is not warranted and may cause unnecessary delay.

10-7-18 Membership. Staff believes the proposed added language is not necessary when 10-7-17 and 10-7-18 are read together.

10-7-19 Voting. The declaration is the foundational document for a planned community, like the Constitution. It would be created and recorded by the declarant, most likely the department or project developer, before there is an association or lessees. The voting structure of Class A and Class B is how the declarant maintains a certain amount of control as the project is finished and/or units are filled. Once that process closes or time allotted sunsets, the declarant's controlling Class B membership either terminates, leaving full control of the association with lessees, or it converts to Class A membership with voting power equal to each lessee/member. This provision maintains standard certainty for the developer.

10-7-26 Planned community education. This section provides only a general outline of what will happen in the awards process when a development is structured as a planned community. It does not detail the awards process and procedure. It requires information about planned communities be provided at the earliest possible time. It also requires an education training specific to the development before leases are signed. Staff believes, based on feedback during beneficiary consultation, that the provision as drafted is a significant improvement to past practice and is appropriate for administrative rules. Once a community is established, the department does not control amendments made to the declaration, nor does it control the by-laws or house rules. The association has full control

			<p>over those documents and the functioning of the association. As such, the association is the proper party to conduct orientation to transferees and successors. The section requires greater information from the department to the association on matters of transferees and successors.</p> <p>10-7-41 Rental housing offers. The process outlined in the proposal is based upon similar prior experience. The process, as outlined, provides as the first touch a simple inquiry that contains no commitment or risk, just a narrowing of the possible applicant pool—are you interested in renting in “fill in the blank location.” Once interested applicants are identified, specifics are provided. This process is logical, start general then work to greater specificity.</p> <p>10-7-42 Kupuna housing. “Immediately” is used to convey urgency and ensure use of the rental unit as well as progress towards transfer or surrender of a lease in a timely manner.</p> <p>10-7-43 Rental agreement controlling. Staff recommends no change to the proposed language because the rental agreement would be governed primarily by the landlord-tenant code and would be an agreement between the renter and management company.</p> <p>Regarding notice of the public hearings, notice was given as required by the Hawaii Revised Statutes. Beneficiaries are mailed directly about Beneficiary Consultation meetings because it is a process by the department for beneficiaries in particular. The public hearing process is a public process under the Hawaii Revised Statutes. The department provides equal notice to the public, including beneficiaries.</p>
<p>Chloe Urabe (Email)</p>	<p>Aloha mai, I support the proposed administrative rules for planned communities, multi-family complexes, and rental housing. The proposed rules will create more housing options for the beneficiaries and will hopefully place more applicants on the waiting list in homes. The rules proposed are a good foundation for DHHL to work off of</p>	<p>Kapolei</p>	

Planned Communities, Multi-Family Complexes, and Rental Housing
Public Testimony 2019

	and will allow DHHL to meet their duties to the beneficiaries under the Act. Thank you for allowing me to comment. Me ka ha'aha'a, Chloe Urabe		
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Date: 2/27/19

Location: Hale Pond

Topic: Proposed Rules

REC'D 2-27-2019
at 4:32 PM
D. J. [Signature]

COMMENT SHEET

PUBLIC HEARING FOR PROPOSED ADMINISTRATIVE RULE AMENDMENTS

NAME: Sharlette Poe

ADDRESS:



COMMENTS:

Would like to see an educational component for Kupuna Rentals re: Kupuna that may have an existing lease and are considering transferring, surrendering or selling their lease to become a (creator) tenant ^{owner} in the Kupuna Housing project a the ~~state~~ full impact. →

EXHIBIT 11

B

- now have monthly rent
(may not have had before)

- Association fees rules, assessments

- expense eligibility for success in ship

if qualifying tenant passes first
* → can provisions be considered for remainder of life?

⑧ when rules are made:

cannot get back on what was; former lease]

March 20, 2019

M Kapuniaia


Department of Hawaiian Home Lands
DHHL Administrative Rules
P. O. Box 1879
Honolulu, HI 96805

RE: Comments to CORRECT proposed Admin Rules, Chapter 10-7, following Public Hearings for which NOTICE WAS NOT PROVIDED TO LESSEES AND APPLICANTS

10-7-1 Definitions.

Include a definition for "homestead" which is mentioned several times, but no definition for these rules:

"Homestead" includes beneficiary leases on residential, farm, or pastoral projects".

10-7-11 Supplemental provisions of the declaration.

The declarant is authorized . . .chapter; provided that any of the supplemental provision **to be adopted shall 1) first be presented to association members through consultation process, 2) shall be approved by the Department and the Hawaiian Homes Commission, and 3) shall not conflict with . . .title.**

10-7-18 Membership.

(2) Class B membership shall terminate (and may convert to a class A membership) **per 10-7-17 (c).**

10-7-19 Voting.

Class A membership (and class B membership) shall have voting powers as set **by the association's By-laws (by the declarant in the declaration, provided . . .or unit than class A membership).**

Class A membership shall have one vote. Class B membership (that held by the declarant) shall have no voting power.

Members of the Association will have to formalize the Membership and Voting Powers in their By-laws. The declarant shall not be a member nor have any voting power. The declarant facilitates for DHHL – that's all.

EXHIBIT F

B

10-7-26 Planned community education.

REWRITE IT !!! UTILIZING MY COMMENTS FORWARDED OCTOBER 14, 2019

I HAVE INCLUDED IT WITH THIS LETTER FOR YOUR REFERENCE.

- (a) and (b) *Review the process and present it clearly, leaving no room for question.*
- (c) *It should be up to the Association whether they should be responsible for DCCR orientation, before a lease document is executed.*

My opinion is still as I have suggested October 14th; the prospective lessee, transferee, or successor lessee shall first be thoroughly oriented by DHHL before lease documents are executed.

10-7-41 Rental housing offers.

REWRITE IT!!! UTILIZING THE COMMENTS I MADE OCTOBER 14TH.

(a) (1), (2), (3), (4)

- A. DHHL SHALL INCLUDE THE "RENTAL PROGRAM PARAMETERS" WITH THEIR LETTER OF NOTIFICATION INVITING PARTICIPATION IN THE RENTAL PROGRAM, AT THE DESIGNATED SITE.**
- B. DHHL SHALL HAVE CERTIFIED THE INVITEE'S APPLICATION STATUS PRIOR TO SENDING THE LETTER OF INVITATION TO PARTICIPATE IN THE PROGRAM, NOT AFTER HAVING GONE THROUGH THE PROCESS JUST TO FIND OUT THAT THE PERSON DOES NOT QUALIFY.**

EXCUSE ME! HOW UNACCOUNTABLE IS THAT?????????? ON DHHL PART????

DELETE 10-7-41 (b) DHHL SHALL PROVIDE "RENTAL PROGRAM PARAMETERS WITH NOTICE OF INVITATION TO PARTICIPATE".

"EARTH CALLING DHHL PAID EMPLOYEES TO DO THE JOB CORRECTLY!"

**This request is not foreign - it is plain courtesy!
GET WITH IT OR RESIGN!!!**

EXHIBIT F

B

HHC Regular Meeting - October 15, 16, 2018

Kanani Kapuniai [REDACTED] Sun, Oct 14, 2018 at 7:29 PM
To: "Masagatani, Jobie K" <Jobie.K.Masagatani@hawaii.gov>, "Aila Jr, William J" <william.j.ailajr@hawaii.gov>, "Lindsey, Hokulei" <hokulei.lindsey@hawaii.gov>, Kaleo Manuel <Kaleo.L.Manuel@hawaii.gov>, makaliu@aol.com, "Nanakuli B, Mike Kahikina" <mkahikina@gmail.com>, Wallace Ishibashi <Stonebridge@hawaii.rr.com>, Randy Awo <Randyawo@gmail.com>, Wren Wescoatt <wren.wescoatt@gmail.com>

C-4 Approval of Recommendations for Department of Hawaii Home Lands Proposed Amendments to Title 10, Hawaii Administration Rules for DCCRs; Multi-Family, Rentals, and Kupuna Housing; and to Proceed with Rulemaking under Hawaii Revised Statutes Chapter 91

I RECOMMEND DEFERRAL - THESE RULES ARE NOT READY FOR APPROVAL NOR FOR FURTHER RULEMAKING PROCESS!

10-7-1 Definitions

"Declaration" does not create a Hawaiian Home Lands Community.
" " is an instrument which governs **REVIEW AND CORRECT**

10-7-10 Establishment of the declaration

✓ (2) There is reference to 10-7-5 (b) - does not exist
REVIEW AND CORRECT

CORRECTED!

10-7-26 Planned Community Education

(a) To facilitate informed decision-making ---
Staff revisit and state the process reflecting the following steps:

- Department invite/notify ----- applicants (new applicants to new project/ prospective new lessee to existing project/ transferees/successors) to review and participate in new offering
- Department enclose a set of DCCRs
- Department develop and conduct Mandatory Planned Community Orientation
- Department Conduct Lot Selection
- Department facilitate execution of lease and Acceptance of DCCRs

Up to this point, the relationship is, DHHL and the protective lessee or successor lessee.

The association's responsibility is to its members - the Association could then conduct periodic review of the rules, etc. NOT BEFORE!

REVISE THE WHOLE SECTION!!!

10-7-41 Rental housing offers

Staff interpretation of my recommended change is incorrect. The submission was very clear.

The purpose is to honor and solidify DHHL's relationship with the applicant, first; has nothing to do with the applicant/renter relationship.

The Department SHALL include the Rental Program Parameters up front, at

EXHIBIT F

10-7-42 Kupuna housing.

**Do something better than insisting that the Kupuna move in
"IMMEDIATELY"**

10-7-43 Rental agreement controlling.

The department shall review the property management company's final rental agreement draft **and shall present it to the Hawaiian Homes Commission for approval.**

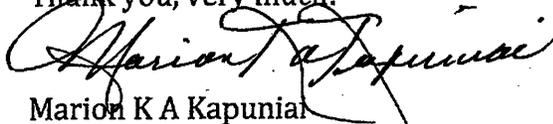
Please revisit the notification for "Public Hearing". Notice is mailed to all lessees and applicants to participate in Consultation Proceedings. Why not for this important step in the process to amend or adopt new HA Rules?

Advertising in a newspaper or on the website is unacceptable - *Lessees* and *Applicants* are to be individually contacted, at least by mail.

I, for one, will not die on the website, waiting to see if something appears which I should be responding to. It is the department's responsibility to directly contact us. Depending on, or rationalizing on, or deferring to, what the HRS states does not take precedence to contacting us, individually, for any business that the department and HHC conducts *on our behalf*.

Before the final draft is prepared, I need to discuss justification for not implementing my suggestions.

Thank you, very much!


Marion K A Kapunia

✓Encl.

EXHIBIT F

B

the beginning of the process. This is common sense. The interested applicant will have tools for consideration, further questions, and finally commitment.

NO ONE SHOULD HAVE TO DECIDE ON PARTICIPATING IN A PROGRAM "HOPING" THAT SOMEDAY, AS SOON AS DHHL DEEMS PRACTICABLE!

WELL, EXCUSE ME!!!!!! REVISE!!!!

10-7-42 Kupuna housing

I am disappointed that you did not amend this section with my suggestion - move in by six months as opposed to "immediately".

How impractical is that - can anyone of you just move in to someplace "immediately". REVISE!!!

10-7-43 Rental agreement controlling

The Department shall review the property management company's final rental agreement and SHALL SUBMIT A RECOMMENDATION FOR APPROVAL TO THE HHC. REVISE!!!

I thank you all, in advance for your undivided, and concerted effort in reviewing these statements and direction to staff to further review and propose better and accountable revisions to the proposed Administrative Rules.

La Maika'i M Kanani Kapuniai 936-0157

EXHIBIT F

B

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 5, 2019

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Paula Aila, Finance & Development Specialist 
FROM: Carol Ann Takeuchi, Homestead Housing Specialist 
SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Lease to the applicant listed below for ninety-nine (99) years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

Ka`uluokaha`i Residential Subdivision, Ewa Beach, Hawaii

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO.</u>	<u>TAX MAP KEY- PRELIMINARY</u>	<u>LEASE NO.</u>
Mabel Punzal	07/24/1984	138	(1)9-1-017-161	12847

With the execution of the foregoing lease, 1 single family home award has been completed.

D ITEMS

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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

June 17, 2019

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through May 31, 2019

	As of 4/30/19	Add	Cancel	As of 5/31/19
Residential	8,377	14	7	8,384
Agricultural	1,096	1	1	1,096
Pastoral	410	0	0	410
Total	9,883	15	8	9,890

The number of Converted Undivided Interest Lessees represents an increase of 456 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 4/30/19	Converted	Rescinded/ Surrendered/ Cancelled	As of 5/31/19
Undivided	872	6	0	866

Balance as of 5/31/2019

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	3
Converted	456
Balance to Convert	866

Lease Report For the Month Ending May 31, 2019

	RESIDENCE			TOTAL	AGRICULTURE			TOTAL	PASTURE			TOTAL	TOTAL LEASES			TOTAL
	Last Month	Add	Cancel		Last Month	Add	Cancel		Last Month	Add	Cancel		Last Month	Add	Cancel	
OAHU																
Hoolimalima	70	0	0	70	0	0	0	0	0	0	0	0	70	0	0	70
Kakaina	21	0	0	21	0	0	0	0	0	0	0	0	21	0	0	21
Kalawahine	91	0	0	91	0	0	0	0	0	0	0	0	91	0	0	91
Kanehili	359	0	0	359	0	0	0	0	0	0	0	0	359	0	0	359
Kapolei	235	0	6	229	0	0	0	0	0	0	0	0	235	0	6	229
Kauluokahai	21	14	1	34	0	0	0	0	0	0	0	0	21	14	1	34
Kaupea	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
Luualalei	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	1,047	0	0	1,047	0	0	0	0	0	0	0	0	1,047	0	0	1,047
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
Walahole	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	724	0	0	724	2	0	0	2	0	0	0	0	726	0	0	726
TOTAL	4,272	14	7	4,279	60	0	0	60	0	0	0	0	4,332	14	7	4,339
MAUI																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
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
Leaili	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
TOTAL	1,267	0	0	1,267	65	0	0	65	75	0	0	75	1,407	0	0	1,407
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamaea	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaumana	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	474	0	0	474	0	0	0	0	0	0	0	0	474	0	0	474
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	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
Puueo	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
Walakea	298	0	0	298	0	0	0	0	0	0	0	0	298	0	0	298
TOTAL	840	0	0	840	395	0	0	395	25	0	0	25	1,260	0	0	1,260
WEST HAWAII																
Honokaaia	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
Kanihale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	190	0	0	190	0	0	0	0	1	0	0	1	191	0	0	191
Laopua	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 VII	116	0	0	116	110	0	0	110	215	0	0	215	441	0	0	441
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	877	0	0	877	110	0	0	110	282	0	0	282	1,269	0	0	1,269
KAUAI																
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 Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	698	0	0	698	46	0	0	46	1	0	0	1	745	0	0	745
MOLOKAI																
Hoolehua	156	0	0	156	346	0	0	346	21	0	0	21	523	0	0	523
Kalamaula	163	0	0	163	71	1	1	71	3	0	0	3	237	1	1	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
O'ne Aii	28	0	0	28	0	0	0	0	0	0	0	0	28	0	0	28
TOTAL	394	0	0	394	420	1	1	420	27	0	0	27	841	1	1	841
LANAI																
Lanai	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
TOTAL	29	0	0	29	0	0	0	0	0	0	0	0	29	0	0	29
STATEWIDE TOTAL	8,377	14	7	8,384	1,095	1	1	1,095	410	0	0	410	9,883	15	8	9,899

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
May 31, 2019

AREA WAITING LIST

DISTRICT AREA	RESIDENCE			AGRICULTURE			PASTURE			TOTAL
	Last Month	Add	Cancel	Last Month	Add	Cancel	Last Month	Add	Cancel	
Oahu District	961	0	0	0	0	0	0	0	0	961
Maui District	50	0	0	4	0	0	5	0	0	59
Hawaii District	130	0	0	28	0	0	46	0	0	204
Kauai District	51	0	0	3	0	0	28	0	0	82
Molokai District	20	0	0	18	0	0	1	0	0	39
TOTAL	1,212	0	0	53	0	0	80	0	0	1,345

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE			AGRICULTURE			PASTURE			TOTAL
	Last Month	Add	Cancel	Last Month	Add	Cancel	Last Month	Add	Cancel	
Oahu	9,757	20	8	3,718	10	1	0	0	0	13,496
Maui	3,798	0	2	4,665	1	0	611	0	0	9,073
Hawaii	5,739	5	6	7,211	3	5	1,868	1	0	14,816
Kauai	1,626	2	0	2,226	2	0	298	0	0	4,154
Molokai	804	1	3	1,060	1	3	201	1	0	2,062
Lanai	87	0	0	0	0	0	0	0	0	87
TOTAL	21,811	28	19	18,880	17	9	2,978	2	0	43,688

AREA AND ISLANDWIDE LISTS

AREA AND ISLANDWIDE LISTS	RES			AG			PAS			TOTAL			ADDITIONS			CANCELLATIONS													
	Last Month	Add	Cancel	Last Month	Add	Cancel	Last Month	Add	Cancel	Last Month	Add	Cancel	New Applications	Application Transfers	Lease Rescissions	App Reinstatements	HHC Adjustments	TOTAL	New Lease Awards	Application Transfers	Succ'd and Cancel Own	Public Notice Cancel	Voluntary Cancellations	Lease Successorships	HHC Adjustments	Dec'd No Successor	Additional Acreage	NHQ Unqualified	TOTAL
OAHU	10,730	3,727	3,727	3,718	10	1	3,718	10	1	3,727	0	0	33	14	0	0	0	33	9	14	5	0	0	0	0	0	0	0	9
MAUI	3,846	0	0	4,665	1	0	4,666	1	0	4,666	611	0	14	0	0	0	0	14	14	0	0	0	0	0	0	0	0	0	14
HAWAII	5,868	7,237	7,237	7,211	3	5	7,209	3	5	7,209	1,868	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
KAUAI	1,679	2,231	2,231	2,226	2	0	2,228	2	0	2,228	298	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MOLOKAI	822	1,076	1,076	1,060	1	3	1,058	1	3	1,058	201	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LANAI	87	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	23,032	18,941	18,941	18,880	17	9	18,888	17	9	18,888	2,978	2	0	47	0	0	0	47	2,980	2	0	0	0	0	0	0	0	0	28

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

May 31, 2019

	RESIDENCE			AGRICULTURE			PASTURE			TOTAL
	Last Month	Add	Cancel	Last Month	Add	Cancel	Last Month	Add	Cancel	
OAHU DISTRICT										
Nanakuli	170	0	0	0	0	0	0	0	0	170
Waianae	142	0	0	0	0	0	0	0	0	142
Lualualei	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	71	0	0	0	0	0	0	0	0	71
Waimanalo	578	0	0	0	0	0	0	0	0	578
Subtotal Area	961	0	0	0	0	0	0	0	0	961
Islandwide	9,757	20	8	3,718	10	1	0	0	0	13,496
TOTAL OAHU APPS	10,718	20	8	3,718	10	1	0	0	0	14,457
MAUI DISTRICT										
Paukukalo	50	0	0	0	0	0	0	0	0	50
Kula	0	0	0	4	0	0	5	0	0	9
Subtotal Area	50	0	0	4	0	0	5	0	0	59
Islandwide	3,798	0	2	4,665	1	0	611	0	0	9,073
TOTAL MAUI APPS	3,848	0	2	4,669	1	0	616	0	0	9,132
HAWAII DISTRICT										
Keaukaha/Waiakea	69	0	0	0	0	0	0	0	0	69
Panaewa	0	0	0	16	0	0	0	0	0	16
Hurmuula	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	0	0	0	0	0	0	16
Waimea	45	0	0	12	0	0	46	0	0	103
Subtotal Area	130	0	0	28	0	0	46	0	0	204
Islandwide	5,739	5	6	7,211	3	5	1,868	1	0	14,816
TOTAL HAWAII APPS	5,869	5	6	7,239	3	5	1,914	1	0	15,020
KAUAI DISTRICT										
Anahola	43	0	0	3	0	0	21	0	0	67
Kekaha/Puu Opae	8	0	0	0	0	0	7	0	0	15
Subtotal Area	51	0	0	3	0	0	28	0	0	82
Islandwide	1,626	2	0	2,226	2	0	298	0	0	4,154
TOTAL KAUAI APPS	1,677	2	0	2,229	2	0	326	0	0	4,236
MOLOKAI DISTRICT										
Kalamaula	4	0	0	0	0	0	0	0	0	4
Hoolehua	8	0	0	18	0	0	1	0	0	27
Kapaakea	7	0	0	0	0	0	0	0	0	7
One Alii	1	0	0	0	0	0	0	0	0	1
Subtotal Area	20	0	0	18	0	0	1	0	0	39
Islandwide	804	1	3	1,060	1	3	201	1	0	2,062
TOTAL MOLOKAI APPS	824	1	3	1,078	1	3	202	1	0	2,101
LANAI DISTRICT										
Islandwide	87	0	0	0	0	0	0	0	0	87
TOTAL LANAI APPS	87	0	0	0	0	0	0	0	0	87
TOTAL AREA ONLY	1,212	0	0	53	0	0	80	0	0	1,345
TOTAL ISLANDWIDE	21,811	28	19	18,880	17	9	2,978	2	0	43,688
TOTAL STATEWIDE	23,023	28	19	18,933	17	9	3,058	2	0	45,033

DELINQUENCY REPORT - STATEWIDE

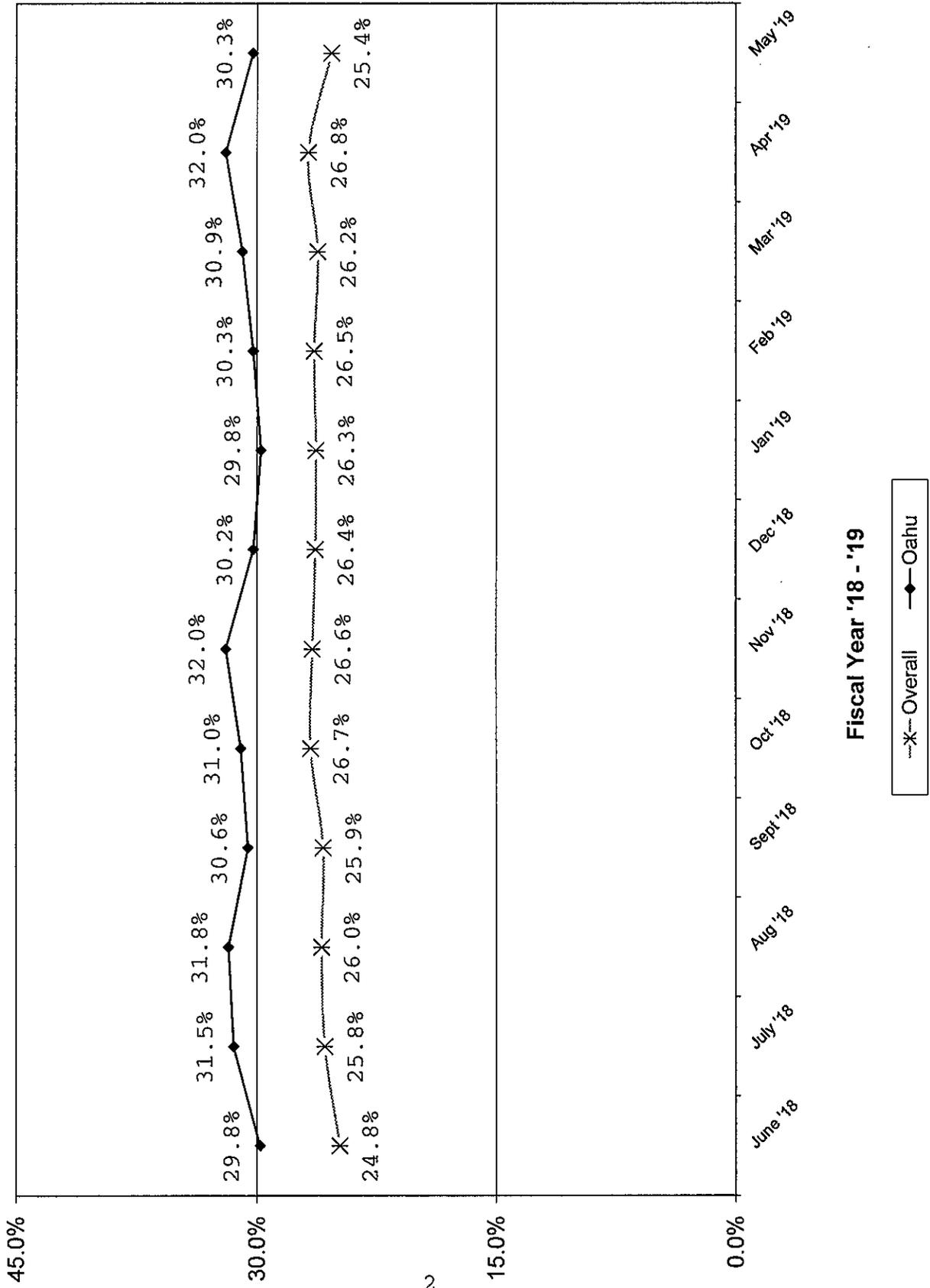
June 17, 2019

(\$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 5/31/2019	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
<u>DIRECT LOANS</u>	400	36,506	106	11,050	10	623	12	1,064	18	1,836	66	7,528	26.5%	30.3%
OAHU	215	13,341	63	4,424	8	429	5	297	7	225	43	3,472	29.3%	33.2%
WEST HAWAII	84	8,697	15	1,190	3	267	3	304	2	129	7	491	17.9%	13.7%
MOLOKAI	85	6,739	20	633	0	0	0	0	7	188	13	445	23.5%	9.4%
KAUAI	97	7,582	15	961	2	169	1	131	5	306	7	355	15.5%	12.7%
MAUI	88	10,537	23	2,907	4	315	2	70	4	731	13	1,792	26.1%	27.6%
TOTAL DIRECT	969	83,401	242	21,166	27	1,803	23	1,866	43	3,414	149	14,083	25.0%	25.4%
	100.0%	100.0%	25.0%	25.4%	2.8%	2.2%	2.4%	2.2%	4.4%	4.1%	15.4%	16.9%		
Advances (including RPT)	228	8,541	228	8,541	0	0	0	0	228	8,541			100%	100%
DHHL LOANS & Advances	1,197	91,942	470	29,707	27	1,803	23	1,866	271	11,955	149	14,083	39.3%	32.3%
<u>LOAN GUARANTEES as of June 30, 2018</u>														
SBA	1	94	0	0	0	0	0	0	0	0	0	0	0.0%	0.0%
USDA-RD	287	33,996	50	6,142	0	0	0	0	50	6,142			17.4%	18.1%
Habitat for Humanity	56	2,309	31	1,296	0	0	0	0	31	1,296			55.4%	56.1%
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	16	301	14	290	0	0	0	0	14	290			87.5%	96.3%
FHA Interim	8	1,260	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	41	258	2	11	0	0	0	0	2	11			4.9%	4.3%
TOTAL GUARANTEE	415	38,299	98	7,746	0	0	0	0	98	7,746			23.6%	20.2%
PMI Loans	185	29,692	7	1,269	1	235	2	402	4	632			3.8%	4.3%
HUD REASSIGNED for Recovery	152	18,644	129	17,103	1	37	1	14	5	410	122	16,641	84.9%	91.7%
FHA Insured Loans	2,811	443,069	180	22,637	0	0	0	0	180	22,637			6.4%	5.1%
TOTAL INS. LOANS	3,148	491,405	316	41,009	2	272	3	416	189	23,679	122	16,641	10.0%	8.3%
OVERALL TOTALS(EXC Adv/RP)	4,532	613,105	656	69,920	29	2,075	26	2,282	330	34,839	271	30,724	14.5%	11.4%
ADJUSTED TOTALS	4,760	621,646	884	78,461	29	2,075	26	2,282	558	43,380	271	30,724		12.6%

Note: HUD 184A loan program has 459 loans, with a total outstanding principal balance of \$102,001,583.84 as of June 30, 2018. 16 loans, totalling \$3,917,537.94 are delinquent.

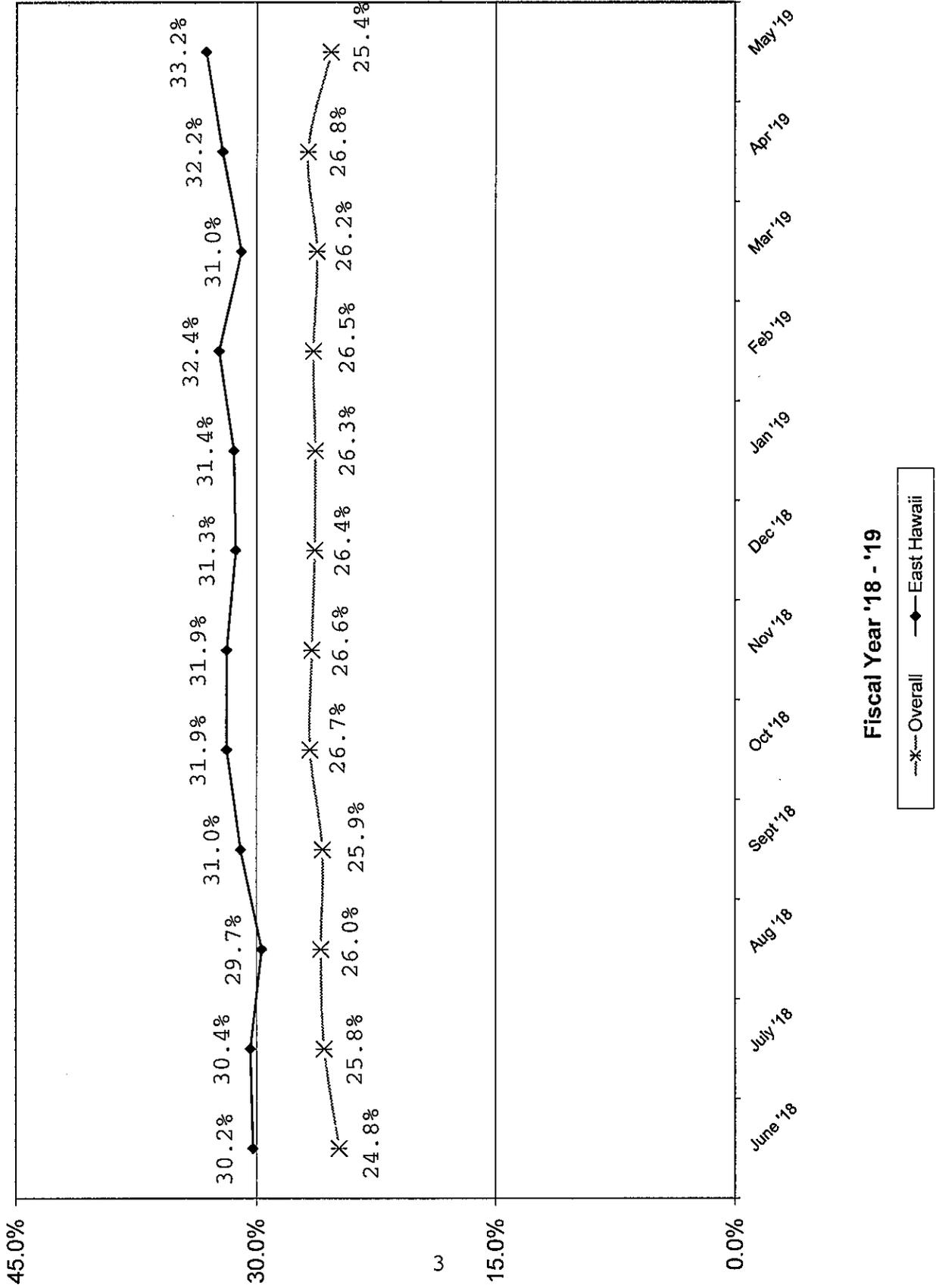
OAHU
Direct Loans
Delinquency Ratio Report



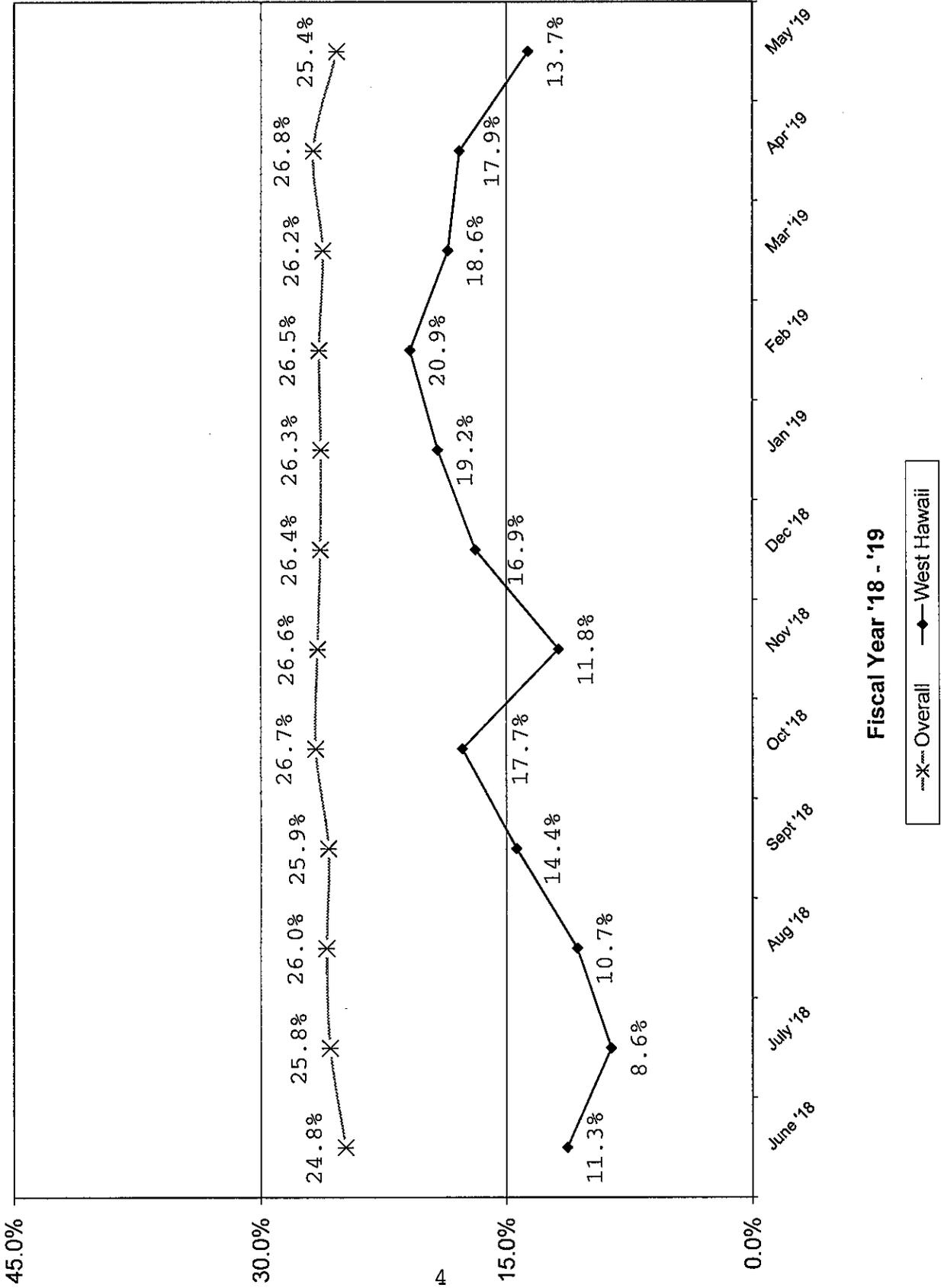
Fiscal Year '18 - '19

---*--- Overall —◆— Oahu

**EAST HAWAII
Direct Loans
Delinquency Ratio Report**

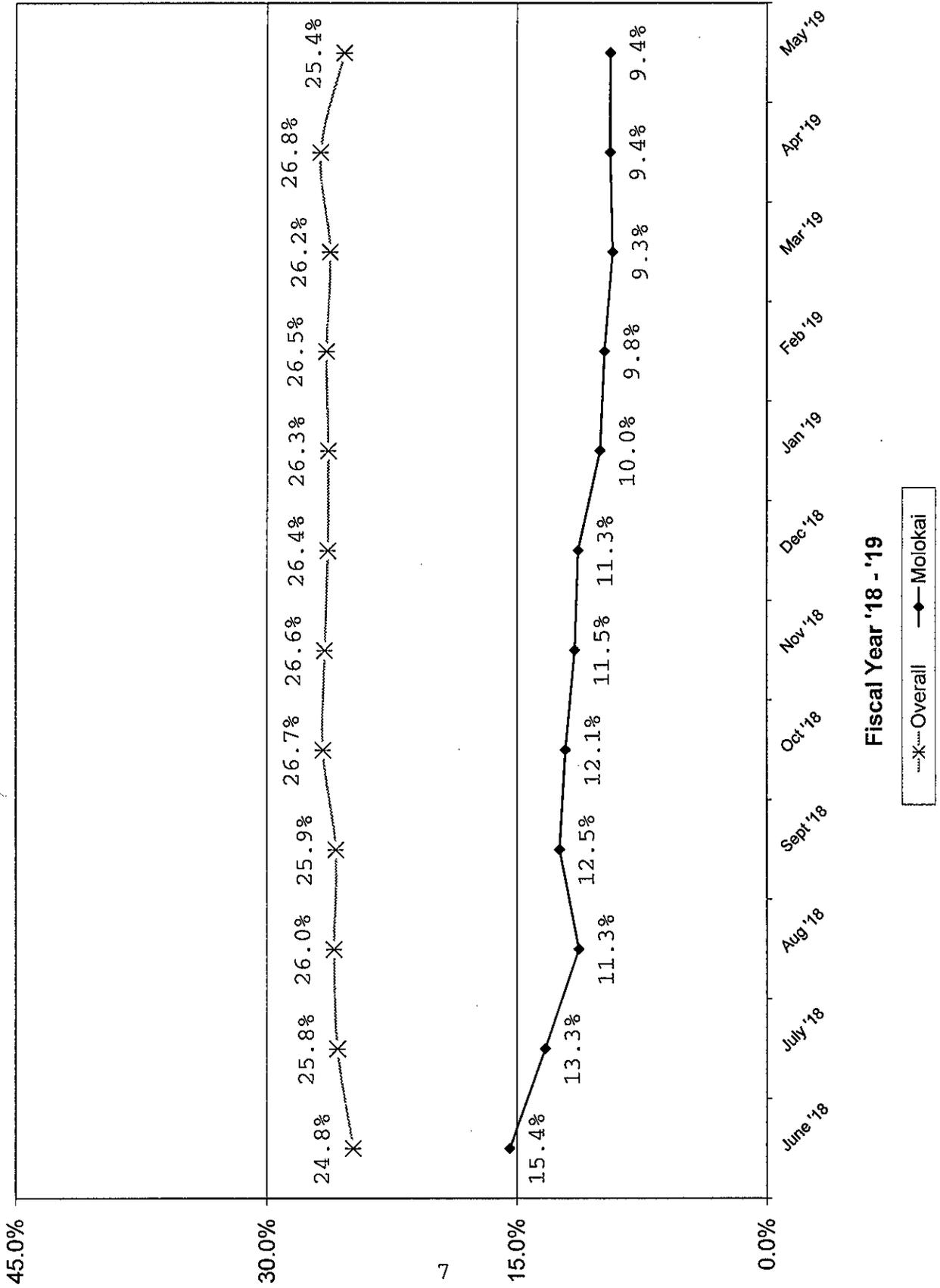


**WEST HAWAII
Direct Loans
Delinquency Ratio Report**

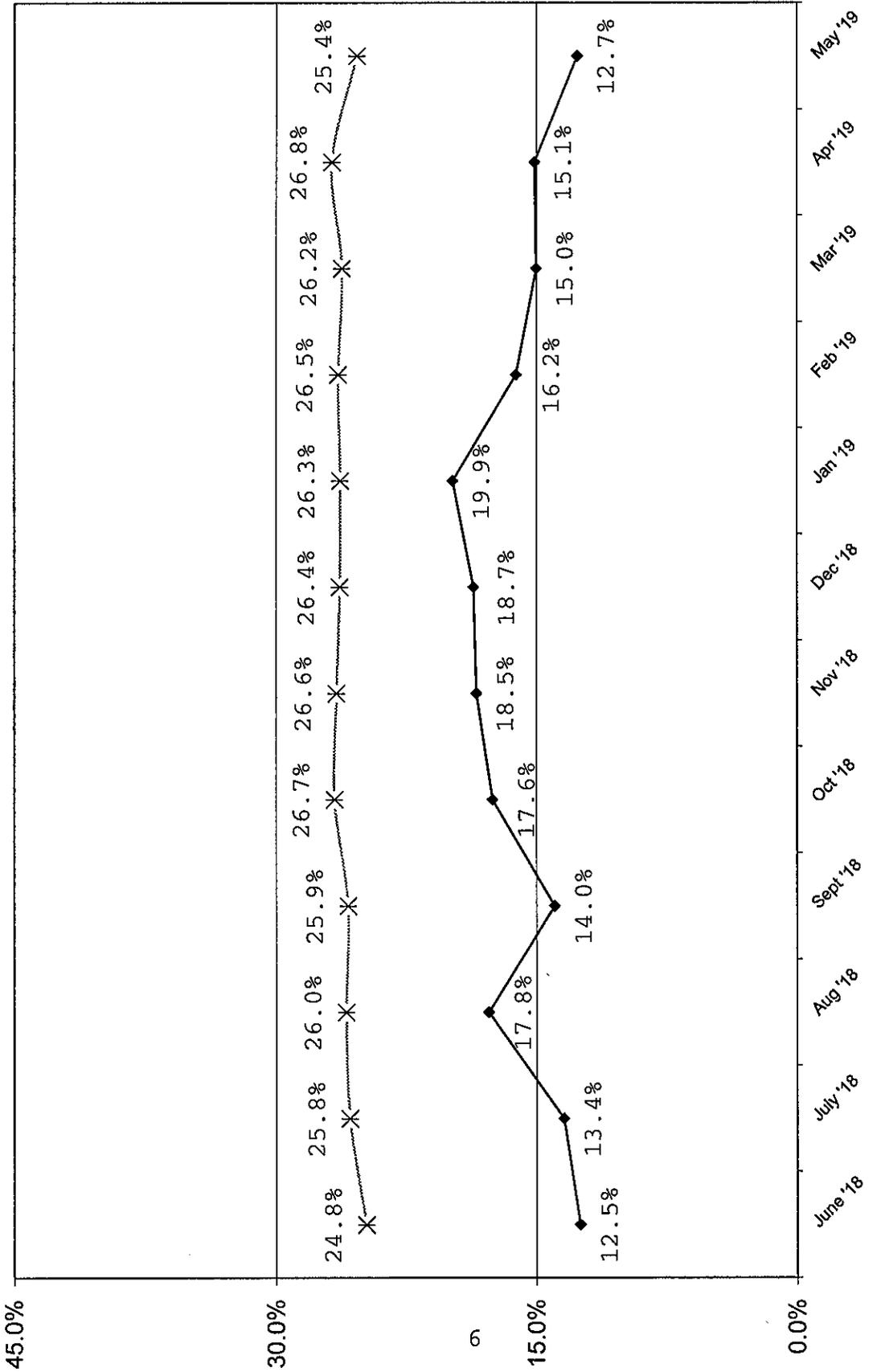


4

MOLOKAI
Direct Loans
Delinquency Ratio Report



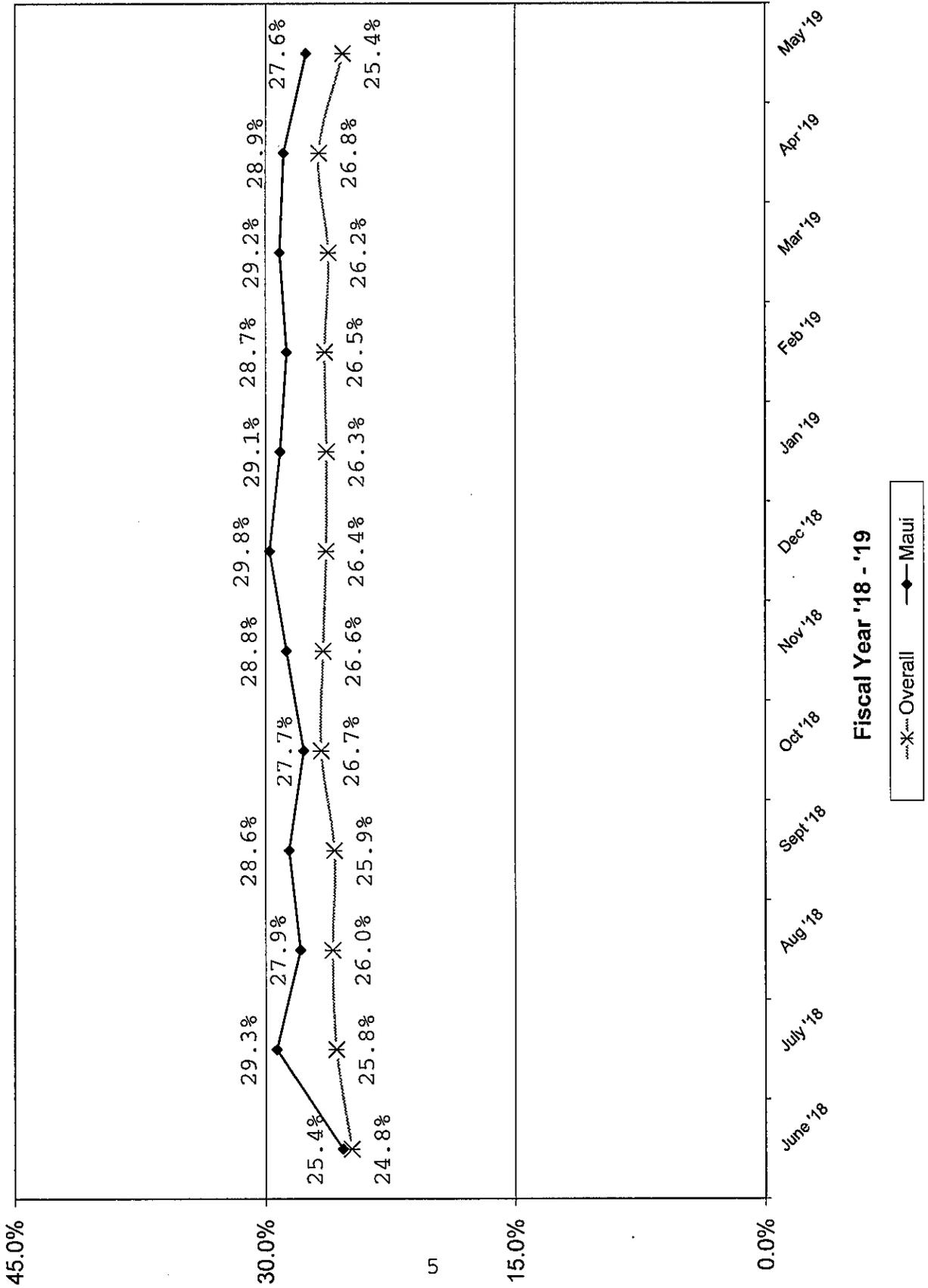
KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '18 - '19

--x-- Overall ◆-- Kauai

MAUI
Direct Loans
Delinquency Ratio Report



Fiscal Year '18 - '19

-----*----- Overall —◆— Maui

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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. & AREA</u>	<u>LOAN TERMS</u>
Keohuloa, Nolan	9326, Kaniohale	NTE \$101,300 @ 4.5% interest per annum, NTE \$541 monthly, repayable over 27 years

Loan Purpose: Refinance Contract of Loan no. 17853. To bring loan current and reduce interest rate. Original loan amount of \$88,368 at 5.89% per annum, \$538 monthly, repayable over 28 years. A contested case hearing was held on September 27, 2011, for this account.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/18	3	\$ 392,735
Prior Months	3	378,500
This Month	<u>1</u>	<u>101,300</u>
Total FY '18-'19	4	\$ 479,800

<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

June 17, 2019

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>			
Nanakuli Lease No. 5148 TMK: 1-8-9-014:020	D'ENTREMONT, Margaret W. (Cash Out Refinance) FHA	Hightechlend ing Inc.	\$ 352,000
Kewalo Lease No. 2141 TMK: 1-2-4-042:049	NEUMANN, Jerry M., Jr. (Cash Out Refinance) FHA	Hightechlend ing Inc.	\$ 429,000
Maluohai Lease No. 9852 TMK: 1-9-1-120:005	KEKOA, Joseph N. (Cash Out Refinance) FHA	Cardinal Financial	\$ 110,020
Waimanalo Lease No. 3943 TMK: 1-4-1-030:041	KAHIHIKOLO, Lisa Ann N. (1 Step Construction) FHA	HomeStreet Bank	\$ 333,437

OAHU

Princess Kahanu Estates Lease No. 8560 TMK: 1-8-7-033:030	SEXTON, Andrew M. U., III (Purchase)FHA	Guild Mortgage Co.	\$ 380,000
Nanakuli Lease No. 7323 TMK: 1-8-9-016:036	NAEOLE, Joseph K., Jr. (Cash Out Refinance) FHA	Hightechlend ing Inc.	\$ 294,000
Kanehili Lease No. 12587 TMK: 1-9-1-152:105	KEKAULA, Jasmine K. (Purchase)FHA	Hightechlend ing Inc.	\$ 363,000
Nanakuli Lease No. 8290 TMK: 1-8-9-015:036	JARDINE, Christine K. (Purchase)FHA	Bank of Hawaii	\$ 212,000
Waimanalo Lease No. 3339 TMK: 1-4-1-021:023	KALAKAU, Michelle L. (Cash Out Refinance) FHA	Mann Mortgage LLC	\$ 298,000
Waimanalo Lease No. 4089 TMK: 1-4-1-031:087	KANOA, Harrigan (Cash Out Refinance) HUD 184A	HomeStreet Bank	\$ 359,560
Nanakuli Lease No. 5194 TMK: 1-8-9-013:061	KIM, Kaipo H. (Streamline)FHA	Hightechlend ing Inc.	\$ 379,000
Waimanalo Lease No. 8821 TMK: 1-4-1-036:019	RAMSEYER, Clifford S. (Rate/Term Refinance) FHA	Bank of Hawaii	\$ 191,840
Kanehili Lease No. 11883 TMK: 1-9-1-153:084	MANDAC, Adeline W. L. (Rate/Term Refinance) FHA	Bank of Hawaii	\$ 273,323

ITEM NO. D-3

OAHU

Kaulukahai Lease No. 12854 TMK: 1-9-1-017:161	GONSALVES, Angie (Purchase) USDA, RD	HomeStreet Bank	\$ 404,571
Kaulukahai Lease No. 12847 TMK: 1-9-1-017:161	PUNZAL, Mabel (Purchase) HUD 184A	Bank of Hawaii	\$ 357,000
Kaulukahai Lease No. 12388 TMK: 1-9-1-017:161	ENGLISH, Deven (Purchase) HUD 184A	HomeStreet Bank	\$ 368,313
Kaulukahai Lease No. 12859 TMK: 1-9-1-017:161	QUINDICA, Joanne (Purchase) FHA	HomeStreet Bank	\$ 405,959
Kaulukahai Lease No. 12860 TMK: 1-9-1-017:161	KOMODA, Besilluan (Purchase) FHA	HomeStreet Bank	\$ 269,899
Kaulukahai Lease No. 12858 TMK: 1-9-1-017:161	RODRIQUEZ, Elizabeth (Purchase) USDA, RD	HomeStreet Bank	\$ 391,590
Kaulukahai Lease No. 12861 TMK: 1-9-1-017:161	DE COSTA, Thomas (Purchase) FHA	HomeStreet Bank	\$ 418,918
Kaulukahai Lease No. 12470 TMK: 1-9-1-017:161	NAMAHOE, Leilani (Purchase) HUD 184A	HomeStreet Bank	\$ 410,227

OAHU

Waimanalo Lease No. 3973 TMK: 1-4-1-031:051	LAIKONA, Glenn P. (Cash Out Refinance) FHA	Siwell Inc., dba Capital Mortgage Services of Texas	\$ 125,000
Kaulukahai Lease No. 12467 TMK: 1-9-1-017:088	KALILIMOKU, Fredrick K. (Rate/Term Refinance) HUD 184A	Bank of Hawaii	\$ 367,033
Lualualei Lease No. 5531 TMK: 1-8-6-023:006	KUHIKI, Jonah K. (Cash Out Refinance) FHA	Mann Mortgage LLC	\$ 294,000
Lualualei Lease No. 5585 TMK: 1-8-6-023:049	KALANI, Angel N. (Cash Out Refinance) FHA	Cardinal Financial	\$ 157,776

MOLOKAI

Hoolehua Lease No. 5823 TMK: 2-5-2-002:033	KAMAKANA, Dennis K., Sr. (Cash Out Refinance) VA	Department of Veterans Affairs	\$ 80,000
Hoolehua Lease No. 4212 TMK: 2-5-2-004:014	KEALAIKI, Lorraine U. & OZAKI, Helene C. U. (Cash Out Refinance) FHA	Bank of Hawaii	\$ 273,582

MAUI

Waiohuli Lease No. 10300 TMK: 2-2-2-033:024	CALIBUSO, Nicole L. (1 Step Construction) FHA	HomeStreet Bank	\$ 301,502
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MAUI

Waiohuli
Lease No. 10304
TMK: 2-2-2-033:070

KAILILAAU,
Sherri Ann U. (1
Step Construction)
FHA

HomeStreet Bank \$ 290,484

Waiehu 3
Lease No. 9955
TMK: 2-3-2-024:117

YAGODICH,
Darrell C. (1 Step
Construction) FHA

HomeStreet Bank \$ 216,000

KAUAI

Anahola
Lease No. 11156
TMK: 4-4-8-022:049

OTA,
Anne N. (1 Step
Construction) FHA

HomeStreet Bank \$ 356,500

HAWAII

Puukapu
Lease No. 6187
TMK: 3-6-4-008:070

DEAN,
Jolynn
(Purchase)FHA

Cardinal Financial \$ 375,626

Keaukaha
Lease No. 12873
TMK: 3-2-1-021:112

KAINA,
Earl B.
(Purchase)FHA

Guild Mortgage Co. \$ 203,000

Kaniohale
Lease No. 9393
TMK: 3-7-4-023:080

PUALOA-UBANDO,
Lois N. (Cash Out
Refinance) HUD 184A

Bank of Hawaii \$ 233,000

Keaukaha
Lease No. 1878
TMK: 3-2-1-020:068

LEONG,
Donna K. (Cash Out
Refinance) FHA

Cardinal Financial \$ 119,370

Kaniohale
Lease No. 9358
TMK: 3-7-4-023:045

NAHALE,
Lorna K. C. (Cash
Out Refinance) FHA

Aries Loans Inc. \$ 197,000

<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	250	\$ 72,030,506	12	\$4,953,695	15	\$5,222,927
This Month	<u>27</u>	<u>7,620,236</u>	<u>1</u>	<u>80,000</u>	<u>2</u>	<u>796,161</u>
Total FY '18-'19	277	\$ 79,650,742	13	\$5,033,695	17	\$6,019,088
HUD 184A						
FY Ending 6/30/18	82	\$23,579,214				
Prior Months	70	\$21,528,258				
This Month	<u>6</u>	<u>2,095,133</u>				
Total FY '18-'19	76	\$23,623,391				

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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:

LESSEE

LEASE NO. & AREA

REFINANCING LOAN TERMS

Agao, Iwalani K.F.

11635, Kanehili

NTE \$245,000 @4.5%
interest per annum, NTE
\$1,245 monthly, repayable
over 30 years.

Loan Purpose: Refinance Contract of Loan no. 19235.
Original loan amount of \$218,828 at
5.125% per annum, \$1,191 monthly,
repayable over 30 years. A Contested
Case Hearing was not held for this
account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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 5/19</u>	<u>Balance At 5/19</u>
<u>Oahu</u>						
Nakoa, James K.	11621	Kanehili	19620 (HUD Buyback)	\$TBD	\$TBD	\$TBD
McBrayer, Timothy K.	11368	Kaupea	19412	\$1,622	\$6,813	\$250,982

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

FUNTANILLA, Anthony K.	05/13/2009	OAHU	RES	02/25/2019
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAEHUAEA, Keala J.	08/07/2009	MAUI	AGR	06/06/2017
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MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAHOLOAA, Elias Y.W.	02/20/2009	MAUI	AGR	12/12/2018
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2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

BARDO, Mary Ann	Assigned Residential Lease #12831, Lot 84 in Kauluokahai, Oahu dated 03/29/2019. Remove application dated 02/17/1972.
GRACE, William W.	Assigned Residential Lease #12830, Lot 68 in Kauluokahai, Oahu dated 03/25/2019. Remove application dated 10/05/1971.
KAMANAO, Jamie K.	Assigned Residential Lease #12836, Lot 130 in Kauluokahai, Oahu dated 05/03/2019. Remove application dated 03/04/1974.
LOPEZ, Jimmienette	Assigned Residential Lease #12833, Lot 86 in Kauluokahai, Oahu dated 03/28/2019. Remove application dated 07/31/1973.
WAN, Gwendolyn N.	Assigned Residential Lease #12829, Lot 70 in Kauluokahai, Oahu dated 03/27/2019. Remove application dated 01/11/1973.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

CASTRO, Marilyn K.Y.K.	Assigned Residential Lease #2123, Lot 32 in Kewalo, Oahu dated 11/22/2017. Remove application dated 07/20/2006.
HAUHIO, David	Assigned Residential Lease #12832, Lot 85 in Kauluokahai, Oahu dated 05/15/2019. Remove application dated 02/03/1981.
JOYCE, Joseph L.	Assigned Residential Lease #3663, Lot 61 in Waimanalo, Oahu dated 06/21/2017. Remove application dated 07/25/1986.

KAEO, Kailani S.	Assigned Residential Lease #12828, Lot 71 in Kauluokahai, Oahu dated 03/28/2019. Remove application dated 06/09/1978.
LEWIS, Jayson N.K.	Assigned Residential Lease #9634, Lot 20 in Kalawahine, Oahu dated 09/01/2017. Remove application dated 04/01/2003.
MAUNU, Sharolyn P.K.	Assigned Residential Lease #2123, Lot 32 in Kewalo, Oahu dated 11/22/2017. Remove application dated 10/17/2000.
NAKOA, Kanoelehua C.	Assigned Residential Lease #8212, Lot 38 in Waimanalo, Oahu dated 11/20/2018. Remove application dated 06/16/2009.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

GOO, Kevin B.	Assigned Agricultural Lease #7401, Lot 61 in Keokea, Maui dated 09/21/2017. Remove application dated 07/23/2009.
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

GOO, George A., Jr.	Assigned Residential Lease #5449, Lot 46 in Paukukalo, Maui dated 09/27/2017. Remove application dated 03/22/1990.
GOO, Kevin B.	Assigned Residential Lease #5449, Lot 46 in Paukukalo, Maui dated 09/27/2017. Remove application dated 07/23/2009.
HANOHANO, Kaori-Lei K.	Assigned Residential Lease #7550, Lot 118 in Waiohui, Maui dated 11/07/2017. Remove application dated 09/15/2008.

HIRATA, Lance M.K. Assigned Residential Lease
#5944, Lot 17 in Waiehu Kou,
Maui dated 11/29/2017. Remove
application dated 04/21/2008.

KAOHU, Chandee D.K. Assigned Residential Lease
#10030, Lot 1 in Waiehu Kou 3,
Maui dated 11/22/2017. Remove
application dated 10/29/2008.

KAUHAA PO, Sherman Lee K. Assigned Residential Lease
#10446, UNDV149 in Waiohuli,
Maui dated 12/05/2017. Remove
application dated 05/11/2017.

KEAWE, Shama V. Assigned Residential Lease
#10484, Lot 31 in Hikina, Maui
dated 04/27/2017. Remove
application dated 07/02/2009.

KUPAU, Leonard Assigned Residential Lease
#9455, Lot 17 in Waiehu Kou 2,
Maui dated 10/24/2017. Remove
application dated 04/22/2015.

LUUWAI, Robert J. Assigned Residential Lease
#12200, Lot 94 in Waiehu Kou 4,
Maui dated 11/08/2017. Remove
application dated 02/23/2009.

RODRIGUES, Terrence J.K. Assigned Residential Lease
#10328, UNDV031 in Waiohuli,
Maui dated 12/05/2017. Remove
application dated 06/13/2017.

TINAO, Anuheha M.A. Assigned Residential Lease
#10340, UNDV043 in Waiohuli,
Maui dated 11/22/2017. Remove
application dated 02/26/2004.

WASHINGTON, Charmaine P. Assigned Residential Lease
#10288, Lot 77 in Waiohuli,
Maui dated 09/21/2017. Remove
application dated 04/25/2005.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

KALAWAIA, Earl V., Jr. Assigned Pastoral Lease #9146,
Lot 83 in Kahikinui, Maui dated
03/13/2017. Remove application
dated 01/02/2007.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

SWAIN, Kawekiulani T.P. Assigned Residential Lease
#1389, Lot 147 in Keaukaha,
Hawaii dated 10/31/2017. Remove
application dated 08/13/1993.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

AGUIAR, Renee-Michele M. Assigned Residential Lease
#11338, Lot 15 in Kekaha, Kauai
dated 05/10/2019. Remove
application dated 06/22/2005.

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	28
Last Month's Cumulative FY 2018-2019 Transaction Total	292
Transfers from Island to Island	3
Deceased	0
Cancellations:	
Awards of Leases	28
NHQ	0
Voluntary Cancellations	0
Successorship	0
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	31
This Month's Cumulative FY 2018-2019 Transaction Total	323

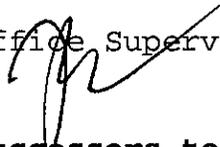
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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:

Approved for June 2019	5
Previous FY 2018 - 2019	<u>87</u>
FY 2018 - 2019 Total to Date	92

Approved for FY '17 - '18 87

Net Proceeds

Approved for June 2019	1
Previous FY 2018- 2019	<u>0</u>
FY 2018 - 2019 Total to Date	1

Approved for FY '17 - '18 1

**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST AND DESIGNEE TO RECEIVE NET PROCEEDS
FOR MONTH OF JUNE 2019**

<u>Deceased Lessee</u>	<u>Designated Successor</u>
<p>1. Cecilia Chow Lot No.: UNDV057 Area: Waimanalo, Oahu Lease No. 11255</p>	<p><u>PRIMARY:</u> Trevis M. Fong, Grandson</p> <p><u>ALTERNATE: Joint Tenants</u> Evan K. Fong, Grandson Shannon K. Chow, Daughter</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>
<p>2. Stephen M. Kaheiki Lot No.: 80-B Area: Keaukaha, Hawaii Lease No. 3094-A</p>	<p><u>PRIMARY:</u> Millicent Kaheiki, Wife</p> <p><u>ALTERNATE:</u> N/A</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>
<p>3. Beverly K. N. Kelii Lot No.: 39 Area: Nanakuli, Oahu Lease No. 5136</p>	<p><u>PRIMARY:</u> Leihua K. Kelii, Daughter</p> <p><u>ALTERNATE:</u> N/A</p> <p><u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A</p>

4. Pearl P. Teixeira
Lot No.: 74
Area: Lualualei, Oahu
Lease No. 5578

PRIMARY:
Erwin V. Liu, Brother

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

5. Frances P. Ua
Lot No.: 108
Area: Waianae, Oahu
Lease No. 5359

PRIMARY:
Marian K. Ua, Daughter

ALTERNATE: Tenants in Common
Maydeen K. U. Magdoto, Daughter
Marian N. Ua, Granddaughter

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

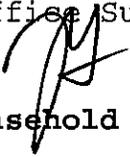
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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

Fifteen (15) assignments of lease.

1. Lessee Name: Carinthia U. Armitage
Res. Lease No. 5344, Lot No. 93
Lease Date: 8/2/1982
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$315,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Lylla A. Lyles
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 11/19/2018

Reason for Transfer: "Need bigger home." Special Condition:
Transferee to obtain funds to pay purchase price.

2. Lessee Name: Blossom M. Aweau
Res. Lease No. 8290, Lot No. 36
Lease Date: 4/1/1994
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$250,000.00
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Christine K. Jardine
Relationship: Granddaughter
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 4/22/2019

Reason for Transfer: "Moving off island." Special
Condition: Transferee to obtain fund to pay purchase price.

3. Lessee Name: Lorretta L. Damas
Res. Lease No. 8560, Lot No. 270
Lease Date: 12/1/1994
Area: PKE, Oahu
Property Sold & Amount: Yes, \$385,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Andrew M. U. Sexton, III
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 10/28/2014

Reason for Transfer: "Purchase fee simple home." Special
Condition: Transferee to obtain funds to pay purchase price.

4. Lessee Name: Christine N. Eddolls
Res. Lease No. 9474, Lot No. 36
Lease Date: 8/1/2000
Area: Waiehu Kou II, Maui
Property Sold & Amount: Yes, \$179,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Nicole P. Ham
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

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

5. Lessee Name: Jeffrey W. Hall
Pas. Lease No. 9050, Lot No. 23-B
Lease Date: 2/1/1991
Area: Puukapu, Hawaii
Property Sold & Amount: Yes, \$200,00.00
Improvements: 2 metal utility shed, perimeter fencing and
cross fencing for corral

Transferee Name: Roberta K. Keakealani
Relationship: None
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Medical reasons." Special Condition:
Transferee to obtain funds to pay purchase price.

6. Lessee Name: Elden K. Ko
Res. Lease No. 11921, Lot No. 17219
Lease Date: 8/14/2007
Area: Kaupea, Oahu
Property Sold & Amount: Yes, \$550,000.00
Improvements: 4 bedroom, 2-1/2 bath dwelling

Transferee Name: Colleen L. Y. K. Pascua
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 5/12/2006

Reason for Transfer: "Divorce." Special Condition:
Transferee to obtain funds to pay purchase price.

7. Lessee Name: Charles D. Mole
Res. Lease No. 12871, Lot No. 153
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$400,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Richard D. Mole
Relationship: Son
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 2/2/2016

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

8. Lessee Name: Stephen D. Park
Agr. Lease No. 7424, Lot No. 56
Lease Date: 6/23/1998
Area: Keokea, Maui
Property Sold & Amount: Yes, \$480,000.00
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: John J. Mahoney, III
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Maui IW Agr., 5/13/1986

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

9. Lessee Name: John J. Mahoney, III
Res. Lease No. 10327, Lot No. UNDV030
Lease Date: 6/18/2005
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Erin K. Mahoney
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

10. Lessee Name: Yolanda M. Rose
Res. Lease No. 12872, Lot No. 154
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$400,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Sharlynn P. Kaina
Relationship: Niece
Loan Assumption: N/A
Applicant: No

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

11. Lessee Name: Elizabeth N. B. Silva
Res. Lease No. 5621, Lot No. 64
Lease Date: 6/3/1985
Area: Lualualei, Oahu
Property Sold & Amount: Yes, \$325,000.00
Improvements: 4 bedroom, 2-1/2 bath dwelling

Transferee Name: William K. Keliikoa
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 10/14/1988

Reason for Transfer: "Selling home to fund mom's care. She is unable to live by herself." Special Condition: Transferee to obtain funds to pay purchase price.

12. Lessee Name: Winona L. Diamond
Res. Lease No. 11748, Lot No. UNDV205
Lease Date: 12/2/2006
Area: Kapolei, Oahu
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Charles U. Diamond, Sr. & Winona L. Diamond
Relationship: Husband & Lessee
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Adding relative to lease."

13. Lessee Name: Lucille H. Nakamura
Res. Lease No. 11634, Lot No. UNDV091
Lease Date: 12/2/2006
Area: Kapolei, Oahu
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Kekoaalii K. Nakamura
Relationship: Son
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

14. Lessee Name: Kenneth A. Silva, Jr.
 Res. Lease No. 11669, Lot No. UNDV126
 Lease Date: 12/2/2006
 Area: Kapolei, Oahu
 Property Sold & Amount: No, N/A
 Improvements: None

Transferee Name: Royce K. Silva
 Relationship: Son
 Loan Assumption: N/A
 Applicant: No

Reason for Transfer: "Giving lease to relative."

15. Lessee Name: Ernest J. M. Pontes
 Res. Lease No. 7573, Lot No. 203
 Lease Date: 2/7/2002
 Area: Waiohuli, Maui
 Property Sold & Amount: Yes, \$676,500.00
 Improvements: 5 bedroom, 3-1/2 bath dwelling

Transferee Name: Casey K. K. Kauai
 Relationship: None
 Loan Assumption: N/A
 Applicant: Yes, Maui IW Res., 11/6/2017

Reason for Transfer: "Financial reasons." Special
 Condition: Transferee to obtain funds to pay purchase
 price.

Assignments for the Month of June `19	15
Previous FY '18 - '19 balance	<u>244</u>
FY '18 - '19 total to date	259
Assignments for FY '17 - '18	271

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

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

Four (4) amendments of lease.

1. Lessee: Jean J. Charbonnet
Res. Lease No.: 2562
Lot No., Area, Island: 98, Waimanalo, Oahu
Amendment: To amend the tenancy to tenant by severalty due to death of joint lessee.

2. Lessee: Stephen M. Kaheiki, Jr.
Res. Lease No.: 3094-A
Lot No., Area, Island: 80-B, Keaukaha, Hawaii
Amendment: To amend the lease title and Lessor name, and to incorporate the currently used terms, conditions, and covenants to the lease.

3. Lessee: Bernard K. Moore & Bernard K. Moore, III
 Res. Lease No.: 9633
 Lot No., Area, Island: 30, Kalawahine, Oahu
 Amendment: To amend the tenancy to tenant by severalty due to death of joint lessee.
4. Lessee: Jerry M. Neumann, Jr.
 Res. Lease No.: 2141
 Lot No., Area, Island: 223-A, Kewalo, Oahu
 Amendment: To amend the lease title and Lessor name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.

Amendments for the Month of June '19	4
Previous FY '18 - '19 balance	<u>151</u>
FY '18 - '19 total to date	155
Amendments for FY '17 - '18	249

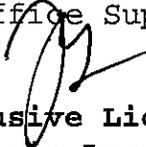
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 

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

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

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Three (3) non-exclusive licenses.

1. Lessee: Colleen L.Y.K. Pascua
Res. Lease No.: 11921
Lot No., Area, Island: 17219, Kaupea, Oahu
Permittee: OneRoof Energy , Inc.
2. Lessee: Kealaokuuleialoha Swain
Res. Lease No.: 1573
Lot No., Area, Island: 135A, Keaukaha, Hawaii
Permittee: Sunrun Installation Services, Inc.
3. Lessee: Ellareen L. Yee Poong
Res. Lease No.: 5511
Lot No., Area, Island: 129, Lualualei, Oahu
Permittee: Sunrun Installation Services Inc.

Non-Exclusive License for March '19	3
Previous FY '18 - '19 balance	<u>80</u>
FY '18 - '19 total to date	83
Non-Exclusive License for FY '17 - '18	102

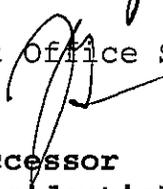
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division 

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

SUBJECT: **Commission Designation of Successor
BENJAMIN K. KELIIHOLOKAI, Residential Lease No. 1758,
Lot No. 87, Waimanalo, Oahu**

RECOMMENDED MOTION/ACTION

To approve the designation of Leiluluhipolanikeakakahaumaliookalani Keliiholokai Makanani (Lei) and Cecelia Wahineaukai Keliiholokai (Cecelia), as successors to Benjamin Keliiholokai's 50% tenant-in-common interest to Residential Lease No. 1758, Waimanalo, Oahu for the remaining term of the lease.

DISCUSSION

On August 1, 2016, Benjamin K. Keliiholokai (Decedent) received, by way of an assignment of lease, a tenant-in-common interest in Department of Hawaiian Home Lands Residential Lot Lease No. 1758, Lot No. 87, Waimanalo, Oahu (Lease).

On February 8, 2017, the Decedent passed away without naming a successor to his 50% interest in the lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, The West Hawaii Today, The Maui News, and The Garden Island newspapers on June 4, 14, 18, 28, 2017, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

The Department received successorship claims from the Decedent's sisters, Lei and Cecelia. The claimants are 75% Hawaiian and has been determined to be eligible for succession.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the 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 in priority order:

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 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.

Existing improvements consist of a three bedroom, two bath single family dwelling.

As of June 17, 2019, there are no outstanding loans and Lease rent is current. The real property taxes are delinquent in the amount of \$1,178, and Lei and Cecelia have agreed to pay the amount due prior to final execution of the successorship.

On November 20, 2017, the Department presented its recommendation for the Hawaiian Homes Commission (Commission) to approve the designation of the respective tenant-in-common interest in the Lease for the Decedent. However, the Commission deferred action on the Department's recommendation and instructed the Department staff to obtain additional information on the respective successorship claimants' intent with respect to the occupancy of the home.

On December 4, 2017, Department staff met with Lei. She reported that despite her other siblings urging not to submit a successorship claim, she did so simply because she has the right to do so, in accordance with the Administrative Rules. Lei reports that she intends to subsequently transfer her successorship

interest to her son. Lei disclosed that her brother and her son, along with his wife and children, are currently residing in the home.

After numerous attempts to arrange a meeting with Cecelia, Department staff was finally able to meet with her on February 6, 2018. She stated that her intention is to move into the home and plans to renovate the home. She confirmed that her brother, David, and Lei's son is currently residing in the home.

At its meeting on February 19, 2018, the Commission made the decision to defer action again on the Department's recommendation and instructed the Department staff to schedule a meeting with all successors, to discuss their respective plans to occupy the home.

On August 9, 2018 the Department staff met with Lei, Cecelia and Kuulei Petty-Hanawahine, the successor of the other 50% tenant-in-common interest in the Lease. It was expressed by all three successors that they intend to occupy the homestead, but no decision was made on how they were going to move forward. They decided that they needed more time and would come together on their own to discuss further.

At its meeting on December 17, 2018, the Commission made the decision to defer action again on the Department's recommendation.

The Department requests the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator 
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor**
JEANETTE M. HANAWAHINE, Residential Lease No. 1758,
Lot No. 87, Waimanalo, Oahu

RECOMMENDED MOTION/ACTION

To approve the designation of Kuuleilani K. Petty-Hanawahine (Kuulei), as successor to Jeanette Hanawahine's 50% tenant-in-common interest to Residential Lease No. 1758, Waimanalo, Oahu for the remaining term of the lease.

DISCUSSION

On February 3, 1999, Jeanette M. Hanawahine (Decedent) received, by way of transfer through succession, a tenant-in-common interest in Department of Hawaiian Home Lands Residential Lot Lease No. 1758, Lot No. 87, Waimanalo, Oahu (Lease).

On April 30, 2017, the Decedent passed away without naming a successor to her 50% interest in the lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, The West Hawaii Today, The Maui News, and The Garden Island newspapers on June 4, 14, 18, 28, 2017, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease succession claims.

The Department received a succession claim from the Decedent's daughter, Kuulei. The claimant is at least 33% Hawaiian and has been determined to be eligible for succession.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the 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 in priority order:

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 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.

Existing improvements consist of a three bedroom, two bath single family dwelling.

As of June 17, 2019, there are no outstanding loans and Lease rent is current. The real property taxes are delinquent in the amount of \$1,178, and Kuulei has agreed to pay the amount due prior to final execution of the successorship.

On November 20, 2017, the Department presented its recommendation for the Hawaiian Homes Commission (Commission) to approve the designation of the respective tenant-in-common interest in the Lease for the Decedent. However, the Commission deferred action on the Department's recommendation and instructed the Department staff to obtain additional information on the respective successorship claimant's intent with respect to the occupancy of the home.

On December 14, 2017, Department staff met with Kuulei. She reported that her mother, her younger sister, and herself, continued to reside at the homestead following her grandfather's (William) death in 1999. However, it became increasingly difficult to remain in the home with Jonette and her family, therefore, her mother made the decision to move out in 2005. Kuulei now wants to return to the homestead and reside in the home along with her

younger sister, who is still a minor. Kuulei reports that she is the legal guardian of her sister.

At its meeting on February 19, 2018, the Commission decided to defer action again on the Department's recommendation and instructed the Department staff to schedule a meeting with all the successors, to discuss their respective plans to occupy the home.

On August 9, 2018 the Department staff met with Kuulei, Lei Makaanani, Cecelia Keliiholokai, the two successors of the other 50% tenant-in-common interest in the Lease. It was expressed by all three successors that they intend to occupy the homestead, but no decision was made on how they were going to move forward. They decided that they needed more time and would come together on their own to discuss further.

At its meeting on December 17, 2018, the Commission decided to defer action again on the Department's recommendation.

The Department requests the approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division Administrator 

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

SUBJECT: **Request to Schedule a Contested Case Hearing - Failure to Build and Occupy, Lease No. 1389, Lot No. 147, Keaukaha, Hawaii - KAWEKIULANI SWAIN**

RECOMMENDED MOTION/ACTION

To schedule a contested case hearing for Kawekiulani Swain, to cancel Lease No. 1389, Lot No. 147, situated at Keaukaha, Hawaii for failure to build and occupy as stated in the lease.

DISCUSSION

On October 31, 2017, Kawekiulani Swain (Kawekiulani), by way of Assignment of Lease and Consent and Amendment to Lease, received Residential Lease No. 1389, Lot No. 147, situated in Keaukaha, Hawaii (Lease).

As stated in Kawekiulani's lease on page 3, item 5. Kawekiulani 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 05/14/2019 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

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting HSD Administrator 
Homestead Services Division

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

SUBJECT: Request to Approve Third Party Agreement - **HARRY H.Y. KAWAI**, Pastoral Lot Lease No. 02683, Lot No. 20, Nienie, Hawaii

RECOMMENDED MOTION/ACTION

To approve a request for a Third Party Agreement for Pastoral Lot Lease No. 02683, Lot No. 20, situated at Nienie, Hawaii for Harry H.Y. Kawai.

DISCUSSION

Mr. Kawai submitted a Request For Approval Of Third-Party Planting/Grazing Agreement (TPA) for grazing purposes to be effective July 1, 2019, which was received by the department on May 24, 2019.

Mr. Kawai is requesting approval of the TPA to his friend, Carol K. Edmondson. Ms. Edmondson is on the applicant waitlist for both a Hawaii Islandwide Pastoral and Residential leases. Ms. Edmondson will be grazing cattle.

RECOMMENDATION

The department's Administrative Rule 10-3-35 Contracts covering lease lands, states that "No lessee may, without written approval from the commission, enter into any contract, joint venture, agreement or other arrangement of any sort with a third person on lands covered by lessee's lease for the cultivation of crops or raising of livestock".

HSD recommends approval of the motion stated.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division 

FROM: Toni Eaton, Maui District Supervisor
Homestead Services Division

SUBJECT: Request to Schedule Contested Case Hearing -
Imogene K. Maio (Deceased), Residential Lease No.
3485, Lot No. 32, Paukukalo, Wailuku, Maui

RECOMMENDED MOTION/ACTION

To deny the request by Ms. Terry Miller and Mrs. Laura Johnson to schedule a Contested Case Hearing regarding the transfer of the above-mentioned lease.

DISCUSSION

The interest in the lease was transferred to Imogene K. Maio (decendent) by way of the Transfer through Successorship, Rescission and Amendment to Lease No. 3485, made on July 24, 1992.

The Decedent designated her sister, Leilani Munar as successor, however, this individual passed away on November 28, 1995.

The Decedent passed away on June 8, 2010 without having designated a qualified successor to the lease.

Ms. Terry Miller and Mrs. Laura Johnson, the residents of 631 Kalakaua St. Wailuku, HI, has requested to schedule a Contested Case Hearing. Ms. Miller and Mrs. Johnson contends that Imogene K. Maio (decendent)intended to designated Ms. Terry Miller as her successor. They further contend that DHHL impeded Ms. Maio's request to name Ms. Terry Miller as her successor by failing to follow up with Ms. Miller's application that was submitted in 2008. (Exhibit A). A homestead lease transfer request was submitted on January 24, 2008 from Ms. Imogene Maio Tom Sun to Ms. Terry Ann Kahealani Miller, but it was never date stamped or processed because Ms. Miller didn't turn in her birth

certificate or that of her parents. According to notes on the transfer request, Ms. Miller was a "no show" for an appointment on April 13, 2009 where she was supposed to bring in the required documentation to complete the transfer therefore that request was voided. (Exhibit B)

On April 15, 2009, a letter from Mona Kapaku, Homestead Services Administrative Assistant, was sent to Ms. Maio stating that the Department was unable to process her transfer request due to the lack of genealogical documentation to verify Ms. Miller has the required 50% Hawaiian blood quantum to qualify for the lease transfer. (Exhibit C)

On June 8, 2010, Ms. Imogene Kehaulani Maio Tom Sun passed away without designating a successor to her lease.

On January 29, 2014, a public notice to successors was published in the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, the Honolulu Star-Advertiser and The Garden Isle to all the possible successors of the deceased leaseholders who died and failed to designate a successor to their lease. The expiration date was May 29, 2014, four months from the first published date. (Exhibit D)

On May 29, 2014, DHHL received a letter from Harry Johnson, the husband of Laura Johnson, cousin to Ms. Terry Miller, stating that he would like to be considered for the lease. (Exhibit E)

On June 4, 2014, a letter was sent to Ms. Terry Miller advising her that she didn't qualify as a successor pursuant the Hawaiian Homes Commission Act (Act), as amended and the Hawaii Administrative Rules therefore it was recommended that Ms. Miller plan to vacate the home. (Exhibit F)

On September 30, 2014, a letter was received from Mr. and Mrs. Harry Johnson requesting that the Hawaiian Homes Commissioners consider them to be the next person to lease the property of the late Imogene Maio. (Exhibit G)

On October 8, 2014, a letter was sent to Mr. Harry Johnson from Jobie K. Masagatani, Chairman of the Hawaiian Homes Commission, stating that based on the Act, you do not qualify to succeed the lease interest of Ms. Imogene Maio, Lease No. 3485, Lot No. 32, Paukukalo, Maui. It further states that Mr. Johnson's request to address the Commission on the J Agenda on

Kauai has been approved. Ms. Masagatani further states that the Commission does not make any decisions on any J Agenda items, however, your case will be heard. (Exhibit H)

On August 17, 2015, Mona Kapaku, Operations Manager, Homestead Services Division, submitted a request to the Commission to approve the cancellation of Lease No. 3485, Lot No. 32, Paukukalo, Maui, pursuant to the Act, as there is no qualified successor to the Lease interest. (Exhibit I). The Commission approved this request on the same day.

On September 7, 2015, a certified letter was sent to the occupants of 631 Kalakaua St. Wailuku, HI 96793, notifying them of the Lease cancellation and notice to vacate the property by Dean T. Oshiro, Acting Administrator, Homestead Services Division. This notice advised the occupants to remove all personal property by November 10, 2015. (Exhibit J)

On January 17, 2019, another certified letter was sent to the above occupants, at the above stated address, again advising them that the Lease has been cancelled and they needed to vacate the property by March 4, 2019. (Exhibit K)

Although Ms. Imogene K. Maio's intent was to have Ms. Terry Miller succeed her lease, Ms. Miller is not a qualified successor because she is a cousin of the Decedent. Pursuant to Section 209 of the Act, when a lessee fails to designate a successor, the Department may only select 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, children or grandchildren then brothers or sisters; or
5. If there is no husband, wife, children, grandchildren, 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.

DHHL recommends denial of the request. There has been no violation of the Hawaiian Homes Commission Act, the Hawaii Administrative Rules, or the lease itself.

On February 5, 2019, The Miller and Johnson Ohana met with Commissioner Randy Awo on Maui. We are requesting a contested case hearing. In addition we request to have the process explained to us with clear instruction.

In 1992 Imogene K. Maio Tomsun was granted successorship to her parents estate. She named her sister Leilani Munar as her successor. However, Leilani passed away in 1995, leaving no successor. In 2008 it was Imogene's intent to pass successorship of her estate to her cousin Terry Ann Miller who is a beneficiary and has met blood quantum requirements. Imogene filed a Homestead Transfer Request application designating Terry Miller as her successor. But, the state failed to inform her of her rights or the process for successfully transferring her estate. Therefore she was not able to make an informed decision.

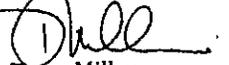
Points:

1. Imogene K. Maio Tomsun's *intent* was to pass her estate and interest to a family member as her successor.
 - a. Her sister Leilani Munar died before her.
 - b. She chose her cousin Terry Ann K. Miller as her successor.
2. DHHL failed to ensure Imogene Maio Tomsun's right as a beneficiary to be able to make an informed decision in completing an application requesting to declare a new successor to her estate.
 - a. Which became a barrier for the beneficiary to complete application request.
3. DHHL failed to ensure beneficiary's right in following up on her application request that she submitted in 2008.
 - a. Imogene dies in 2010
 - b. With the thought that she had left her estate to her appointed successor Terry Ann Miller

We are now in a situation where we may be forced to vacate without having had any due process to resolve our issue. Our immediate concern is to postpone the notice to vacate until such time as we have been allowed our due process with a contested case hearing.

We humbly ask to be granted a contested case and to be provided with clear and complete instructions.

Mahalo for your time,


Terry Miller
Laura "Lala" Johnson

2019 FEB 20 AM 8:47
DEPT OF HEALTH SERVICES
STATE OF HAWAII

ITEM NO. D-15
EXHIBIT A

ITEM NO. D-15
EXHIBIT A

HOMESTEAD LEASE TRANSFER REQUEST

VOID

This section to be completed by Lessee(s)

Name of Lessee(s):(PRINT Last Name, First Name, Middle Initial)			
Lessee #1: Imogene Maio TomSun		SSN: [REDACTED]	
Mailing Address: [REDACTED]			
Telephone Number: Business: [REDACTED]		Residence: [REDACTED] Cell: [REDACTED]	
Lessee #2:		SSN:	
Mailing Address:			
Telephone Number: Business:		Residence: Cell:	
Lease No.: 3485	Lease Type: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Pastoral		
Lot No.: #32	Area: Paikukalo	Island: Maui	
TMK: 3-3-25-32	Property Address: [REDACTED]		
Type of Transaction: <input checked="" type="checkbox"/> 100% Interest	<input type="checkbox"/> Partial Interest: (explanations in back) <input type="checkbox"/> T/C <input type="checkbox"/> J/T <input type="checkbox"/> T/E		<input type="checkbox"/> Subdivide and Transfer Portion
Mortgage/Loan Balance: \$ 8	Name of Lender:		
List Other Debts Attached to Lease: for example -- OHA loans, Grants, etc.			
Lease being sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Sale Price \$			
This section must be completed. If Yes, attach copy of DROA or Sales Contract, and Name of Escrow Company.			
Reason For Transfer: <i>Wanted to give my cousin the opportunity to have my lease</i>			
Reservation of Limited Life Interest (a box must be checked): <input checked="" type="checkbox"/> I/We choose to retain life interest in the lease. I/We understand that that as long as the lease is in effect, I/We have the right of occupancy of the homestead. Also, I/We understand and agree that should the transferee(s) apply for a loan, I/We are aware that I/We are required to apply and sign for any loan that is to be secured by this lease. <input type="checkbox"/> I/We do not choose to retain life interest in the lease.			

By signing below, I/We accept and agree to the following: I/We request to transfer the above lease for the remaining term of the lease. I/We take responsibility along with the transferee(s) to submit all necessary documents for the clearing of transferees' native Hawaiian blood quantum. If necessary documentation is not submitted with this request, I/We understand that the department will not accept my/our request to transfer. I/We understand that this request will not be final until approved by DHHL Chairman or designee. I/We declare that this request is of my/our own freewill and choice.

Furthermore, I/We understand that should the lease transfer involve a defaulted improved vacant lot in which the default is the result of failing to construct a dwelling on the homestead lot within the allowable time, the transferee(s) must comply with all requirements imposed by the department prior to this transfer being finalized.

Lessee #1 Signature <i>Imogene M. TomSun</i>	Date <i>1-25-08</i>	Lessee #2 Signature _____	Date _____
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<p>FOR OFFICIAL USE ONLY</p> <p>The following items must accompany this transfer request; otherwise request will not be accepted.</p> <p><input type="checkbox"/> Genealogy documents (Birth, Death, Marriage)</p> <p><input type="checkbox"/> RPT Clearance or Plan of Payment</p> <p><input type="checkbox"/> Copy of Photo ID</p> <p>One of the Following Items:</p> <p><input type="checkbox"/> Letter of pre-approval to assume loan.</p> <p><input type="checkbox"/> Letter of pre-approval of mortgage loan.</p> <p><input type="checkbox"/> Verification of financial statements.</p> <p>Acknowledgment of receipt of above items:</p> <p>Staff Initial _____ Date _____</p>	<p>TIME STAMP IN THIS SECTION AFTER RECEIPT OF ALL ITEMS LISTED ON LEFT SIDE.</p>
---	--

This section to be completed by Transferee #1

Name of Transferee: (PRINT First Name, Middle Name, Last Name)
Terry Ann ~~Miller~~ Kamealani Miller

Mailing Address: [REDACTED]

Social Security No.: [REDACTED] Date of Birth: [REDACTED]

Relationship to Lessee(s): *Cousin*

Telephone Number: [REDACTED] Residence: [REDACTED] Cell: [REDACTED]

Business: [REDACTED]

Are you an Applicant with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Are you a Lessee with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Is your Spouse an Applicant with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Is your Spouse a Lessee with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Are you purchasing the lease? Yes No If yes, name of Escrow Company to be used.

If Spouse is an Applicant or Lessee: (PRINT Last Name, First Name, M.I.) Social Security No.:

By signing below, I agree that it is my responsibility to submit to the Department of Hawaiian Lands (DHHL) all necessary documentation to substantiate my native Hawaiian ancestry and I agree to comply with all other requirements imposed by the DHHL, including but not limited to a financial statements indicating cash deposits or Lender pre-approval of a mortgage loan to pay off or assume all debts attached to the lease. I understand that this request will not be final until approved by DHHL Chairman or designee.

Transferee Signature *Miller* Date *1/24/08*

This section to be completed by Transferee #2

Name of Transferee: (PRINT First Name, Middle Name, Last Name)

Mailing Address:

Social Security No.: Date of Birth:

Relationship to Lessee(s):

Telephone Number: [REDACTED] Residence: [REDACTED] Cell: [REDACTED]

Business: [REDACTED]

Are you an Applicant with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Are you a Lessee with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Is your Spouse an Applicant with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

Is your Spouse a Lessee with DHHL? Yes No If "Yes" Residential Agricultural Pastoral

If Spouse is an Applicant or Lessee: (PRINT Last Name, First Name, M.I.) Social Security No.:

By signing below, I agree that it is my responsibility to submit to the Department of Hawaiian Lands (DHHL) all necessary documentation to substantiate my native Hawaiian ancestry and I agree to comply with all other requirements imposed by the DHHL, including but not limited to a financial statements indicating cash deposits or Lender pre-approval of a mortgage loan to pay off or assume all debts attached to the lease. I understand that this request will not be final until approved by DHHL Chairman or designee.

Transferee Signature/Date

Note - If multiple Transferees are named - Check off ONE of the tenancy selection below

Joint Tenancy Tenants in Common Tenants By the Entirety

Joint tenancy - A tenancy with two or more co-owners take identical interest simultaneously by the same instrument and with the same right of possession. A joint tenancy differs from a tenancy in common because each joint tenant has a right of survivorship to the other's share.

Tenancy in common - One of two or more tenants who hold the same land by unity of possession but by separate and distinct titles, with each person having an equal right to possess the whole property but no right of survivorship.

Tenancy by the entirety - A joint tenancy that arises between husband and wife when a single instrument conveys realty to both of them but nothing is said in the deed or will about the character of their relationship.



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P.O. BOX 1879
HONOLULU, HAWAII 96805

April 15, 2009

Ms. Imogene K. Maio
[REDACTED]

Dear Ms. Maio:

Subject: Department of Hawaiian Home Lands Residence
Lease No. 3485, Lot No. 32, Paukukalo, Maui

The department has not been able to process your transfer request of your lease to your cousin, Ms. Terry Ann K. Miller, due to the lack of genealogy documentation to verify that she has the required 50% Hawaiian blood quantum to receive the lease from you. Therefore, we are returning your transfer request.

If Ms. Miller is able to provide the needed documentation, you may again submit your request to transfer your lease to her at any time. Enclosed is another lease transfer form.

If you have any questions, please call our office at 760-5120.

Mahalo for your kokua.

Aloha,

Mona L. Kapaku,
Homestead Services Administrative Assistant

c: Ms. Terry Ann K. Miller

Enclosures

PUBLIC NOTICE TO SUCCESSORS
DEPARTMENT OF HAWAIIAN HOME LANDS
HOMESTEAD SERVICES DIVISION
DISTRICT OPERATIONS BRANCH

NOTICE TO POSSIBLE SUCCESSORS OF THE FOLLOWING DECEASED LEASEHOLDERS, WHO DIED AND FAILED TO DESIGNATE A SUCCESSOR(S) TO THEIR HAWAIIAN HOME LANDS LEASE UNDER THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

ADOLPHO, Matthew K., Jr., Residence Lease No. 206, Lot No. 130, Hoolehua, Molokai

BENEVEDES, Yvonne A. A., Residence Lease No. 8189, Lot No. 29, Waimanalo, Oahu

COLIPANO, Richmond I., Residence Lease No. 6111, Lot No. 100, Kalamaula, Molokai

GASPAR, Dorothy B., Residence Lease No. 5384, Lot No. 108, Waiakea, Hawaii

KAUNAMANO, Samuel K. K., Residence Lease No. 11724, Lot No. Undv181, Kapolei, Oahu

KEAU, Benjamin P. U., Pastoral Lease No. 9146, Lot No. 83, Kahikinui, Maui

MAIO, Imogene K., Residence Lease No. 3485, Lot No. 32, Paikukalo, Maui

MAKUA, Violet, Residence Lease No. 2226, Lot No. 148, Kewalo, Oahu

PARAAN, Wayne A., Residence Lease No. 3930, Lot No. 39, Waimanalo, Oahu

PELFREY, Richard H. E., Residence Lease No. 2688Z, Lot No. 66, Kuhio Village, Hawaii

PUAOI, Herman E. K., Agriculture Lease No. 2970, Lot No. 99AB, Hoolehua, Molokai

All possible successors of the above-named decedents are hereby notified to present their claims to succeed to the homestead lease together with proof of their qualifications to the Department of Hawaiian Home Lands at its Oahu District Office at 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, or at any of the neighbor island district offices, within four (4) months from the first day of publication of this notice, or be forever barred from succeeding to the lease.

Dated: January 13, 2014

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

Hawaii Tribune Herald – 1/29, 2/02, 2/12, 2/16/2014.

West Hawaii Today – 1/29, 2/02, 2/12, 2/16/2014

The Maui News – 1/29, 2/02, 2/12, 2/16/2014

Honolulu Star-Advertiser/The Garden Isle – 1/29, 2/02, 2/12, 2/16/2014

ITEM NO. D-10
EXHIBIT D
ITEM NO. D-15
EXHIBIT D

May 29, 2014

Department of Hawaiian Home Lands – Maui Branch

2014 MAY 30 AM 9:26

Dept. of Hawaiian Home Land
Maui District Office

[REDACTED]
To Whom It May Concern:

My name is Harry Johnson. My family and I reside with Terry Miller at the residence of 631 Kalakaua Street, Wailuku, Maui, Hawaii where the late Imogene Maio resided. We were asked to reside in the home with Terry by Imogene to help keep the home secure and livable.

It is my understanding that she is not able to assume the property and that the lease will be closed. If Terry is not able to assume the home, I would like to submit my name to assume the lease to the property. I am an applicant on the list of Hawaiian Homes land and I was awarded a lot at the Waiohuli project during the year 2009. Because we could not secure a loan to build on the property due to a cap by lending institutions, we were advised that we needed to surrender the lease.

We have invested over \$8000 in this home because the home required the stabilization of walls, electrical work, flooring, painting, windows, etc. We accomplished this task through assistance from our family and friends. We recently spoke to Michael Kanada Construction because we wanted to fix the roof and continue with other repairs. Estimates were given and we were ready to invest more into the home however with the recent situation that Terry has received, we held up on the upgrades until we could get more clarification on the matter.

I would like to ask for consideration to assume the lease on the property because of the fact that we remain at the residence, but most especially the home will be able to remain within the family if this is an option. I am willing to upgrade the property and keep the condition of the residence up to a standard that represents Hawaiian Homelands. We do not smoke, drink, do drugs, or are involved in any illegal activity since we resided there with Terry. You can ask the neighbors (Mrs. Hannah Kama'i and Mrs. Dot Akahi, and Mr. Steven Kramer) about our presence. We are model citizens of this community and would like to keep the neighborhood free of crime or illegal activity.

I respectfully ask for your consideration to allow my family to remain at the property and assume the property while investing to upgrade and maintain it to a safer and respectful venue.

Sincerely,


Harry Johnson

[REDACTED]

pdf to Roman

ITEM NO. D-10
EXHIBIT E
ITEM NO. D-15
EXHIBIT E



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P O BOX 1879
HONOLULU, HAWAII 96805

June 4, 2014

Ms. Terry Miller
[REDACTED]

Subject: Residential Lease No. 3485, Lot No. 32, Paukukalo, Maui, Oahu

Dear Ms. Miller:

This is in response to your letter dated April 25, 2014 regarding the above homestead lease held by your late "cousin," Imogene K. Maio (Imogene), and your request to be designated as a successor to the lease interest.

Imogene did not designate a successor to her lease interest prior to her death. Therefore, pursuant to the Hawaiian Homes Commission Act, as amended (Act), and the Hawaii Administrative Rules, the Department of Hawaiian Home Lands (Department) published a notice calling all qualified relatives to submit to the Department their successorship claim to the lease interest.

Pursuant to the Act, the qualified successors to the lease are the following relatives of the lessee:

1. at least one-quarter Hawaiian husband, wife, child, grandchild, brother, or sister
2. native Hawaiian father and mother, widow and widowers of the children, widow and widower of the brothers and sisters, nieces and nephews

Based on the Act, you do not qualify to succeed to the lease interest.

The public notice expired on May 29, 2014. Should there be no qualified claimant to the lease interest, the Department will then request for the Hawaiian Homes Commission's approval to cancel the lease and award the homestead lot to a qualified applicant on the Department's wait list. This process will take a few months. As you are still occupying the homestead, it is recommended that you make arrangements to vacate the home.

Ms. Terry Miller
June 4, 2014

If you have any questions, please contact Mona Kapaku, District Operations Manager,
at (808) 760-5121.

Aloha,

Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

c: Maui District Office
J. Hopkins, R. Tassill

2

2

ITEM NO. D-15
EXHIBIT F
ITEM NO. D-15
EXHIBIT F

September 22, 2014

Department of Hawaiian Home Lands - Commissioner's
Honorable Commissioners
A. O. Box 1879
Honolulu, HI 96805

2014 SEP 29 PM 2:23
Dept of Hawaiian Home Lands

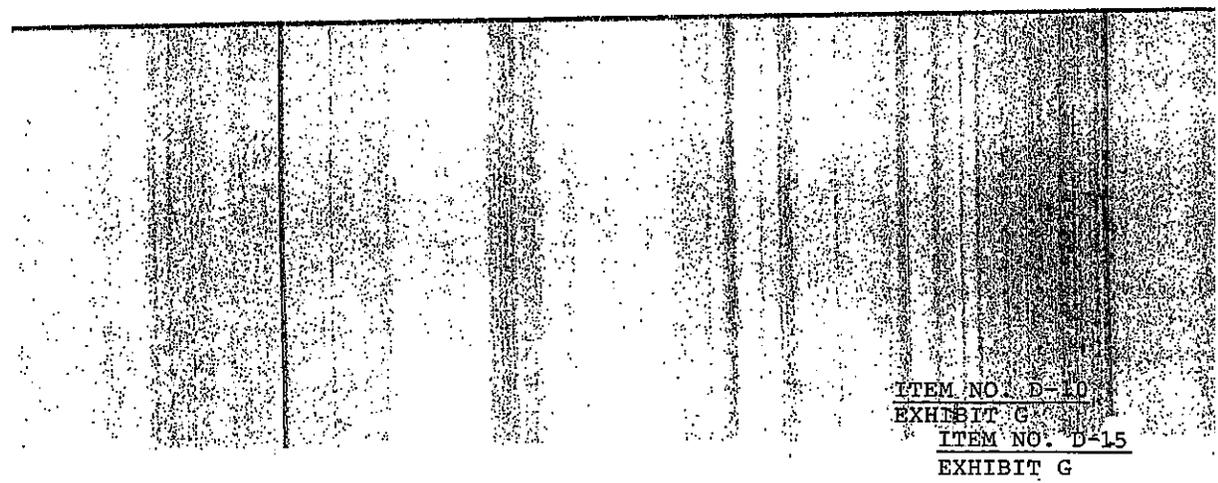
Honorable Commissioners of the Department of Hawaiian Home Lands,

My name is Harry Johnson. I reside in [REDACTED] here in Hawaiian Homes. In 2009, I was awarded a property to develop at the Waiohuli Lots, and within a years time I returned the award back to DHHL because there was a national economical downfall in the banking system so that loans were not issued for projects such as this one. At about the same time another awardee asked me if I would like to sell my property to him for cash because his awarded property required more work to start with than what my award would. At the time I thought this would have been unethical in selling this recently awarded property in order to gain money just for doing nothing. I didn't sell but surrendered the property back to DHHL for ethical reasons.

About this time, a relative of ours asked us to stay in her home at 631 Kalakaua Street because her Aunty (Imogene Malo) was being sent to a care home. She asked us to reside with her in the home because she didn't want the home to be occupied by complete strangers as she had experienced in the past. We took in a small investment to upgrade the home and make the best of its condition.

During the time we learned that the street was well known for illegal activity, disregard to a persons property and a worthy campaign effort to start a police sub station to help the police save on fuel costs since they were visiting this street more than any US Mail postal person. With these realities, we remained at this residence, growing watermelon, corn, eggplant, and a variety of legal cooking herbs to sustain ourselves and our neighbors. There was a true establishment of growth on this street and we found that even though the smell of illegal drug activity was flourishing around the neighborhood, the safety and well being of this residence was based upon our example as a positive contributor to community development. We were here to promote self-sufficiency and empower the neighbors to do the same by contacting police when illegal activity was present. It wasn't easy but we remain in the fight to establish respect for self and community by "working side-by-side with beneficiaries and other partners to create and maintain a vibrant homestead community."

I present this preface to you so that you can understand the predicament that we



ITEM NO. D-10
EXHIBIT G
ITEM NO. D-15
EXHIBIT G

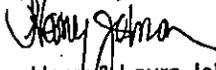
face. Because our relative (Imogene Maio) has since passed on, and there was no legal adoption of her hanai cousin (Terry Miller) to her, I am here to ask for your consideration to have me as the next person to lease the property so that the home can still remain within the family and that we can preserve the value statement of DHHL for this venue. Our plans are to remodel the home as we have already been in contact with a construction company. We are working to secure a loan with the assistance of our ohana and will be seeking assistance through the Habitat for Humanity program.

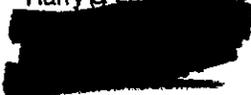
I work full time as a Transportation Director for a 501c3 company here on Maui and have been with the company for a total of 20 years. My wife is a certified Substance Abuse Counselor so you can understand why we feel the way we do when it comes to the type of activities that surround this neighborhood.

Since we were first asked to vacate the property, we immediately noticed how the illegal activity resurfaced. Cars were freely parked in our front yard, empty alcoholic containers were littered on the property and on-street fighting re-established its hold on this street. As we were allowed to relocate back into the home temporarily, we held a meeting with our neighbors and advised them of the activities and our concern for the safety of everyone in the neighborhood. This communication with them established protocols as to when it would be necessary to contact law enforcement and we all agreed to place safety as the main concern when these activities exist. It was evident that the absence of respect for oneself and one's community quickly deteriorates when left unchecked by the surrounding constituents.

In closing, I wish to express my/our deepest mahalo to Mona and her staff who guided us through this process. I also extend that appreciation to all the Commissioners for giving us the opportunity to express our concerns. If it is too late to be drawn into a private meeting during this visit, may we request for another time and venue. We humbly ask for your consideration to this request.

Sincerely,

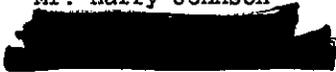

Harry & Laura Johnson





STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P.O. BOX 1179
HONOLULU, HAWAII 96805

October 8, 2014

Mr. Harry Johnson


Dear Mr. Johnson:

Subject: Residential Lease No. 3485, Lot No. 32,
Paukukalo, Maui

This is in response to your letter dated September 22, 2014 regarding the above homestead lease held by your wife Laura's cousin, Imogene K. Maio (Imogene), and your request for consideration to be awarded the lease interest as an applicant waiting since 1995.

On June 12, 2014 a letter was sent to you stating:

Imogene did not designate a successor to her lease interest prior to her death. Therefore, pursuant to the Hawaiian Homes Commission Act, 1920, as amended (Act), and the Hawaii Administrative Rules, the Department of Hawaiian Home Lands (Department) published a notice calling all qualified relatives to submit to the Department their successorship claim to the lease interest.

Pursuant to the Act, the qualified successors to the lease are the following relatives of the lessee:

1. at least one-quarter Hawaiian husband, wife, child, grandchild, brother, or sister
2. native Hawaiian father, mother, widows and widowers of the children, widows and widowers of the brothers and sisters, nieces and nephews

Based on the Act, you do not qualify to succeed to the lease interest.

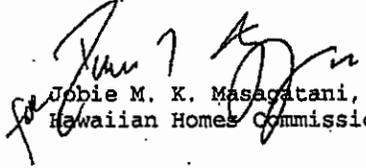
Mr. Harry Johnson
October 8, 2014
Page 2

The public notice expired on May 29, 2014. Should there be no qualified claimant to the lease interest, the Department will then request for the Hawaiian Homes Commission's approval to cancel the lease and award the homestead lot. If you are still occupying the homestead, it is recommended that you make arrangements to vacate the home.

Your request to address the Commission on the J Agenda on Kauai is approved. The Commission does not make any decision on any J Agenda items, however, your case will be heard.

If you have any questions, please contact Ms. Mona Kapaku, Maui District Supervisor, at (808) 760-5121.

Aloha,


Jobie M. K. Masagatani, Chairman
Hawaiian Homes Commission

c: Commissioners

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

August 17, 2015

TO: Chairman and Members, Hawaiian Homes Commission
THRU: Dean Oshiro, Acting HSD Administrator
FROM: Mona Kapaku, Maui District Office Supervisor
Homestead Services Division
SUBJECT: Cancellation of Lease - Imogene K. Maio
Lease No. 3485, Lot No. 32, Paukukalo, Maui

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of Lease No. 3485, Lot No. 32, Paukukalo, Maui, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest; and
2. To approve the payment, in the amount of the appraised value of the improvements less any outstanding debts attached to the Lease, to the estate of the late Imogene K. Maio.

DISCUSSION

The interest in the Lease was transferred to Imogene K. Maio (Decedent) by way of the Transfer Through Successorship, Rescission and Amendment to Lease No. 3485 made on July 24, 1992.

The Decedent designated her sister, Leilani Munar as successor, however, this individual passed away on November 28, 1995.

The Decedent passed away on June 8, 2010 without having designated a qualified successor to the Lease.

In compliance with the Administrative Rule 10-3-63, the department published legal ads in the Honolulu Star Advertiser, The Garden Isle, the Hawaii Tribune Herald, the West Hawaii Today, and The Maui News on January 29, February 2, 12, and 16, 2014, to

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ITEM NO. D-15
EXHIBIT I
ITEM NO. D-15
EXHIBIT I

notify all interested, eligible and qualified heirs of Imogene K. Maio, to submit their lease successorship claims.

The Department received one successorship claim from the Decedent's cousin, Terry Miller, who does not meet the familial qualification to succeed to the lease.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the 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 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.

Improvements to the homestead lot consist of a 3 bedroom, and 1 bath, single family home, which was constructed in 1963.

There is no existing mortgage. The Lease rent has a credit of \$46.00 dollars, and the real property tax is past due approximately \$2,991.51 as of July 24, 2015.

The Department requests approval of its recommendation.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SEAN S. TSUTSUMI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1079
HONOLULU, HAWAII 96803

September 7, 2015

Occupants
631 Kalakaua St
Wailuku, HI 96732

USPS Certified Mail: 7012 3460 0001 6659 4859 Return Receipt Requested

Subject: **LEASE CANCELLATION AND NOTICE TO VACATE**
Department of Hawaiian Home Lands (DHHL)
Residential Lease No. 3485, Lot No. 32,
631 Kalakaua St., TMK: 2-3-3-005:032,
Paukukalo Subdivision, Maui District, Hawaii

Aloha,

The Hawaiian Homes Commission has approved the Cancellation of the subject Lease at its monthly meeting on August 17, 2015. A copy of the submittal is enclosed.

Therefore, the DHHL requires that you, your family, and all other unknown persons residing at this property, vacate the premises no later than 12:00 noon, **Tuesday, November 10, 2015**. Be advised that anyone on the premises after this time and date may be considered trespassing and subject to eviction and arrest.

Please remove all belongings, possessions, furniture, animals, and vehicles from the property, and leave it in a clean and orderly manner. Any and all items left on the property after **November 10, 2015**, will be subject to removal and disposal at your expense.

Please contact Ms. Mona Kapaku, Maui District Supervisor, to drop off keys and to have the premises inspected and secured before you leave. You must inform the District Office and DHHL if you are vacating the property **before this date** to inspect and secure the residence.

Maio 9/7/2015- Page Two

Also, you must notify **ALL UTILITY SERVICES** to terminate all services, and send you a final bill on your last day, or November 10, 2015, whichever is first. **DHHL will confirm and have ALL services terminated, if not done so, on your final day of residence, or November 10, 2015.**

Any other questions, please contact Mr. Mark Yim, Homestead Lease coordinator at 808-620-9216.

Mahalo for your cooperation.

Dean T. Oshiro
Acting Administrator
Homestead Services Division

Cc: F. Apoliona, Enforcement Division Supervisor
M. Kapaku, Maui District Supervisor
M. Yim, Homestead Lease Coordinator
File
Enc.

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LI GOVERNOR
STATE OF HAWAII



JOEIE 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 17, 2019

Occupants
631 Kalakaua Avenue
Wailuku, HI 96732

USPS Certified Mail: 7015 0640 0002 5918 0245 Return Receipt Requested

Subject: **LEASE CANCELLATION AND NOTICE TO VACATE**
Department of Hawaiian Home Lands (DHHL)
Residential Lease No. 3485, Lot No. 32,
631 Kalakaua St., TMK: 2-3-3-005:032,
Paukukalo Subdivision, Maui District, Hawaii

Aloha,

The Hawaiian Homes Commission has approved the Cancellation of the subject Lease at its monthly meeting on August 17, 2015. A copy of the submittal is enclosed.

You have also been served via certified mail and hand delivered from DHHL personnel on September 7, 2015.

Therefore, DHHL requires that you, your family, and all other unknown persons residing at this property, vacate the premises no later 12:00 noon, Monday, **March 4, 2019**. Be advised that anyone on the premises after this time and date may be considered trespassing and subject to eviction and arrest.

Please remove all belongings, possessions, furniture, animals, and vehicles from the property, and leave it in a clean and orderly manner. Any and all items left on the property after March 4, 2019, will be subject to removal and disposal t your expense.

Please contact Toni Eaton, Maui District Supervisor to drop off keys and to have the premises inspected and secured before you leave. You must inform the District Office and DHHL if you are vacating the property before this date to inspect and secure the residence.

Occupants
January 18, 2019
Page #2

Should you have any questions, you may call Kip Akana, Acting Enforcement Supervisor, at (808) 620-9522.

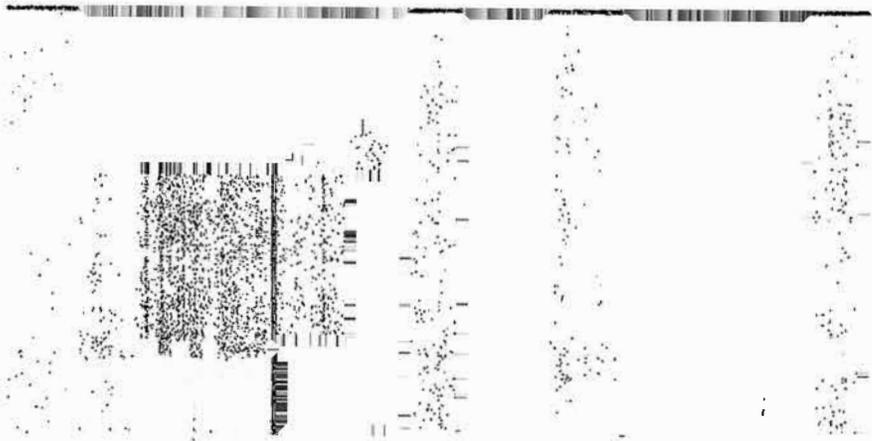
Sincerely,



Paul Ah Yat
Enforcement Officer
Department of Hawaiian Home Lands

Enc.

C: Enforcement Team
A/Homestead Services Division Administrator/Dean Oshiro
East Hawaii District Manager/Olinda Fisher
Fiscal Office/Wayne Takahashi
Homestead Lease Coordinator/Darlene Fernandez



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: William Aila, Acting Chairman
Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Homestead Services Division
Administrator

FROM: Erna A. Kamibayashi, Kauai District Office
Supervisor

SUBJECT: **Request to Hold a Contested Case Hearing - George
F. Rapozo, Residential Lease No. 4342, Lot No.4,
Anahola, Kauai**

RECOMMENDED MOTION/ACTION

To approve the scheduling of a contested case hearing for George F. Rapozo (Keoki), Lease No. 4342, Lot No. 4, Anahola, Kauai (Lease).

DISCUSSION

The Kauai District Staff has been monitoring George F. Rapozo's residential homestead since 2011. The home does not appear to be occupied. Lessee has failed to maintain the structure and the premises. Many certified mail attempts to mailing address of record resulted in returned unclaimed mail. In September 2018, lessee finally acknowledged mail and stated he would work to clear lot. Since that date, limited activity of partial clearing has resulted. On April 30, 2019 Enforcement team conducted an inspection of the homestead lot and confirmed that the homestead lot is unoccupied. It was reported that the existing 3-bedroom, 2-bath house appears to be livable but is in dire need of maintenance.

Paragraph 8 of the Lease, states in pertinent part: "Sanitation, etc. That the Lessee shall keep the demised premises and improvements in a strictly clean, sanitary and orderly condition."

Paragraph 13 of the Lease, states in pertinent part: "the Lessee shall...at all times during said term, keep, repair and maintain all buildings and improvements now existing or hereafter constructed or installed on the demised premises in good order; condition and repair, reasonable wear and tear expected, and maintain and keep said premises and all adjacent land between any street boundary of said premises and the established curb or street line in a neat and attractive condition".

Paragraph 18 of the Lease, states in pertinent part: "The Lessee shall occupy and commence to use the residence as his home...and shall thereafter continue to occupy and use said lands...provided, however, that the Lessor may grant leaves of absence to the Lessee..." As a matter of information, the Dep Department did not receive a request for a leave of absence.

The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Dean Oshiro, Acting Administrator
Homestead Services Division

FROM: Erna Kamibayashi, Kauai District Office Supervisor
Homestead Services Division

SUBJECT: Cancellation of Lease - **John K. Reyes, Residential Lease
No. 6578, Lot No. 9, Anahola, Kauai**

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of Residential Lease 6578, Lot No. 9, Anahola, Kauai pursuant to the Hawaiian Homes commission Act of 1920, as amended, as there is no qualified successor to the Lease.

2. To approve the payment, in the amount of the appraised value of the improvements less any outstanding debts attached to the Lease, to the estate of Arlene Reyes.

DISCUSSION

On November 27, 1989, John K. Reyes (Decedent) received through an Assignment of Lease, Department of Hawaiian Home Lands Residential Lot Lease No. 6578, unimproved Lot No. 8, Anahola, Kauai (Lease).

The Decedent surrendered unimproved Lot No. 8 and was relocated to improved Lot No. 9, with a commencement date effective April 26, 1990.

On January 10, 2012, the Decedent named his wife, Arlene Reyes (Arlene) as successor to the net proceeds of the improvements value of residential lease 6578, Anahola, Kauai. On November 25, 2014, John K. Reyes passed away. On February 2, 2015, Arlene notified the department of the Decedent's passing. On July 26, 2015, Arlene passed away.

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

The Department received two successorship claims from the Decedent's daughter, Cheryl P. Corneal (Cheryl) and Dana Palmeira (Dana), the Decedent's niece.

Pursuant to Section 209 Of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor the commission is authorized to terminate the lease or to continue the lease by designating a successor. The Department attempted first to award the lease to Cheryl Corneal. However, she eventually relinquished her interest in the lease on October 9, 2017. The Department then attempted to award the lease to the second respondent, Dana Palmeira. On May 2, 2019, she also submitted a relinquishment to the lease. There were no other respondents to the Public Notice.

Existing improvements consist of a three-bedroom, one and one-half bath single family dwelling built in 1992, with a covered carport and utility shed. An appraisal was completed on April 7, 2015 with a value of \$223,000.

As of May 31, 2019, there is an outstanding Loan No. 19623 to Department of Hawaiian Home Lands in the amount of \$71,982.68, with a past due amount of \$27,499.14. The loan was a FHA buyback loan from Midfirst Bank which originated on May 27, 1998, with a loan amount of \$83,040.00. As of May 31, 2019, lease rent of \$9.00 is owed, and real property taxes/trash pickup fees are due in the amount of \$582.12.

The Department requests approval of its recommendation to cancel residential lease no. 6578 and to pay the net proceeds to the estate of Arlene Reyes.

E ITEMS

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting Administrator
Land Development Division

SUBJECT: Ratification of Acquisition of Pu'unani Homestead and Development Agreement, County of Maui, State of Hawaii, TMK: (2) 3-5-002:002, pursuant to Request for Proposals No: RFP-19-HHL-004, Land Acquisition, Island of Maui, dated October 26, 2018

RECOMMENDED MOTION/ACTION

1. The Hawaiian Homes Commission ratifies the acquisition of 48.00 acres of land known as Pu'unani Homestead, located in the County of Maui, State of Hawaii, Tax Map Key No.: (2) 3-5-002:002, and further described in Exhibit "A", attached herewith in exchange for 139 Affordable Housing Credits at escrow closing and 161 Affordable Housing Credits, upon substantial completion of 24 vacant improved lots and upon occupancy of 137 turnkey houses, in response to RFP-19-HHL-004, Land Acquisition, Island of Maui, dated October 26, 2018.
2. The Hawaiian Homes Commission ratifies the Development Agreement for the Pu'unani Homestead, including its project terms and conditions, including scope, budget and schedule for proposed residential development in response to RFP-19-HHL-004, Land Acquisition, Island of Maui, dated October 26, 2018.

DISCUSSION

1. DHHL's original homestead development in Waiehu, initiated in the early 1990's consisted of 39 single-family lots on approximately 12 acres, surrounded by Wailuku Agribusiness sugar cultivation and macadamia nut orchards.
2. Beginning in the early 2000's, DHHL initiated acquisition of land in the Waiehu area for residential development. A window of opportunity opened when Wailuku Agribusiness was seeking to divest its agricultural lands immediately around the Waiehu homesteads. Residential development qualities including site topography and availability of potable water, as well as the proximity to the Kahului business district, government offices, including the Maui District Office, airport made this a highly

desirable area. Views of the West Maui mountains and proximity to the ocean further enhanced the desirability for residential homesteads in the Waiehu-Waihee area.

3. Acquisition of approximately 150 acres of Wailuku Agribusiness land and the implementation of three Development Agreements have resulted in Waiehu Kou Phase 2,3 and 4, totaling 318 residential leases.
4. There appears to be strong demand for residential homesteads, as reflected in the “DHHL Beneficiaries Study Applicant Report, 2014”, prepared by SMS Research, as well as the Maui Island Plan, 2004. However, for all intents and purpose, DHHL has exhausted all its developable land within the Wailuku area. Excerpts from the Maui Island Plan, 2004 regarding demand in Central Maui states on Page 4-31:

“SECTION O. CENTRAL MAUI DISCUSSION

According to the Maui Island Plan beneficiary survey, 237 beneficiaries selected Central 2 (Puunene) as their first choice for residential homestead use. Another 885 beneficiaries selected Central 1 (Waiehu, Paukukalo and Wailuku). Together Central 1 and 2 accounted for 1,122 beneficiaries. The Central 1 and 2 numbers when combined are higher than the 1,107 beneficiaries that chose Upcountry, indicating that Central Maui is a preferred region of DHHL’s beneficiaries. However, the DHHL landholdings in Central Maui are either fully developed or not suitable for homestead development. To meet the shortfall of suitable residential land in Central Maui, it is recommended that DHHL consider a possible land exchange of the Puunene parcels for suitable residential land in Central Maui. Another alternative is acquiring suitable residential Central Maui land through land purchase.”

5. On October 26, 2018, DHHL initiated the Competitive Sealed Proposal procurement process by posting on the State Procurement Office a Notice to Offerors: Request for Proposals No.: RFP-19-HHL-004, Sealed Offers for Land Acquisition, Island of Maui.

The Notice to Offerors states:

“The Department of Hawaiian Home Lands herein solicits proposals from interested landowners/developers (Offerors) to offer real property for acquisition by the Department. The offer may include a proposal for the properties thus acquired to be developed by the Offeror, including, but not limited to, the design and construction of on- and offsite infrastructure, and the design, construction, and marketing of residential units to Department beneficiaries. “

6. An Evaluation Committee, consisting of three Land Development Division staff was designated by the Office of the Chairman. A Pre-Proposal Conference was held on November 9, 2018 at the Paukukalo Community Center and was attended by two

- potential Offerors. Attendance at this Pre-Proposal Conference was not a mandatory requirement to submit an Offer.
7. By 2:00 p.m., November 26, 2018, the Offer deadline, one proposal was submitted by YC94 LLC and DDC LLC, a wholly owned entity of Dowling Company, Inc. On December 20, 2018, the Evaluation Committee, deemed this Offer to be “Acceptable”, and recommended that the Department approve YC 94 LLC and DDC LLC as the developer.
 8. An Summary of the Pu’unani Homestead project, aerial photo and conceptual layout is provided as Exhibit A.
 9. The acquisition of the project land and the implementation of this development requires evaluation of appraisal value of the parcel to be acquired, the methodology to purchase the parcel, the negotiation of a development agreement, including approving its budget, and to establish the terms and conditions for the Developer and Department. Chairman authorized negotiations for the acquisition and purchase of the subject Offer land and the terms, conditions, and budget for a Development Agreement for residential homesteads in the Pu’unani Homestead.
 10. At the close of the calendar year 2018, Act 102, Session Laws of Hawaii 2015, related to Affordable Housing Credits was in jeopardy of sunset, unless extended by the State Legislature. Administrative Bill No. SB1223, proposed a perpetual extension of the use of Affordable Housing Credits for Hawaiian home lands affordable housing developments. Because of the unclear direction of the Legislation due to opposition from various County Administrations, Land Development Division sought to ensure that this project would be able to utilize Affordable Housing Credits in exchange for project benefits and to offset project costs. With the window of opportunity closing, the Department requested and received approval from the County of Maui for the transfer of 139 Affordable Housing Credits.
 11. In the past, the Department has had the most success in implementing the use of Affordable Housing Credits in the County of Maui. The Department has transferred 372 Affordable Housing Credits to subsidiary development entities under the Dowling Company, a long-time developer on Maui. Under the flag of Dowling Company, Maui School Development Partnership and WK3 LLC has developed and provided 428 lots and homes in Waiehu Kou 2, Waiehu Kou 3, Waiehu Kou 4 and Villages of Leialii, Village 1-A. For the exchange of 372 Affordable Housing Credits, in accordance with the Affordable Housing Credit Policy, Dowling Company provided \$4,227,195 deposited to the Department’s Trust Fund. In accordance with the Affordable Housing Credit legislation, the funds obtained from this transaction, must be utilized in the County of origin.
 12. Based on other affordable housing and lot development in the County of Maui, the Department has accumulated 139 unassigned Affordable Housing Credits. Again, because the future of Affordable Housing Credits was unclear and subject to sunset

on June 30, 2019, the Department sought to prudently effectuate the accumulated Affordable Housing Credits through this project; time was of the essence. In early January 2019, the 139 Affordable Housing Credits were transferred to WK3 LLC, via an Acquisition agreement.

13. In the Pu'unani Homestead proposal, Dowling Company, offered the project land, consisting of 48 undeveloped acres, appraised at between \$10,700,000 to \$12,000,000, in exchange for 300 Affordable Housing Credits. The 300 Affordable Housing Credits is comprised of 139 current Affordable Housing Credits and 161 Affordable Housing Credits to be transferred upon completion of improved lots and turnkey houses in the Pu'unani Homestead development. If, for whatever reason, the project does not proceed, or if lots and or turnkey houses are not completed, the project land will have taken on the title of Hawaiian home lands and remain with the Department. The value of the Affordable Housing Credits received by the Department in exchange for the 48 acres would be between \$35,667 and \$40,000. The Department believes this is a worthy opportunity to provide affordable housing to the Waiohuli Undivided Interest list and the Maui Island Residential Waitlist.
14. The development of the infrastructure for 161 lots is currently estimated to cost \$23,365,000. This amount will be offset by the \$4,227,195 set aside from Dowling Company's earlier deposit, pursuant to earlier exchange and purchase of Affordable Housing Credits. The Department recommends releasing the Pre-development costs not to exceed \$3,500,000 to initiate the Environmental Assessment and pre-design and architectural plans. The Department suggests to also begin securing both potable water credits and wastewater credits for this project. Then, subject to a Finding of No Significant Impact; the Department shall seek to budget and release the Trust Funds and/or other capital improvement funds.
15. The proposed turnkey house prices for 131 lots shown in Exhibit A are targeted to addressing the 80% Area Median Income households, subject to favorable credit and debt analysis. Dowling Company will be responsible to secure the necessary funding for interim house construction financing, anticipated to be upwards of \$46,250,000. In line with Department's housing program, 30 improved lots are being provided as vacant lots for owner-builder or self-help construction. As is typical with other large housing developments, a Limited Liability Company will be formed to complete the transactions.

RECOMMENDATION

The Department recommends that the Hawaiian Homes Commission ratify the acquisition of the Pu'unani Homestead and Development Agreement, County of Maui, State of Hawaii, TMK: (2) 3-5-002, pursuant to Request for Proposals No: RFP-19-HHL-004, Land Acquisition, Island of Maui, dated October 26, 2018.

F ITEMS

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 17-18, 2019

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator
Land Management Division 
Andrew Choy, Acting Program Manager
Planning Office

From: Shelly Carreira, Land Agent 
Land Management Division
Nancy McPherson, Planner
Planning Office

Subject: Approval to Issue First Amendment to License Easement No. 484, Board of Water Supply, City & County of Honolulu, Kalawahine Streamside Subdivision, Oahu
TMKS: (1) 2-4-042:047, 051 (por.), 052 (por.), 2-4-043:089 (por.), 090 (por.)

APPLICANT:

Board of Water Supply, City and County of Honolulu "BWS"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to issue first amendment to license easement no. 484 to add approximately 12,965 square feet of land to the existing easement area covering approximately 3,138 for the total amended land area to consist of approximately 16,103 square feet.

Approval of the first amendment is subject, but not limited to the following conditions:

1. The total amended license easement area shall consist of approximately 16,103 square feet (more or less);
2. The Licensee shall pay the documentation and processing fee of \$150.00;
3. With the exception of the current requested action, all of the terms, conditions, covenants, and provisions of License Easement No. 484 shall continue and remain in full force and effect;
4. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts; and
5. The amendment document shall be subject to the review and approval of the Department of the Attorney General.

LOCATION:

Various parcels of Hawaiian home lands situated in Kalawahine Streamside Subdivision, Island of Oahu, identified as TMKS: (1) 2-4-042:047, 051 (por.), 052 (por.), 2-4-043:089 (por.), 090 (por.), encompassing approximately 16,103 sq. ft. and further described as the existing Easement A-4 and the proposed Easement 1, Easement B, and Easement C, as shown in the attached Exhibit “A”.

AREA:

Kalawahine Streamside Subdivision, Oahu

DISCUSSION

The BWS is seeking an amendment to its existing license easement no. 484. The existing license consist of approximately 3,138 square feet and is further described as Easement “A-4”. The amendment would add approximately 12,965 square feet. The total amended land area will consist of approximately 16,103 sq. ft. (0.370 acre) of Hawaiian home lands.

Proposed Easements – 1, B & C

Easement/TMK	Square Feet	Purpose
Easement “1” Portion of TMK 2-4-043:089	6,810	Installing wall anchors within Haalelea Place to stabilize the retaining wall that BWS plans to construct on their property boundary adjacent to Hawaiian home lands.
Easement “B” Portion of TMKS 2-4-042:047,051,052	4,430	Accommodate a 24” waterline connecting the new reservoir to the existing waterline within Anianiku Street.
Easement “C” Portion of TMK 2-4-043:090	1,725	Expand the existing access easement “A-4”.

The proposed Easement “1” is for the purpose of installing rock anchors underground within Haalelea Place for stabilizing the proposed retaining wall. The retaining wall anchors would be embedded in basalt rock. The design is based on a geotechnical study and investigative borings and a geotechnical engineer would be on-site during construction to verify the soil profile and depth of the basalt rock are consistent with the findings of their geotechnical investigation report. DHHL will require close monitoring of the structural integrity of the improvements on each adjacent lot during the construction period to determine if any damages are occurring. We are looking further into requiring that BWS indemnify DHHL and affected lessees from any and all damages to adjacent improvements. The installation of the retaining wall adjacent to Haalelea Place may mitigate potential erosion at the existing slope.

The proposed Easement “B” is to accommodate placement of a 24” waterline through two unencumbered Hawaiian home land parcels (flag lots) along Kanaha Stream, and under a roadway easement parcel that is parallel to two homestead parcels and connect to the waterline along Anianiku Street. The Kalawahine Reservoir Final Environmental Assessment and the Papakolea Regional Plan show the 24” waterline in an alignment that runs along Roosevelt High School. This alignment was rejected due to hilly and rocky terrain. As submitted by BWS consultant, the attached Kanaha Stream crossing study was conducted to evaluate the best location to cross Kanaha Stream (Exhibit “B”). The following options were evaluated:

- Option 1 – constraints due to difficulty constructing an open-cut installation among the boulders and into the basalt stratum along almost the entire length of the streambed.
- Option 2 – would require cutting into a slope along the edge of various properties which front Anianiku Street and may jeopardize the stability of the existing slope and home.
- Option 3 (preferred option) – this alignment would have an open-cut installation in the streambed and require an easement through two unencumbered lots and an existing roadway easement.

Option 3 is the preferred option and further identified as proposed Easement “B” in the attached Exhibit “A”. According to BWS, the 24” waterline will be fully jacketed in reinforced concrete from the reservoir to Anianiku Street, which is the same level of protection used for freeway crossings and the risk of a waterline leak is low. In addition, water pressure is projected to be low in this location because it is closer to the start of the waterline system.

The proposed Easement “C” runs parallel to the existing Easement “A-4” and serves to expand this entry point and pathway.

The proposed easements do provide benefits to DHHL and its beneficiaries and will also benefit the community as a whole by improving water system performance and reliability in meeting domestic fire protection needs as well as greater flexibility of the system in emergency situations. Increased storage capacity also provides the system with resilience in adapting to impacts from climate change, such as extended droughts.

BACKGROUND

At its meeting of August 28, 2001, the Hawaiian Homes Commission granted approval to issue a perpetual, non-benefit, non-exclusive license easement to the Board of Water Supply, City and County of Honolulu for the use of Hawaiian home lands. The license easement covers approximately 3,138 square feet on a portion of Tax Map Key No. (1) 2-4-43-90. The purpose of license easement no. 484 is to provide BWS with access to its abutting property, where BWS has planned to construct its Kalawahine 180’ reservoir. The license easement also resolved an encroachment that occurred when DHHL’s Kalawahine Streamside drainage improvements were partially constructed on lands under the Board of Water Supply (BWS).

Prior to the development of DHHL’s Kalawahine Streamside project, BWS had control and management of a 6-acre parcel in Kalawahine valley granted to it by way of Governor’s Executive Order No. 1529. Upon request from DHHL, BWS transferred 4.5 acres of the 6-acre parcel so DHHL could proceed with its Kalawahine development plans. BWS transferred the land with the understanding that BWS may construct water facilities in the future. The sales contracts for all 87 homes within Kalawahine Streamside included a disclosure of the BWS site and its possible uses.

PLANNING SYSTEM

CHARACTER OF USE:

Existing Use: Unencumbered landlocked parcels and an access and utility parcel within an existing residential homestead subdivision.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

BWS' plans have been evaluated for environmental impacts by a number of environmental review and planning documents: a Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) in October 2002, the BWS 2016 Water Master Plan, and the BWS's Honolulu 180 Regional Reservoir Site Location Study in 2000. In addition, the request can be exempted from preparation of an EA based on DHHL's approved Exemption List.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

1) DHHL General Plan (2002) goals and objectives:

Land Use Planning

Goals:

- Encourage a balanced pattern of contiguous growth into urban and rural growth centers.

Objectives:

- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.
- 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.
- Implement State water use plans, rules and permits to ensure access to water resources for current and future uses on Hawaiian home lands.

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:

- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.

2) Oahu Island Plan (July 2014)

- Land Use Designation: Conservation and Existing Residential Homestead, Figure 6-3, Honolulu Ahupuaa Land Use Designations

3) Papakolea Regional Plan (December 2009)

- Successful Partnerships – 2. Infrastructure Partnerships: DHHL has partnered with county governments and utility providers on infrastructure improvements that benefit the entire community. DHHL has participated in water system development with the counties by providing funding, land easements, and access to federal and state programs... DHHL has also provided numerous easements over its lands to electrical, water, telephone, and cable companies to service both homestead areas and the general public.
- Infrastructure – Water: The Honolulu Board of Water Supply (BWS) is responsible for the management, control and operation of Oahu’s municipal water system that serves the entire Primary Urban Center Development Plan area. The BWS system is an integrated, island-wide system with interconnections between water sources and service areas. Water is exported from areas of available supply to areas of municipal demand. The East and Central sections of the Primary Urban Center (PUC) overlie the Honolulu aquifer... The Primary Urban center supports 48% of the island of Oahu’s resident population.
- Kalawahine 180’ Reservoir: The City and County of Honolulu Board of Water Supply (BWS) proposes to alleviate the existing potable water storage deficit in the Metro Low West (180’) potable water system service area (below the 180’ elevation from Salt Lake to Diamond Head in Honolulu). The deficit reported in 2002 for water storage is 55 million gallons (MG) as reported in the Honolulu 180’ Regional Reservoir Site Location Study. Additional 2.0 MG storage would improve water system performance and reliability in meeting domestic fire protection needs as well as provide greater flexibility of the water system in emergency situations.

COMMUNITY MEETING

An informational meeting on the project for Papakolea, Kewalo and Kalawahine lessees was held at Stevenson Middle School on April 25, 2019 from 6:00 p.m. to 8:00 p.m. Approximately twenty-five beneficiaries attended. The Board of Water Supply made a presentation on the project, and DHHL facilitated the discussion. Beneficiaries had questions and concerns about potential impacts to traffic and street congestion, the stream, the aquifer, Kalawahine house foundations, and the area Aunty takes care of along Haalelea Place. Most of the frustration expressed was with DHHL’s perceived lack of responsiveness to chronic problems affecting their neighborhoods such as abandoned cars, homeless, drug dealing, and lack of maintenance of the streambed causing flooding during heavy rain events. See attached Exhibit “C” for notes and comments taken during the community meeting.

Board of Water Supply staff were able to alleviate some concerns related to the project with more explanation of how the water system is designed in that area, the purpose of the storage tank, and the history of the project.

Ingress and egress access to the project site requires BWS travers portions of Anianiku Street, Kapahu Street and Naale Street. These streets are State owned and maintained by the City and County of Honolulu under Resolution No. 90-470, as shown in the attached Exhibit “D”. In response to community concerns, DHHL is requesting the City and County of Honolulu, Department of Facility Maintenance investigate beneficiary complaints about abandon and/or derelict vehicles parked along Anianiku, Kaphau and Naale streets. In addition, BWS will mitigate further impacts to traffic by scheduling construction to begin and end during non-peak traffic hours.

AUTHORITY

Authority is granted to the department to issue licenses as easements under the Hawaiian Homes Commission Act, 1920, as amended, Section 207 (c) (1) (A), which states:

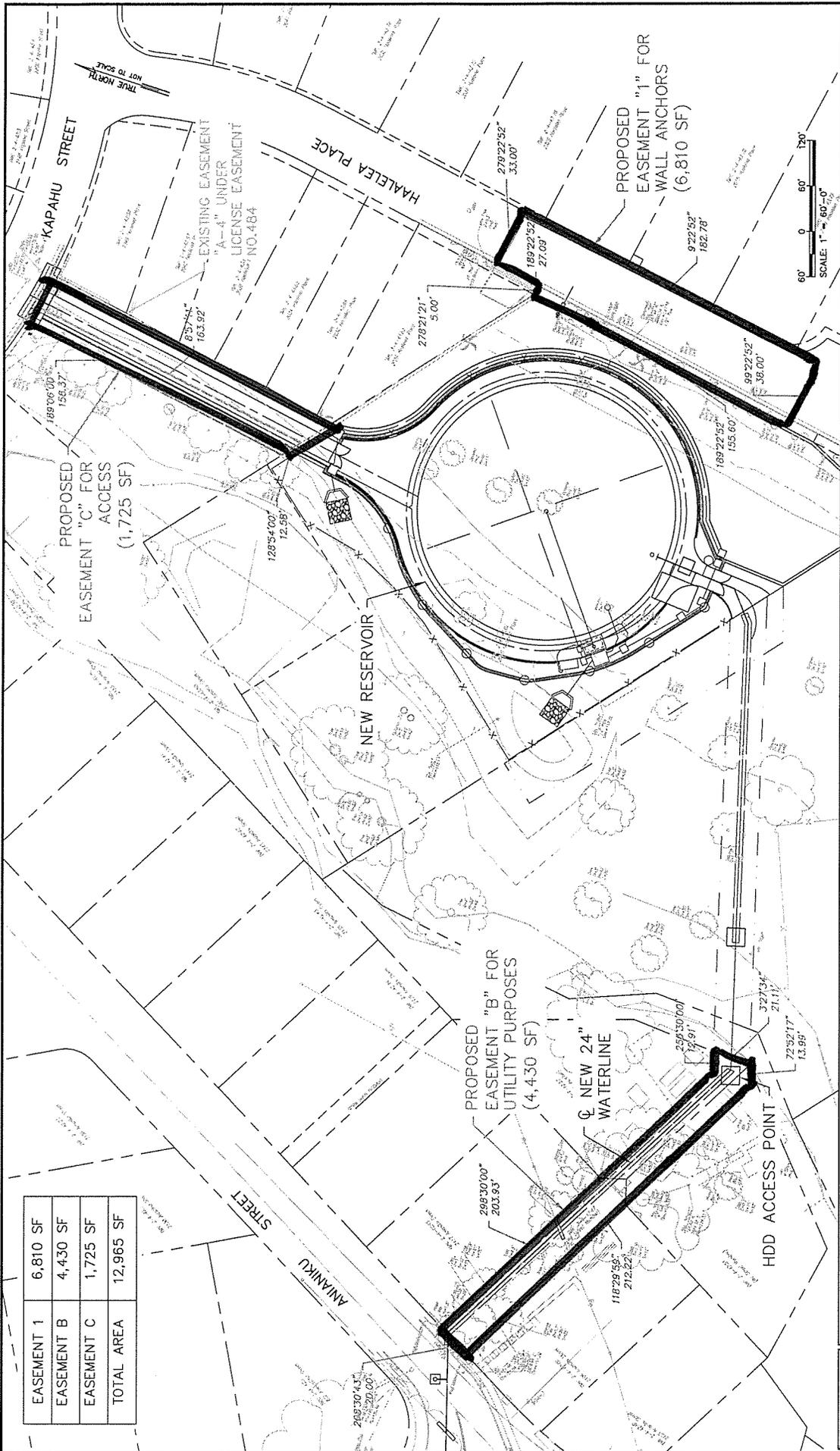
The department is authorized to grant licenses as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like.

As well as in Title 10 of the Administrative Rules for the Department of Hawaiian Home Lands, Section 10-4-22, which states:

Licenses as easement for railroads, telephone lines, electric power and light lines, gas mains and the like, and licenses for improvements for public purposes, including but not limited to schools, post offices, parks, beaches, fire stations, and other public facilities may be granted, in perpetuity or a specified term, subject to reverter to the department upon termination or abandonment, on such terms and conditions as may be prudently and reasonably set by the department.

RECOMMENDATION

Land Management Division respectfully requests approval of the motion as stated.



EASEMENT 1	6,810 SF
EASEMENT B	4,430 SF
EASEMENT C	1,725 SF
TOTAL AREA	12,965 SF

KALAWAHINE 180' RESERVOIR

EXISTING EASEMENT "A-4" & PROPOSED DHHL EASEMENTS - 1, B & C

Kalawahine 180' Reservoir
Kanaha Stream Crossing Study

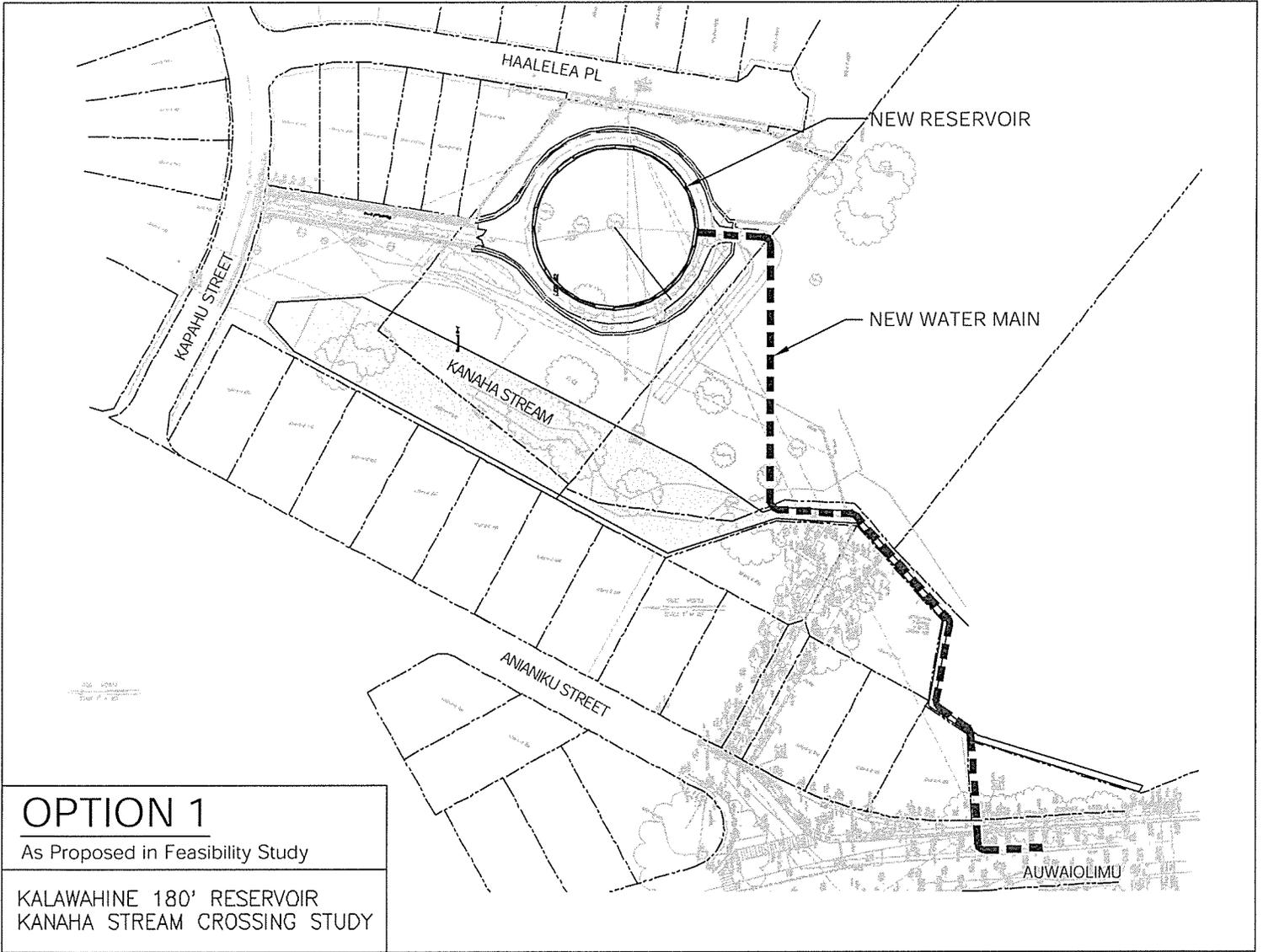
Kanaha Stream is an intermittent stream and is dry except during periods of regular rainfall. The portion of the stream affected by the reservoir contains an 8' by 20' box culvert and associated ponding basin. The stream area is vegetated with a mixture of grass, shrubs and trees. The stream becomes narrow as it approaches Roosevelt High School's property and becomes a channel with CRM walls and a streambed of exposed rocks and boulders. This is consistent with geotechnical investigation which shows upper soil layers of silty clay with numerous boulders and a solid basalt stratum below.

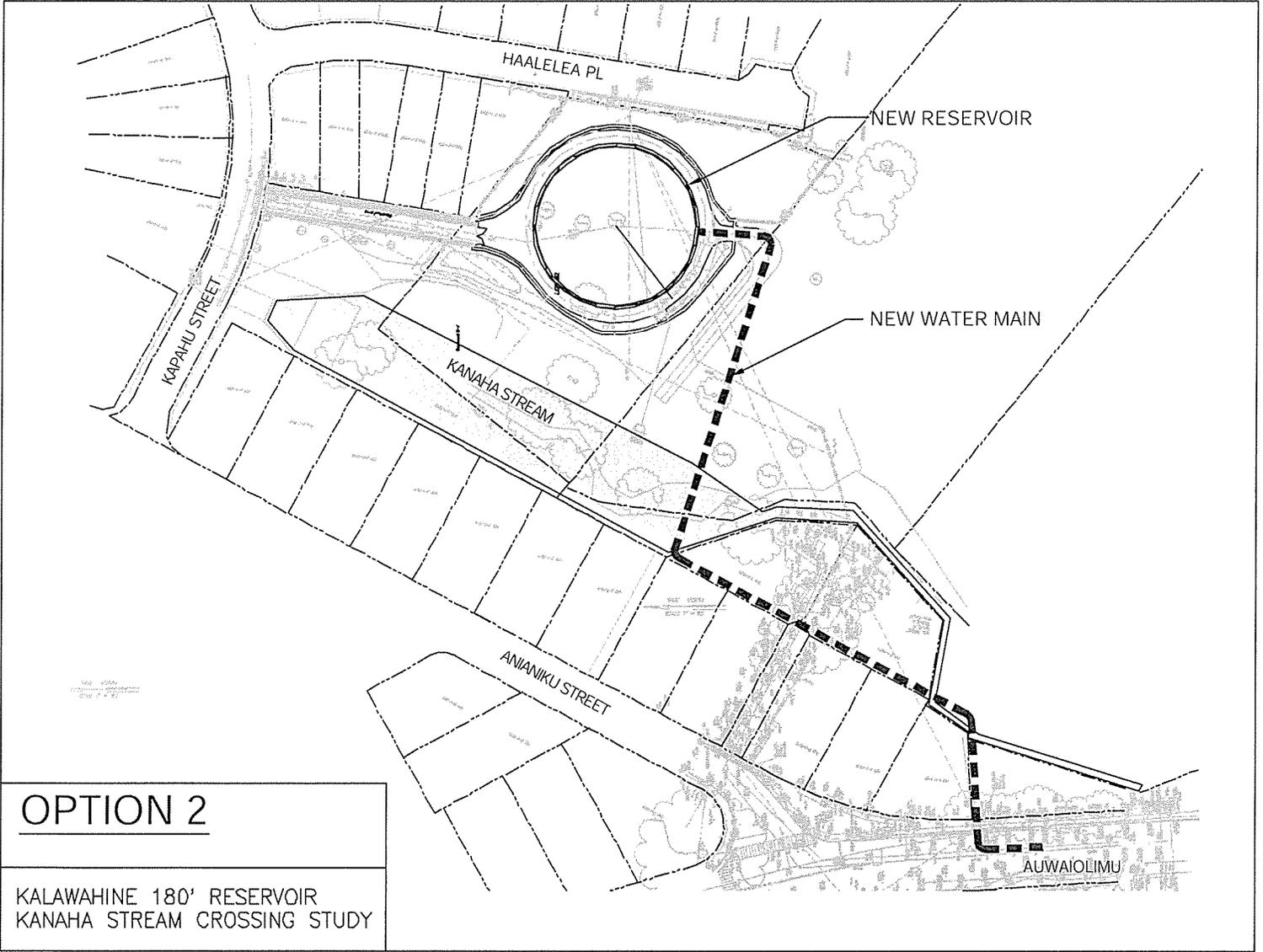
In accordance with the Feasibility Report, alignment Option 1 was developed and is shown in attachments. A site visit by the project team revealed the extreme difficulty in constructing an open-cut installation among the boulders and into the basalt stratum along almost the entire length of streambed following the Anianiku Street property line. We moved to studying alignment Option 2 as shown in attachments. This would have an easier stream crossing but would require cutting into a slope along the edge of various properties which front Anianiku Street. In two instances this may jeopardize the stability of the existing slope and home. In addition easements through two vacant lots would be required. Thus, we moved on to alignment Option 3 as shown in attachments. This alignment would have an open-cut installation in the streambed and require an easement through one vacant lot. An alignment through Roosevelt High School was looked at in the Feasibility Report but was rejected due to the hilly terrain.

We recommend Option 3, since it would have the least cost impact and only require one easement. We need concurrence by BWS Land Division for the possibility of an easement through the vacant lot owned by State of Hawaii, Department of Hawaiian Home Lands.

ITEM NO. F-1

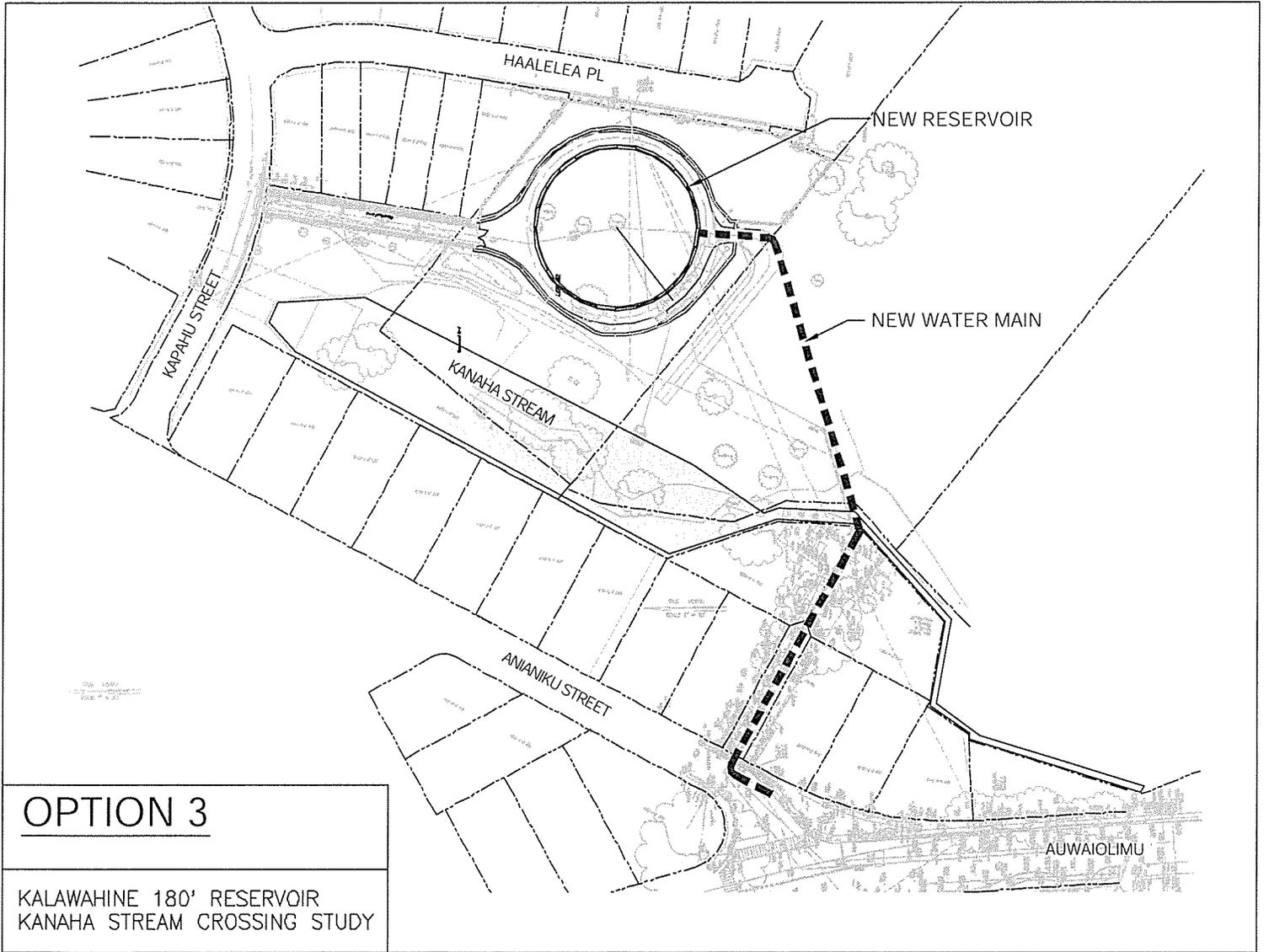
EXHIBIT "B"





OPTION 2

KALAWAHINE 180' RESERVOIR
KANAHA STREAM CROSSING STUDY



Notes & Comments from Community Info Meeting
BWS Kalawahine 2MG Reservoir License Amendment
April 25, 2019 6:00 to 8:00 p.m. Stevenson Middle School
25 beneficiaries in attendance

6:20 p.m. Keahi 'ohana gave opening oli (Kahealani, Pūnohu, Kahoalii, Piimoku)

Project related comments and concerns:

- Project will cause major traffic problems during construction
- Our streets are already clogged with abandoned cars – we need those removed!
- The abandoned cars parked on the street – no one calls us back. There's traffic congestion now.
- Traffic – street congestion. We're down to one lane now – have to wait for each other to get through.
- Cultural concerns about stream – there is mo'olelo about the stream. No diverting the water – BWS(?) stopped the flow of our streams. Hardly any water in our stream now. Kahawai Kapo'opo'o – Anianikū carried the mo'olelo - mo'o were in our streams. A'ohe ka wai.
- Detention basin blocked off the o'opu and 'ōpae. Area hasn't been maintained – trees growing in there now. Schools are getting flooded now.
- Low to no maintenance of the stream – debris is piling up along pillars. Who is supposed to maintain?
- Stream has gotten more and more dried up over the years – (non-DHHL) landowners above have blocked off a water source.
- Stream needs maintenance – lack of maintenance causes flooding – who's responsible? Why isn't DHHL doing its job? Not our kuleana – no one ever cleaned that stream for 19 years – not once.
- How will stream along Anianiku be impacted?
- Kalawahine lots already experiencing instability, spalling of foundation pillars – worried this will make it worse.
- Kalawahine – seems like water is traveling under the street. Seeping out under houses, causing erosion and spalling of foundation.
- How is this project benefitting Kalāwahine and Papakōlea? Wasn't it originally Hawaiian Homelands?
- Need non-potable water for fire suppression
- Water tank land was originally Queen's Hospital land. In strong opposition – there are other alternatives.
- Where is the water coming from?
- Residents of Ha'alele'a Place – DHHL doesn't do much for that area. Aunty has been maintaining it.
- BWS has done damage to Waiawa and Kalawao – 'eha – pain in the na'au.
- People have moved out because it floods.
- There were stream cleanups in the 1990's because of the flooding.
- Tired of living with these problems. BWS is cleaning up the brush – not mad at them – animosity is toward DHHL.
- What if there's an earthquake that damages the 2MG tank? Leave the water in the ground. Doing research on our aquifers – BWS is depleting the aquifer, hitting the saltwater lens.
- I'm tired of hearing the complaining. If it wasn't for Kalawahine, I wouldn't be on Hawaiian Homes. It (the project) is past history. We all knew this project was coming when we signed our leases. I'm on the upper end, and this project is not going to affect me at all.

ITEM NO. F-1

EXHIBIT "C"

RESOLUTION

NOV 16 10 17 AM '90
DEPT OF LAND AND NATURAL RESOURCES
HONOLULU, HAWAII

PROVIDING FOR THE MAINTENANCE OF ROADWAYS WITHIN THE KEWALO/PAPAKOLEA (FIRST SERIES) RESIDENCE LOTS, SITUATE AT KEWALO/AUWAIOLIMU, HONOLULU, OAHU, HAWAII

WHEREAS, improvements were recently completed for State Department of Hawaiian Home Lands roadways within the 1) Kewalo Residence Lots, situate at Kewalo, Honolulu, Oahu, Hawaii, to-wit: KAULULAAU STREET, MOREIRA STREET, MOREIRA STREET EXTENSION, IAUKEA STREET, KAUHANE STREET, KRAUSS STREET, NAALE STREET, KAPAHU STREET, ANIANIKU STREET, and 2) Papakolea (First Series) Residence Lots, situate at Auwaiolimu, Honolulu, Oahu, Hawaii, to-wit: HIILANI STREET, IAUKEA STREET, KAUHANE STREET, KRAUSS STREET, KEOPUA STREET, KALAMAKU STREET, the descriptions of which parcels of land are attached hereto and made a part hereof; and

WHEREAS, said roadways were improved to City requirements; and

WHEREAS, Section 220, Hawaiian Homes Commission Act of 1920, as amended, provides that roads constructed through Hawaiian Home lands other than federal aid highways and roads shall be maintained by the counties or city and county in which such roads to be maintained are located;

NOW, THEREFORE, be it resolved by the Council of the City and County of Honolulu that the above-named streets, situate within the aforementioned subdivisions, shall be maintained by the City and County of Honolulu as of the date of the adoption of this resolution.

BE IT FURTHER RESOLVED that the City Clerk be, and he is hereby directed to forward a copy of this Resolution to Mr. William W. Paty, Chairperson of the Department of Land and Natural Resources of the State of Hawaii, and to Ms. Hoaliku L. Drake, Chairman of the Hawaiian Homes Commission of the State of Hawaii.

INTRODUCED BY:
 (BE)

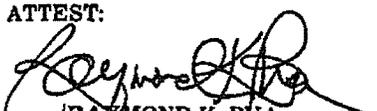
DATE OF INTRODUCTION
OCT 15 1990
Honolulu, Hawaii

PW

CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:


RAYMOND K. PUA
CITY CLERK


ARNOLD MORGADO, JR.
CHAIR AND PRESIDING OFFICER

Dated NOV 14 1990

ADOPTED MEETING HELD			
NOV 14 1990			
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Reference: D 879

Report No. PWCR-521

**Resolution No.
90-470**

ITEM NO. F-1
EXHIBIT "D"

G ITEMS

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 17-18, 2019

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*
From: Nancy M. McPherson, Planner *N McPherson*
Subject: For Information Only - Update on DHHL Efforts:
Climate Change and Sea Level Rise Adaptation,
Community Resilience and Hazard Mitigation on
Hawaiian Home Lands, Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

This informational submittal serves as an annual update to the Hawaiian Homes Commission (HHC) regarding DHHL and homestead community initiatives and activities in the areas of climate change adaptation (CCA) and sea level rise (SLR), community resilience planning (CRP) and hazard mitigation (HazMit). The Planning Office last provided the HHC with a separate update on these topics at the June 18-19, 2018 HHC Meeting on O'ahu (Item G-4), which was provided again in April 2019 on Molokai (Item G-3), along with the first information submittal discussing coastal zone management issues originally presented to the HHC in Sept. 2016, both submittals comprising Exhibit 'C' of Item G-3.

This update is not intended to reiterate information provided in past submittals, but instead build on and refer to the submittals as background information. See Table 1, "CZM/SLR/CRP/HazMit Info Submittals to Date", for all informational submittals on these topics provided to the HHC so far. HHC meetings were held on O'ahu unless otherwise noted. Larger documents and additional information can be viewed or downloaded via the weblinks provided (see footnotes).

HHC Meeting	Item No. & Title	Topics / Description
April 15-16, 2019 (Moloka'i)	Item G-3, Moloka'i Planning Projects Status (pages 5-15)	So. Molokai Shoreline Erosion Management Plan (SM-SEMP) Phase I; CCA & SLR planning activities at federal, state & county levels.
June 18-19, 2018	Item G-4, Update on DHHL Efforts: Climate Change & Sea Level Rise Adaptation, Community Resilience & Hazard Mitigation on Hawaiian Home Lands, Statewide	First update, per HHC request at April 2018 meeting. Reviewed federal, state and county activities Sept. 2016 to June 2018. Continued to recommend integrated, ahupua'a based approach.
September 19-20, 2016 (Maui)	Item G-6, Planning for our Makai Communities - Integrating Coastal Zone Management, Community Resilience & Hazard Mitigation on Hawaiian Home Lands Along the Shoreline, Statewide	Outlined CZM jurisdictional issues, DHHL CZM reviews, CZM, CCA, CRP & disaster preparedness efforts at state, county and homestead community levels; listed potential funding sources.

Table 1 - CZM/SLR/CRP/HazMit Info Submittals to Date

Since the June 2018 informational update, there have been major developments in the ongoing initiatives at county, state and federal levels to plan for and adapt to climate change and sea level rise impacts and improve and integrate disaster preparedness, hazard mitigation and community resilience planning. Signed on April 18, 2019, "Global Goals, Local Action - Declaration of Commitment to Sustainability for Hawai'i" is a joint declaration by Governor David Ige, Hawai'i's Congressional delegation, Senate and House leadership, the mayors of all four counties and other state leaders renewing their commitment to sustainability goals. See Exhibit 'A', Declaration.

On July 16, 2018, in response to sobering information on climate change and sea level rise contained in briefs adopted by the Honolulu Climate Commission, Mayor Kirk Caldwell issued a formal directive to all city departments and agencies to take action in order to address, minimize the risks from, and adapt to the impacts of climate change and sea level rise.¹

The Department of Hawaiian Home Lands (DHHL) is participating in state and county efforts on an ongoing

¹ <https://www.resilientoahu.org/pressconference071618/>

basis. The Chairman and Planning Office staff have met internally to discuss CCA and SLR issues and have been attending meetings of the Hawai'i Climate Change Mitigation and Adaptation Commission (State Climate Commission), and the Honolulu City and County's Climate Change Commission (CCC), as well as special events and activities such as climate change and sea level rise workshops and conferences. See Table 2 below, "Summary of Major CCA/SLR Activities since June 2018."

Activity / Project	Date	Topics / Description
Hawai'i Climate Change Mitigation and Adaptation Commission (State Climate Commission) Meetings	Apr. 24, 2019	Greenhouse Gas inventory; Carbon Offset program; Report on outcome of 2019 Leg Session; agency implementation updates; climate equity
	Nov. 27, 2018	Ground transportation emissions reductions; potential legislation for climate change mitigation & adaptation, climate change updates
	Sept. 4, 2018	Ground transportation emissions reductions; Report on SLR adaptation implementation actions to reduce State's exposure to SLR
2019 Hawai'i Climate Conference - Hā O Ke Kai ² See Exhibit 'B', Conference Flyer	Jan. 14, 2019	Highlighted climate change initiatives of State & partners; held three panels on how best to implement climate change mitigation & adaptation actions
Hawai'i Ocean Resources Management Plan - Coordinated Working Group (ORMP-CWG) and Council on Ocean Resources (COR) (MP: Management Priority)	May 22, 2019	Joint meeting of COR and ORMP-CWG. Update on CZMP projects; reviewed ORMP Update methodology & schedule
	Apr. 4, 2019	MP #3 - Watershed Management: Water Reuse
	Mar. 7, 2019	MP #1 - Appropriate Coastal Development & MP #2 - Management of Coastal Hazards: Managed Retreat
	Feb. 7, 2019	ORMP-related bills introduced for 2019 Leg Session; ORMP Update Process

² <http://climate.hawaii.gov/conference/>

Activity / Project	Date	Topics / Description
	Nov. 1, 2018	MP #2 - Management of Coastal Hazards: Planning for Hawai'i's Coastal Change
	Oct. 4, 2018	MP #3 - Watershed Management & MP #5 - Coral Reef: Hawai'i's Water Quality Mauka to Makai
	Aug. 2, 2018	MP #6 - Ocean Economy: Tourism & Green Business
	July 5, 2018	MP #7 - Cultural Heritage of the Ocean, & MP #9 - Collaboration and Conflict Resolution: OHA's activities (Keola Lindsey, Program Manager, Papahānaumokuākea)
PICCC Resilient Hawaiian Communities Initiative	2018 to present	Kailapa & Waiehu Kou 3 proposals chosen; projects underway
Honolulu Climate Change Commission Meetings	2018: July 17, Sept. 18, Oct. 16, Nov. 26 / 2019: Jan. 8, Mar. 19, May 28	Office of CCSR Reports; Climate Change & Insurance Risk; GHG Emissions; CAP Meetings; Resilient Building & Energy Codes; Legislation
South Molokai Shoreline Erosion Management Plan (See Item G-3, April 15-16, 2019 HHC Meeting)	July 2018 to present	Project underway; fieldwork, interviews & community meetings being conducted

Table 2 - Summary of Major CCA/SLR Activities since June 2018

DISCUSSION

Federal-level Planning Activities

Resilient Hawaiian Communities

The Pacific Islands Climate Change Cooperative (PICCC) Resilient Hawaiian Communities (RHC) Initiative, a multi-agency sponsored, two-year project designed to support community resilience planning in two Native Hawaiian communities, selected two Hawaiian Homestead communities in 2018, Kailapa in South Kona, Hawaii Island, and Waiehu Kou 3 in Waiehu, Maui. The Initiative is providing technical assistance and funding through a collaborative process informed by an expert group of organizations and individuals who are leaders in natural and cultural resource management, climate change science, and planning in Hawai'i.³

³ <http://resilienthawaiiancommunities.com/>

The purpose of the Kailapa Community Resilience Plan (KCRP) is to create a roadmap for future land use development, promote the community's ability to thrive, and become a truly Resilient Hawaiian Community. Thriving includes the ability to adapt to and manage environmental threats as the climate changes, and be prepared and aware of potential economic, social, and physical vulnerabilities. The KCRP identifies optimal land uses to support a healthy community that manages all the resources available to it. The Plan identifies a pathway leading to how a resilient Kailapa could look like in the future, and most importantly what steps it would take to get there.

The Waiehu Kou 3 Resilient Hawaiian Communities project has conducted a series of workshops and community service and learning huaka'i in Waiehu, documented by short films that illustrate the goal of increasing community resilience by reconnecting people with place and providing opportunities to practice mutual healing through mālama o ka 'āina. See Exhibit 'C' Maka'ala Project Waiehu.

State-Level Initiatives

There has been significant activity at the state level since the June 2018 HHC update regarding climate change adaptation, sea level rise mitigation and community resiliency planning. Twenty-two bills related to climate change mitigation and adaptation and shoreline erosion were introduced for the 2019 legislative session. Unfortunately, efforts to pass significant legislation were less than successful. A campaign to pass legislation implementing recommendations of the Sea Level Rise Report and guidance from the State Climate Commission will be renewed for the 2020 legislative session, and DHHL will monitor that effort.

Hawai'i Climate Change Mitigation and Adaptation Commission

Act 32, signed by Governor David Ige in 2017, amended Hawai'i Revised Statutes (HRS) Chapter 225P by renaming the Interagency Climate Adaptation Committee (ICAC) the "Hawai'i Climate Change Mitigation and Adaptation Commission" (State Climate Commission) as well as assigning various tasks to the Commission related to climate change mitigation and adaptation. The Chairman of the HHC has a seat on the Commission and is supported by Planning Office staff.⁴

Since its inception, the State Climate Commission has pursued two main areas of focus: 1) understanding and developing strategies to reduce greenhouse gas (GHG)

⁴ <http://climate.hawaii.gov/commission/>

emissions, with an emphasis on mitigating ground transportation emissions by transitioning to clean transportation, and 2) implementing the recommendations of the Hawaii Sea Level Rise Vulnerability and Adaptation Report (SLR Report). See Exhibit 'D' Goals, and for more information on its 2018 activities, see the Climate Commission's December 2018 "Report to the Thirtieth Legislature."⁵

Greenhouse Gas Sequestration Taskforce and Carbon Farming

Formed pursuant to Act 15, Session Laws of Hawaii 2018, the Greenhouse Gas (GHG) Sequestration Task Force, housed in the State Office of Planning, aims to promote GHG sequestration using nature-based solutions, by understanding the baseline GHG emissions within Hawaii, and ultimately identifying policies and practices to achieve enhanced sequestration. The Task Force met on Nov. 29, 2018 and Feb. 28, 2019. To fulfill the mandates of Hawaii Revised Statutes § 225P-4, the Task Force has sponsored four projects that are focused on understanding carbon storage pathways and soils health in Hawai'i, developing a baseline and benchmarks, and exploring nature-based solutions. The Task Force's GHG Emissions Report for 2015 was finalized in January 2019.

The concept of "carbon farming" via agriculture, agroforestry, and aquaculture may create opportunities for DHHL and beneficiaries in the near future by incentivizing agricultural and aquacultural use of lands for carbon sequestration. The DHHL Planning Office will continue to monitor policy and program development and advocate for inclusion of DHHL lands in these programs when in the best interests of the trust and the beneficiaries. See Exhibit 'E' Agriculture's Impact on Climate Change.

Ocean Resources Management Plan (ORMP)⁶

DHHL staff has been attending meetings of the ORMP Coordinated Working Group (CWG), which identifies resources and recommends ORMP implementation strategies the ORMP. Staff monitors the discussion, shares information on DHHL's coastal management and SLR adaptation efforts, and advocates for the rights of the Trust and beneficiaries when appropriate. The most recent meeting, on May 22, 2019, was a joint meeting of the Council on Ocean Resources (COR) and the ORMP-CWG.

⁵ <https://dlnr.hawaii.gov/wp-content/uploads/2018/12/OCCL19-Hawaii-Climate-Change-Rpt-FY18.pdf>

⁶ <https://planning.hawaii.gov/czm/ormp/>

The Council is responsible for 1) setting Partnership priorities and 2) providing leadership and direction to the Coordinating Working Group on implementing the ORMP. The State Office of Planning, Coastal Zone Management Program (OP-CZM) staff presented an overview of the State's CZM Program and outlined the methodology and schedule for the upcoming ORMP update, which occurs every five years.

*ORMP Five-Year Update*⁷

OP-CZM has started the planning process for the next ORMP Update. The ORMP includes county, state, and federal stakeholders who implement public projects and programs related to the ocean and shoreline. However, its focus is actually *mauka a makai* because the entire state lies within the Coastal Zone Management Area (CZMP). DHHL is considered a "soft partner" and the Planning Office will participate in the update process as well as facilitate participation by DHHL beneficiaries. See Exhibit F - ORMP Update Schedule.

OP-CZM also released a report titled "Assessing the Feasibility and Implications of Managed Retreat Strategies for Vulnerable Coastal Areas in Hawai'i" in February 2019. Of the three main adaptation approaches to SLR and other coastal hazards -- accommodation, protection and managed retreat -- the report is an initial assessment of the feasibility of pursuing a course of managed retreat for Hawai'i.⁸ The report developed four scenario profiles: (1) Resorts, Hotels and Condominiums, (2) Urban Area, (3) Single-Family Homes, and (4) Critical Infrastructure. Key findings of the report included the following:

- The community must have some level of agreement, understanding and support for retreat.
- The community should arrive at the decision to support retreat and should decide what areas are to be retreated.
- Retreat should not result in fragmented / fractured / divided communities.

HB 461, HD 1 requires the State Climate Commission to identify critical public infrastructure in impacted areas and provide policy direction to the Legislature with strategies for mitigation and adaptation to SLR before the 2021 Session. This could trigger a discussion of retreat.

⁷http://files.hawaii.gov/dbedt/op/czm/ormp/policy_group/meeting_handouts/ORMP%20In%20Review_Informational%20Brochure_May%202019.pdf

⁸http://files.hawaii.gov/dbedt/op/czm/ormp/assessing_the_feasibility_and_implications_of_managed_retreat_strategies_for_vulnerable_coastal_areas_in_hawaii.pdf

County-level Planning Activities

The DHHL Planning Office has been tracking and/or participating in County climate change adaptation and community resilience planning efforts, both separately and through the comprehensive planning process, as time and workload permits.

Honolulu City & County

The City and County of Honolulu's Office of Climate Change, Sustainability and Resiliency (CCSR), established by City Charter in 2016, conducted eleven Climate Action Plan (CAP) public meetings across O'ahu from Sept. 2018 to Jan. 2019. A Climate Action Plan is a community-specific strategy to combat climate change and eliminate fossil fuel emissions – the root cause of global warming. A CAP lays out a detailed list of programs, policies, and actions that a community must take to reduce greenhouse gas (GHG) emissions over a period of several years.⁹

The four main components of a CAP are:

- A local inventory of current annual GHG emissions;
- A series of target emissions reduction goals and dates relative to a baseline year or amount;
- A comprehensive list of actions that will reduce or eliminate carbon pollution to achieve those emission reduction targets.
- Community outreach to build awareness and understand priorities concerns from a diverse set of stakeholders and residents

The CCSR released the first-ever City and County of Honolulu Annual Sustainability Report on April 24, 2019. The CCSR subsequently issued the first Resiliency Plan for Honolulu on May 22, 2019, the same day as the Joint meeting of the COR and ORMP-CWG.¹⁰

Kaua'i County

The County of Kaua'i Planning Department launched the public process for the West Kaua'i Community Plan on August 4, 2018. An important focus of that plan will be community resilience and climate change adaptation. DHHL staff has been participating in the planning process, and the release of the Draft Plan is anticipated for August 2019. As part of the supporting research, the County engaged the University

⁹ <https://www.resilientoahu.org/climate-action-plan>

¹⁰ <https://www.resilientoahu.org/home>

of Hawai'i Sea Grant and Dept. of Urban and Regional Planning to conduct a Community Vulnerability Assessment for West Kaua'i. Using the Vulnerability, Consequences, and Adaptation Planning Scenarios (VCAPS) model that has successfully been used in other coastal communities across the nation, six focused discussions were held in Waimea, with significant participation by DHHL beneficiaries from the area. The County is also trying to work out how to use the Sea Level Rise Exposure Area (SLR-XA) data as a planning tool.¹¹

Maui County

The County of Maui Planning Department's coastal and shoreline planning team, with technical support by UH Sea Grant, continues to be a state leader in addressing increasing shoreline erosion (eighty-five percent of Maui's shoreline is eroding) and other impacts of sea level rise, particularly in West Maui¹². The Planning Department is updating the West Maui Community Plan, which will include in its guiding principles sustainability, resilience, and impacts of sea level rise as key topics. The Planning Department is also proposing new shoreline setback rules that incorporate sea-level rise data¹³, and have implemented a successful dune protection and restoration program, which increases shoreline resiliency.¹⁴

Hawai'i County

Hawai'i County is actively implementing CCA, GHG emissions and SLR mitigations and comprehensive and HazMit planning initiatives. The Planning Department is currently doing a comprehensive General Plan update to identify high risk hazard areas and address climate change in all their planning programs and capital projects.¹⁵

Relationship to Existing DHHL Plans

Policy statements contained in various DHHL plans previously approved by the HHC generally support the underlying bases of coastal zone management, community resilience and hazard mitigation, but there is a lack of

¹¹ <http://climate.hawaii.gov/wp-content/uploads/2019/04/Kauai-Update.pdf>

¹² <https://www.mauinews.com/news/local-news/2018/11/perfect-storm-of-erosion-washing-away-west-maui-beaches/>

¹³ <https://www.mauinews.com/news/local-news/2018/09/shoreline-setback-rules-draw-line-in-the-sand/>

¹⁴ <http://climate.hawaii.gov/wp-content/uploads/2019/04/Maui-update.pdf>

¹⁵ <http://climate.hawaii.gov/wp-content/uploads/2019/05/April-Surprenant-Hawaii-County-update.pdf>

specificity or an overall framework to integrate these policy statements, coordinate implementation efforts and promote internally consistent application of these principles throughout the Planning System as well as implementing them throughout DHHL as a whole.

DHHL General Plan

The Planning Office will be initiating an update to the DHHL General Plan in 2020. During that planning effort, it is anticipated that community resilience planning, adaptation to climate change and sea level rise, and disaster preparedness will be topics explored with beneficiaries.

Island Plans and Regional Plans

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs, opportunities, and priorities. As an example of best practices in indigenous planning, the 2005 Island Plan for Molokai used an ahupua'a-based approach for designating land uses, incorporating mauka-makai access for traditional and customary purposes, and designating sensitive areas as Special District with provisions for subsistence and cultural resources protection.

The O'ahu Island Plan (2014), the last Island Plan to be formulated, had to deal with a highly urbanized land base characterized by a shortage of land developable for homesteading. Nonetheless, an effort was made to establish a sense of place by organizing the plan by moku and ahupua'a. A Geographic Information Systems (GIS)-based environmental constraints analysis excluded lands with steep slopes, wetlands, and lands in flood-prone areas, which serves to reduce the risks associated with developing in hazard-prone areas. However, in 2014 the Sea Level Rise Exposure Area (SLR-XA) data was not yet available, and an examination of areas exposed to coastal hazards was not performed as part of the existing conditions analysis.

The Planning Office will incorporate best practices in integrated coastal zone management, community resilience, disaster preparedness, vulnerability analysis and hazard mitigation planning in future Island Plan updates.

Regional Plans

In their most recent updates, disaster preparedness was identified as a priority project in both the Nanakuli (July 2018) and Wai'anae (December 2018) Regional Plans. Both plans included a section under infrastructure titled "Climate Change and Disaster Preparedness." The plans reference an existing resource for community members as being the Waianae Coast Disaster Readiness Team website at www.waianaeready.com.

Beneficiary outreach for the Kealakehe-La'i'ōpua, Moloka'i and Papakōlea Regional Plan updates has identified homestead community concerns about lack of emergency shelters, drainage and flooding, climate change and shoreline erosion, and overall disaster preparedness and response strategies. Several of the Moloka'i projects under discussion reflect beneficiary awareness of the climate and shoreline changes that homesteaders are already experiencing and respond to concerns about how lessees and DHHL are planning for community resilience to better handle future impacts.

DHHL Water Policy Plan

The Water Policy Plan adopted by the Hawaiian Homes Commission (HHC) in 2014 articulates a vision, mission and values as well as goals and policies as guidance for implementing the language in the Hawaiian Homes Commission Act (HHCA) regarding the rights and responsibilities of the Hawaiian Homes Commission (HHC) and DHHL to ensure the availability of adequate, quality water for the purposes of the HHCA.

The following WPP goal is listed under additional goals to be worked on based on the availability of resources:

Part II. Plan for our water needs

4. Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, alternative sources and efficiency measures.

With the planned formation of a separate Water Branch (WPP Additional Goals, Part I. Understand our trust water assets - Goal 3: Staff and organize the DHHL consistent with importance of water to the trust), additional staff and resources could eventually be made available to fully implement Additional Goal 4 and enhance watershed and water resource protections (WPP Priority Goal 4: Support watershed

protection and restoration on DHHL lands and source areas for DHHL water) in light of potential impacts to those resources due to projected climate change and sea level rise.

Coastal Zone Management (CZM) Review of Projects Near the Shoreline

The Planning Office continues to provide ongoing environmental review and planning technical assistance to the line agencies (LMD, LDD, HSD), the District Offices, homestead associations and beneficiaries regarding important environmental, cultural and natural resource issues in homestead communities.

Current/Ongoing Planning Office activities:

- South Molokai Shoreline Erosion Assessment Plan development (through Spring 2020)
- Community outreach and education, e.g. tabling at the annual Molokai Earth Day celebration
- Participation in CZM and Climate Change Adaptation planning processes, statewide
- Policy analysis and legal review of HHC authorities in relation to CZM at federal, State and County levels of jurisdiction
- Working on Memoranda of Understanding with all the Counties re: zoning and development standards, infrastructure, building permits etc., to reach agreement on procedures related to coastal zone and SMA regulation, climate change adaptation, sea level rise and other coastal hazard mitigations.

Next Steps

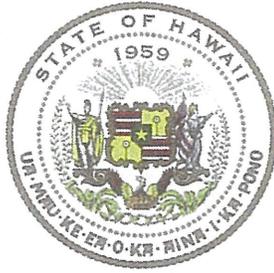
- Develop an integrated policy framework via the Planning System, starting with the General Plan update in 2020
- Develop a more coordinated approach to DHHL representation and involvement in various disaster preparedness and community resilience planning processes, policies, and implementation activities at the federal, state and county levels.
- Conduct cross-training on climate change and community resilience planning within the Planning Office for land use and environmental planners

- Include considerations of sea level rise, climate change and hazard vulnerability in the criteria for evaluating land exchanges and acquisitions
- Conduct a workshop for the Commission in late 2019 or early 2020 to generate recommendations and direction on prioritization of DHHL efforts for the above
- Conduct Community Resilience Planning workshops in 2020 for homestead communities interested in developing Community Resilience Plans.

The Planning Office will continue to work on framing the issues and developing a programmatic framework for integrating DHHL efforts in these areas.

RECOMMENDATION

None; for information only.



Global Goals, Local Action

Declaration of Commitment to Sustainability for Hawai'i

WHEREAS, Hawai'i and islands around the world are vulnerable to the effects of climate change, import dependency and biodiversity loss; and

WHEREAS, island communities also face challenges on housing affordability, community resilience and economic risks along with an increasing number of natural disasters, making sustainability practices more essential; and

WHEREAS, Hawai'i is among a number of islands that are emerging as global leaders with integrated solutions to these challenges that can be scaled to advance the global sustainability agenda; and

WHEREAS, Hawai'i launched the Aloha+ Challenge: He Nohona 'Ae'ōia in 2014 as a statewide sustainability commitment and adopted Senate Concurrent Resolution 69 (SCR 69) to support our shared economic, social, and environmental goals, building on Hawai'i's culture and island values; and

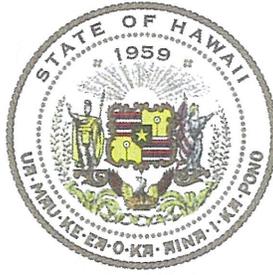
WHEREAS, the Aloha+ Challenge is Hawai'i's local framework to achieve the United Nations Sustainable Development Goals and Paris Climate Agreement adopted by world leaders in 2015; and

WHEREAS, the United Nations recognized Hawai'i as one of the world's first Local2030 Hubs as a result of the collective statewide leadership on the Aloha+ Challenge and collaboration with the Global Island Partnership to scale island sustainability models; and

WHEREAS, the Hawai'i Green Growth Local2030 Islands Hub works with public, private, and civic partners to accelerate and scale island-led solutions to achieve the United Nations Sustainable Development Goals; and

WHEREAS, Hawai'i's own Hōkūle'a, Hikianalia and crews of the Polynesian Voyaging Society continue to carry the message of "Mālama Honua—to care for our Island Earth," engaging worldwide communities to practice living sustainably; and

WHEREAS, the five-year anniversary of Hawai'i's Aloha+ Challenge demonstrates the critical importance of local leadership and action to achieve global goals;



Global Goals, Local Action

Declaration of Commitment to Sustainability for Hawai'i

THEREFORE I, DAVID Y. IGE, Governor of the State of Hawai'i, and **Joshua B. Green**, Lieutenant Governor, State of Hawai'i; **Brian E. Schatz**, U.S. Senator, State of Hawai'i; **Mazie K. Hirono**, U.S. Senator, State of Hawai'i; **Tulsi Gabbard**, U.S. Representative, State of Hawai'i; **Edward E. Case**, U.S. Representative, State of Hawai'i; **Ronald D. Kouchi**, Senate President, State of Hawai'i; **Scott K. Saiki**, House Speaker, State of Hawai'i; **J. Kalani English**, Senate Majority Leader, State of Hawai'i; **Della Au Belatti**, House Majority Leader, State of Hawai'i; **Kirk W. Caldwell**, Mayor, City and County of Honolulu; **Harry Kim**, Mayor, County of Hawai'i; **Derek Kawakami**, Mayor, County of Kaua'i; **Michael P. Victorino**, Mayor, County of Maui; **Mark E. Recktenwald**, Chief Justice, Supreme Court of Hawai'i; **David Lassner**, President of the University of Hawai'i; and **Kamana'opono Crabbe**, Ka Pouhana of the Office of Hawaiian Affairs, as representatives of the Aloha State, renew our commitment to building sustainability in the islands and working with each other and our community stakeholders on *Global Goals, Local Action* through implementation of the Aloha+ Challenge in celebration of its 5th anniversary and the launch of the United Nations Hawai'i Green Growth Local2030 Islands Hub *Global Goals, Local Action*.

Done at the State Capitol in Honolulu, Hawai'i this eighteenth day of April 2019.

Michael P. Victorino
Derek Kawakami
Roy K. Amemiya
M. Crabbe

David Y. Ige
DAVID Y. IGE
Governor, State of Hawai'i

N. V. M.
J. Kalani English
Della Au Belatti
Brian Schatz
Ed Case

Scott K. Saiki
Patrick Holey
Mark E. Recktenwald
Kamana'opono M. Crabbe
K. A.

ITEM G-1

EXHIBIT 'A'



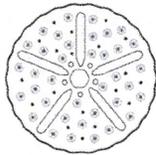
[Home \(http://climate.hawaii.gov\)](http://climate.hawaii.gov) » HI Conference

HI CONFERENCE

2019 HAWAII CLIMATE CONFERENCE
HĀ O K E K A I
 FREE & OPEN TO THE PUBLIC

January 14, 2019
 8:30 AM - 4:30 PM

East-West Center
 Imin Conference Center
 1777 East-West Road
 Honolulu, HI



(<http://climate.hawaii.gov/conf-conference-program/>)

PROGRAM & VIDEOS



(<http://climate.hawaii.gov/conf-speaker/>)

KEYNOTE PROFILE



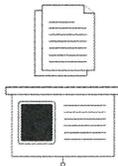
(<http://climate.hawaii.gov/conf-profiles/>)

SPEAKER PROFILES



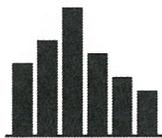
(<http://climate.hawaii.gov/wp-content/uploads/2019/01/Fun-Stuff.pdf>)

FUN STUFF



(<http://climate.hawaii.gov/conf-presentations/>)

PAPERS & PRESENTATIONS



(<http://climate.hawaii.gov/wp-content/uploads/2019/01/MenMetrics.pdf>)

MENTI METRICS



(<http://climate.hawaii.gov/wp-content/uploads/2019/01/Menti-Questions.pdf>)

MENTI QUESTIONS



(<http://climate.hawaii.gov/conf-photos/>)

PHOTOS

Free and open to the public!

No pre-registration! Bring your devices to participate interactively! Coffee and light refreshments served, lunch on your own. See [here \(http://manoa.hawaii.edu/food/locations.html\)](http://manoa.hawaii.edu/food/locations.html) for dining options on campus.

Conference hashtag: #HI_ClimateCon2019

This conference highlights the climate change initiatives of the State of Hawai'i and its many partners, and will strategically identify what actions we must collectively pursue to mitigate the potentially catastrophic effects of global warming. Experts from Hawai'i and states dealing with similar problems on the mainland will grapple with questions and challenges of how to implement transformative climate change mitigation and adaptation actions in three thematic panels:

Panel 1: Coming Clean: Addressing Hawaii's Emissions Reductions for Ground Transportation in Hawai'i

Panel 2: Paddling Together to Accelerate Action for Adaptation to Sea Level Rise

Panel 3: All Hands on Deck: Innovating to Implement Adaptation to Sea Level Rise

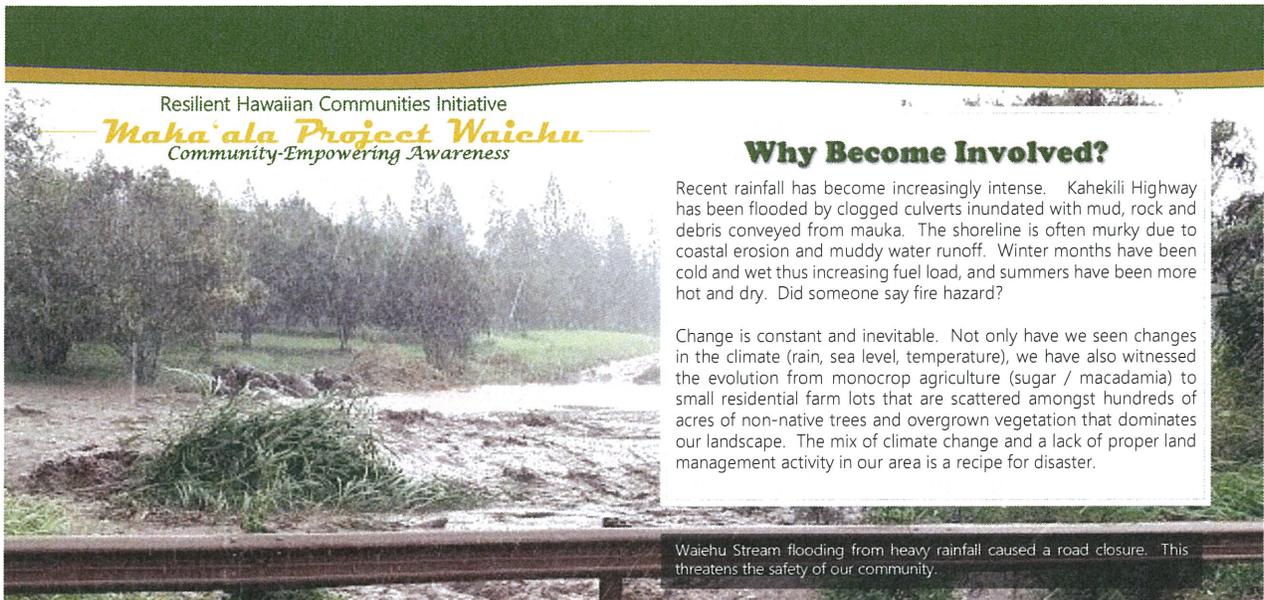
Partners and public alike will get an inside view of how discussions lead to action, and will provide their comments and questions in real time for panelists to consider.

We hope that you attend this conference if you are interested in learning how Hawai'i is integrating science with policy to build a climate resilient future.

For more information, please contact: HI_Climate@hawaii.gov

LINKS TO OUR PARTNERS





Why Become Involved?

Recent rainfall has become increasingly intense. Kahekili Highway has been flooded by clogged culverts inundated with mud, rock and debris conveyed from mauka. The shoreline is often murky due to coastal erosion and muddy water runoff. Winter months have been cold and wet thus increasing fuel load, and summers have been more hot and dry. Did someone say fire hazard?

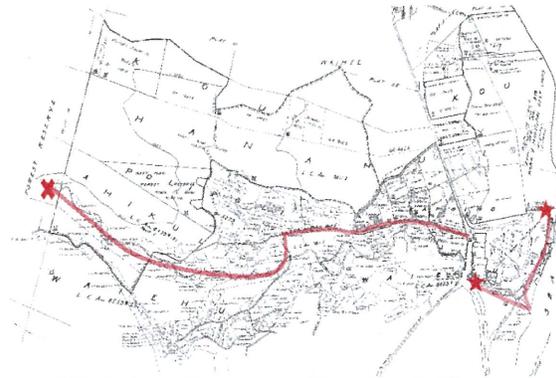
Change is constant and inevitable. Not only have we seen changes in the climate (rain, sea level, temperature), we have also witnessed the evolution from monocrop agriculture (sugar / macadamia) to small residential farm lots that are scattered amongst hundreds of acres of non-native trees and overgrown vegetation that dominates our landscape. The mix of climate change and a lack of proper land management activity in our area is a recipe for disaster.

Waiehu Stream flooding from heavy rainfall caused a road closure. This threatens the safety of our community.

He ali'i ka 'āina, He kauā ke kanaka ▲ *The land is chief, Man is but a servant*

So What Can We Do?

In order to effectively deal with change, we need to MAKA'ALA! We need to know what's going on, in and around our community, and how climate change and land use affects our environment. Once we have a better understanding of our existing conditions, we will be able to develop informed strategies to mitigate potential adverse impacts. This will include government policy recommendations related to land use and development as well as proper land management and infrastructure improvements.



Waiehu Stream Huaka'i Route

Left to Right: Fallen trees from recent episodic rain events obstruct Waiehu Stream and endanger kuleana access. Police force road closures during extreme flooding at Waihe'e Stream and Waiehu Stream, landlocking our community. Map depicting Waiehu Stream huaka'i route, mauka to makai, scheduled for May 28, 2018.

Community Involvement and Educational Opportunities

The Maka'ala Project is extending an invitation to the community to become involved in addressing resiliency issues by participating in a series of free workshops and hikes throughout Waiehu. These huaka'i are walking hikes journeying along each of Waiehu's waterways, from makai to mauka, each preceded by a recommended informational workshop. The three waterways we will be exploring, as well as the corresponding themes and issues for each huaka'i, are listed below.

Workshops leading up to excursions are intended to provide you with the necessary information and preparation for participating in the huaka'i - what to bring, what to expect, protocols, etc. Workshops will also provide the opportunity for you to connect with experts in various science and technology fields. Additionally, you will engage with local experts that understand the wisdom of our kupuna, the place names and their associated mo'olelo (history), our environment and its historical conditions. This educational opportunity will help guide more informed strategic development and decision-making for the future welfare of our community.

QUESTIONS? INTERESTED? Contact makaala.project.waiehu@gmail.com or call Daniel Ornellas at (808) 264-0783 to RSVP. Youth under 18 years old require adult supervision to participate in comfortably-paced walking hikes and service projects.

Kuahiwi Upland Watershed, Episodic Rainfall Events, Forestry and Ecology	WAIIEHU STREAM	
	Informational Workshop Hālāwai Monday, May 14 ▲ 5 - 7pm ▲ St. Ann Church, Waihe'e	Hike Excursion Huaka'i Monday, May 28 ▲ 7am - 4pm ▲ Waiehu Beach Park
'Āina Proper Land Management, Soil Erosion Mitigation, Access and Gathering Rights	KOPE GULCH	
	Informational Workshop Hālāwai Wednesday, July 18 ▲ 5 - 7pm ▲ St. Ann Church, Waihe'e	Hike Excursion Huaka'i Sunday, July 29 ▲ 7am - 4pm ▲ Waiehu Kou III Lot #90
Kahakai Shoreline & Sea Issues, Coastal Practices, Agriculture & Aquaculture	KALEPA GULCH	
	Informational Workshop Hālāwai Wednesday, August 22 ▲ 5 - 7pm ▲ St. Ann Church, Waihe'e	Hike Excursion Huaka'i Sunday, September 2 ▲ 7am - 5pm Kapoho, Old Waihe'e Dairy

*All dates/times are subject to change. RSVP to Makaala.Project.Waiehu@gmail.com.

Figure 1: Act 32, and Hawaii's Climate Change and Clean Energy Goals

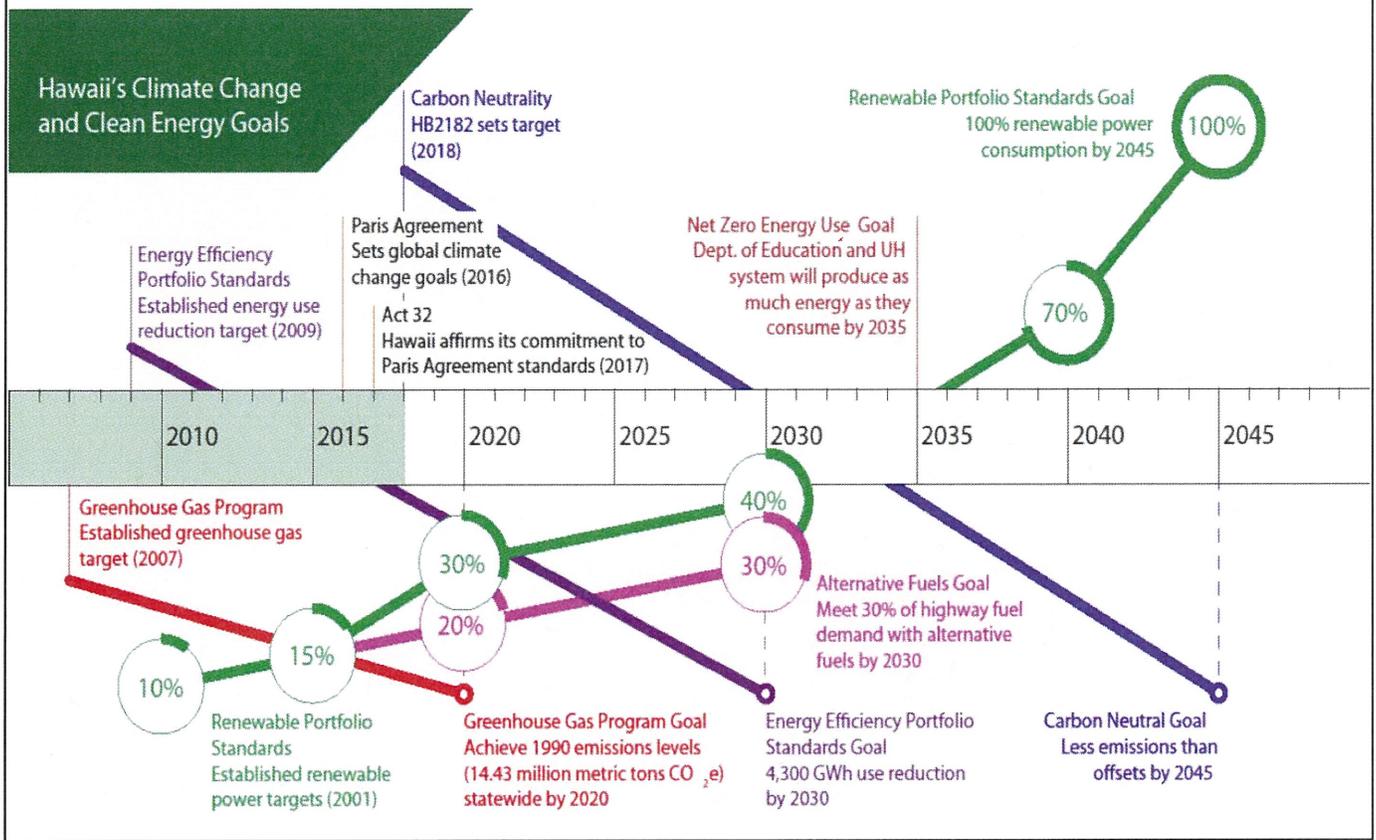
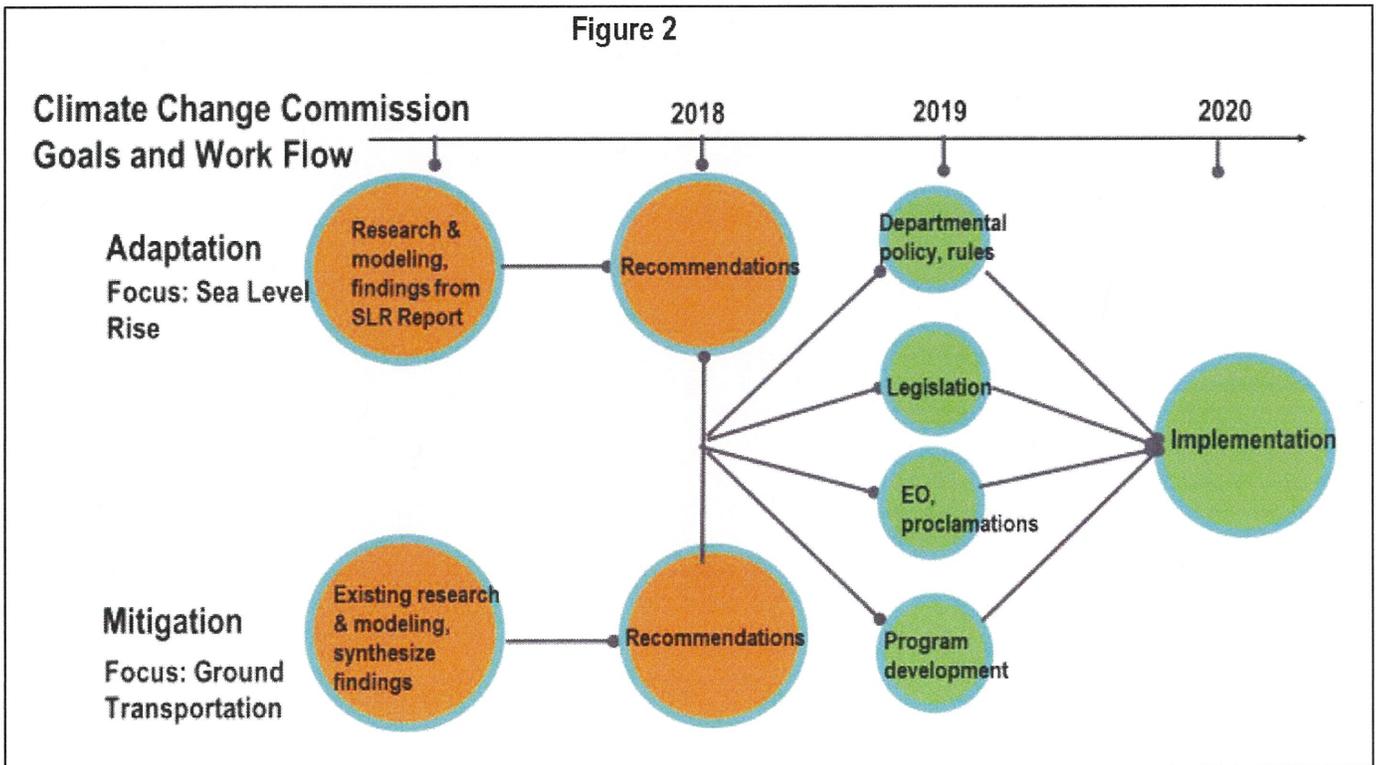
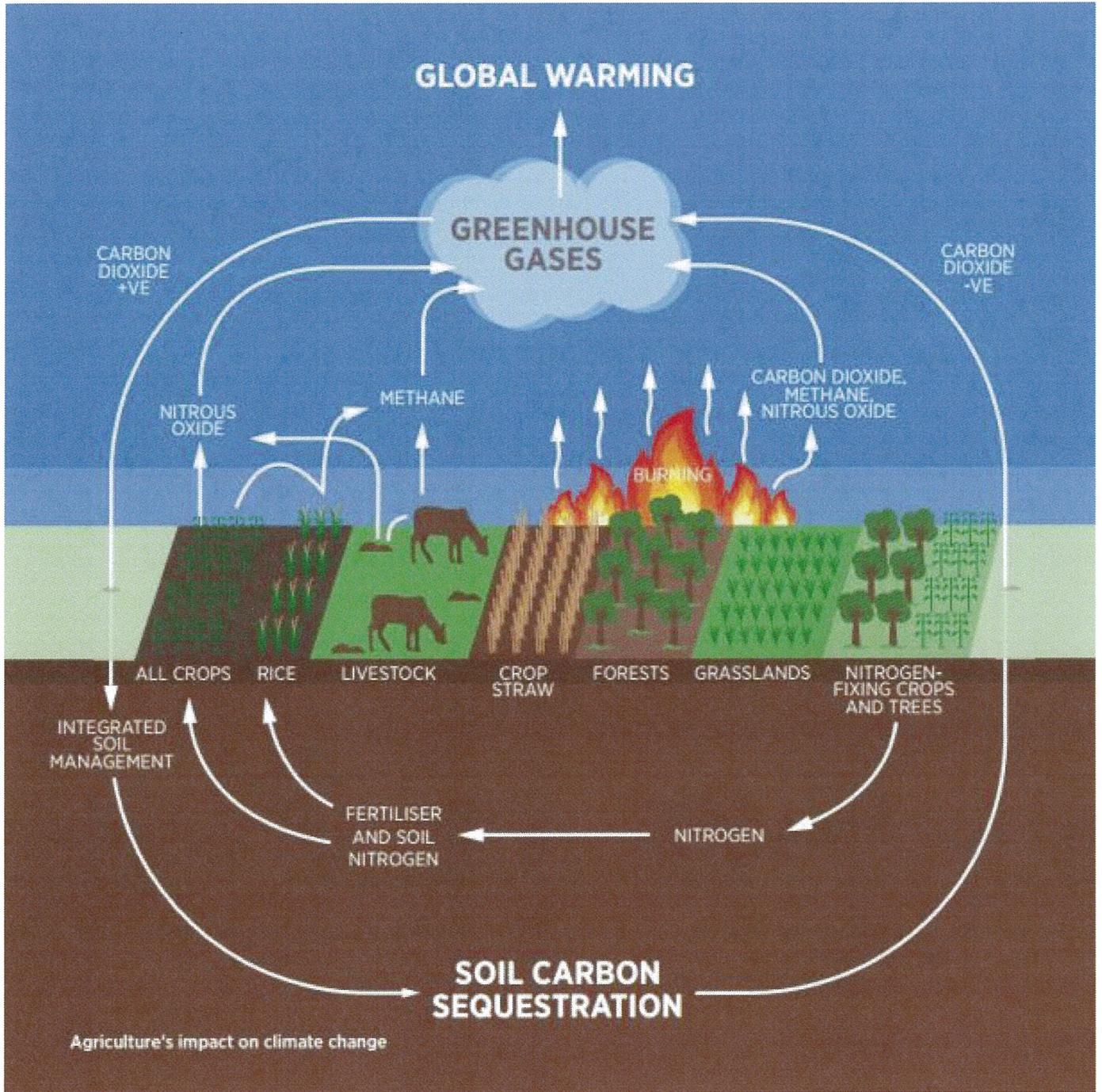


Figure 2

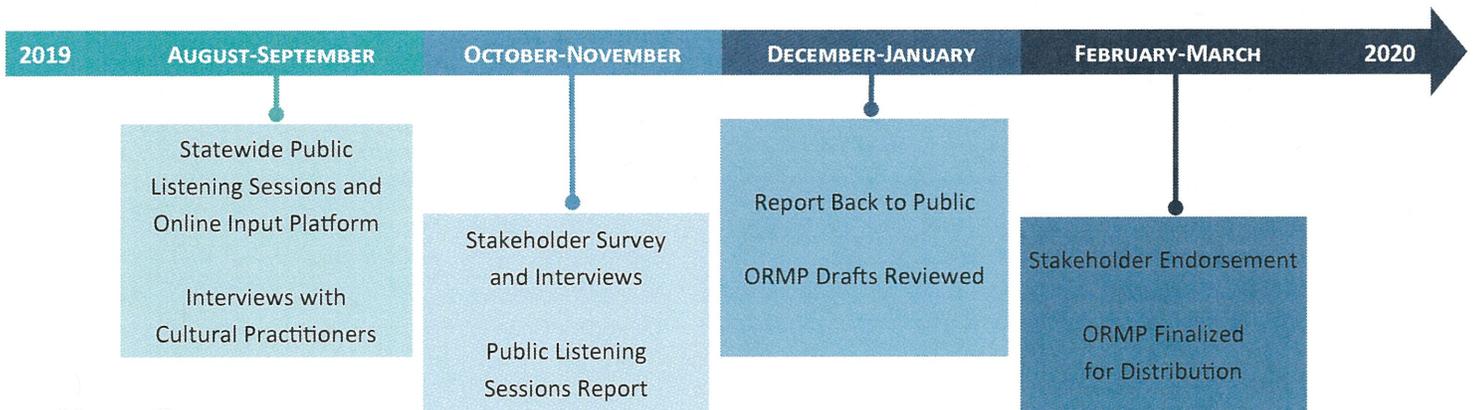




HAWAI'I OCEAN RESOURCES MANAGEMENT PLAN

THE PLAN UPDATE PROCESS

The ORMP is periodically updated to maintain relevance to contemporary issues, gather public input, and reaffirm the plan's multi-sector stakeholder collaboration. The ORMP is currently undergoing an update, during which feedback and support from legislators, agency partners, and community members will be crucial to the successful evolution of the plan to meet modern challenges.



NEXT STEPS

*Dates are subject to change

Members of the Public:

Share the experiences of your community and provide plan input at public listening sessions.

ORMP Agencies and Partners:

Re-commit as signatories of the 2020 ORMP. Review metrics and goals from the 2013 plan and update commitments based on the next 5-year planning horizon.

What would you like to see in the next ORMP update?
We want to hear from you!

<http://planning.hawaii.gov/ormp>

For inquiries, contact:

Melanie.S.Lander@hawaii.gov
(808) 587-2877



ITEM G-1
EXHIBIT 'F'

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 17-18, 2019

To: Chairman and Members, Hawaiian Homes Commission
Through: Andrew Choy, Acting Planning Program Manager *AC*
From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*
Subject: Summary of Legislative Session 2019

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

The State Budget

The Hawaii State Legislature passed HB2, HD1, SD1, CD1, which appropriates funds for the operating budget of the Executive Branch for the fiscal biennium as reported at the Hawaiian Homes Commission meeting in April. In addition, the Legislature passed HB1259, SD1, CD1, which appropriates funding for capital improvement projects for fiscal biennium 2019-2021. With regard to the Governor's CIP request of \$20 million for lot development and \$5 million in CIP for R&M for existing infrastructure for each fiscal year, the Legislature appropriated \$20 million for lot development, \$5 million in CIP for existing infrastructure, and \$1 million for land acquisition for fiscal year 2020. The legislature also awarded \$150,000 for operations to Waiohuli Hawaiian Homesteaders Association, Inc. A chart highlighting the budget request for Purpose 4 - Operating & Admin expenses and Purposes 1-3 - Lots, Loans & Rehabilitation Projects as well as detail of the CIP and GIA funding is attached as Exhibit 'A'.

DHHL's Bill in the Governor's Package

At its regular meeting of October 15, 2018, the Hawaiian Homes Commission approved a legislative proposal to be included in the Governor's Package for the 2019 Regular Session. Following this approval, this legislative proposal was reviewed by the Department of the Attorney General, the Governor's Policy Office, and the Governor and was accepted in the final package and introduced as SB1223. This bill has been amended since it was introduced, but essentially the bill would extend the sunset

date for an additional 5 years to 2024 for affordable housing credits. The Legislature passed SB1223, SD2, HD1, CD1, which is expected be signed by the Governor and take effect on June 30, 2019.

RECOMMENDED MOTION/ACTION

None; For information only.

DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2020 – Operating

	FY2020 DHHL	FY2020 GOV	FY2020 HB2 CD1
A & O Budget Request (A)	(260) \$32,217,862	(200) *\$25,503,947	(200) \$18,638,060
Operating R&M for Existing Infrastructure (A)	\$3,613,000		
Rehab Projects (A)	^\$14,519,100		
Total HHC A & O Budget Request	\$50,349,962	*\$25,503,947	\$18,638,060

*Includes \$6,865,887 to reflect the fringe benefit cost

^ Includes \$1,775,000 requested by homestead leaders.



DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2021 – Operating

	FY2021 DHHL	FY2021 GOV	FY2021 HB2 CD1
A & O Budget Request (A)	(260) \$32,217,862	(200) *\$25,510,167	(200) \$18,644,280
Operating R&M for Existing Infrastructure (A)	\$3,613,000		
Rehab Projects (A)	^\$14,654,100		
Total HHC A & O Budget Request	\$50,484,962	*\$25,510,167	\$18,644,280

*Includes \$6,865,887 to reflect the fringe benefit cost

^ Includes \$1,910,000 requested by homestead leaders.



DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2020 – CIP

	FY2020 DHHL	FY2020 GOV	FY2020 HB1259 CD1
CIP R&M for Existing Infrastructure (C)	\$10,000,000	\$5,000,000	\$5,000,000
Lot Development (C)	\$74,775,000	\$20,000,000	\$21,000,000
Loans (C)	\$73,100,000		
Rehab Projects (C)	*\$52,524,000		
Total	\$210,399,000	\$25,000,000	\$26,000,000

*Total reflects projects requested by homestead leaders.



H ITEMS

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 18, 2019

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney K. M. Lau, Administrative Services Officer

SUBJECT: Approval of Fiscal Year 2020 Department of Hawaiian Home Lands Budget



RECOMMENDED MOTION/ACTION

1. Approval of the Fiscal Year 2020 Department of Hawaiian Home Lands Budget and authorize the Chairman to shift funding of expenditures between cost elements and funds as warranted but not to exceed the total budget and any shift in funding between cost elements by the chair shall not exceed \$500,000.
2. Approval of a two (2) year Development budget and allow for amounts not encumbered in FY 2020 to be encumbered in FY 2021. For the Development budget items, allow the Chair's authority to shift funding between cost elements if not to exceed \$1,000,000.
3. Approval to transfer \$15,000,000 from the Hawaiian Home Administration Account to the Hawaiian Home Operating Fund.

DISCUSSION

Purpose 4: Administrative and Operating Costs

Pursuant to HB 2 SD1 CD1, the State Legislature appropriated \$18,638,060 in general funds, \$4,824,709 in special funds (Hawaiian Home Administration Account), and \$3,740,534 in trust funds (Hawaiian Home Operating Fund) to finance DHHL's administrative and operating (A&O) costs.

General fund fringe benefit costs (\$6,865,887) are absorbed separately in a Department of Budget and Finance appropriation, consistent with all other State general funded programs.

"Personal Services" costs (\$11,826,362 in FY 2020 and \$11,832,582 in FY 2021) is comprised of funding base salaries of

ITEM NO. H-1
AMENDED

200 positions. General fund financing "Other Current Expenses" total \$6,811,698 annually.

Attachment "A" provides the means of financing recommended to fund the Administrative and Operating Budget for fiscal year 2020.

Pursuant to HB 1259 SD1 CD1, the State Legislature appropriated \$5,000,000 in general obligation bond financing for repair and maintenance projects on Hawaiian home lands.

Purpose 1: Lot Development

Attachment "B" provides the means of financing for the projects recommended to fund the Lot Development Budget for fiscal year 2020.

The Development Budget responds to issues and priorities expressed by the Commission. In addition, the following principles guided the preparation of the list of projects:

- The department's commitment to providing improvements for the Undivided Interest Lots that have been awarded, and to completing other projects that have been initiated;
- The development of new homesteads for award, with particular emphasis on providing improved residential lots;
- The need to repair, maintenance and upgrade of aging infrastructure on Hawaiian Home Lands; and
- The need to initiate the planning and design of new homestead projects to provide an inventory for future development.
- Design and construction of projects that are awarded USDA Rural Development loan/grant funds. These projects leverage federal funding resources to reduce the amount of funds needed from the Trust Fund for projects.

The primary sources of financing are from general obligation bond financing from the State Legislature, the Hawaiian Home Operating Fund (HHOF), the Native American Housing and Self-Determination Act (NAHASDA), a U.S. Housing and Urban Development program and the United States Department of Agriculture Rural Development program (USDA-RD). The Hawaiian Home Lands Trust Fund (HHLTF) is used as a secondary source of

financing and will be reimbursed by the HHOF in the event the HHLTF project funds are used.

Pursuant to HB 1259 SD1 CD1, \$21,000,000 in general obligation bond financing was appropriated by the State Legislature. Included are \$20 million for lot development on Hawaiian home lands and \$1 million for land acquisition on Oahu (TMK 39008034, 39005001).

Purpose 2: Loans

Pursuant to Act 11, SpSLH 1995, all special and revolving funds are subject to the State allotment process. For the DHHL's loan program, this affects the financing provided by the Hawaiian Home Loan Fund and the Hawaiian Home General Loan Fund. This budget will serve as a basis to allot funds necessary for equity payments of cancelled or surrendered homestead lease improvements, new loan financing and insurance advances, property tax advances, and contingency reserve for loan guarantee and insurance programs.

The fiscal year 2020 Loan Program Budget sets forth the the department's loan program.

The planned expenditures by cost elements are as follows:

	<i>Loans: Fiscal Year 2020</i>	Total	(S-302-I) HH Loan Fund	(S-323-I) HH General Loan Fund	(T-917-I) HH Trust Fund	(T-902-I) HHL Trust Fund	NAHASDA
A.	Section 209 HHC Transaction	3,000,000	2,000,000	1,000,000	0	0	
B.	Direct Loan Financing	11,000,000		3,000,000	0	0	8,000,000
C.	Real Property Taxes	100,000		100,000	0	0	
D.	Contingency- Guaranteed/Insured Loan Portfolio	2,400,000		1,200,000	1,200,000	0	
E.	Loans Receivable/ Interest Receivable Write- offs	1,200,000		0	0	1,200,000	
	Total Loans	17,700,000	2,000,000	5,300,000	1,200,000	1,200,000	8,000,000

Explanation of Cost Elements:

Section 209, HHCA Transactions - Equity payments of cancelled or surrendered homestead lease improvements. Includes the appraised value of the improvement less any indebtedness to the department and taxes owed by the previous lessee. The payments are advanced from the loan funds and repaid by the subsequent purchaser of the improvements.

Direct Loan Financing and Advances - Includes loan refinancing, replacement home loans, repair loans, new home construction, farm loans and loan insurance advances.

Real Property Tax Advances - Pursuant to section 208(7) of the HHCA, the department may advance payments on behalf of lessees to address real property tax delinquencies and have a lien placed as provided by section 216 of the Act.

Contingency - Guaranteed/Insured Loan Portfolio - A reserve set aside to address loans to lessees where the department guarantees or insures repayment to lenders in the event of loan default.

Loans Receivable/Interest Receivable Write-offs - Write-off of asset accounts due to decline in value of assets.

Purpose 3: Rehabilitation Projects

Pursuant to Chapter 6.1 of Title 10 Hawaii Administrative Rules, DHHL prepares the Native Hawaiian Development Program Plan (NHDPP) every two years for HHC review and approval. The goal of the NHDPP is to "increase the self-sufficiency and self-determination of native Hawaiian individuals and native Hawaiian communities." This is accomplished through the NHDPP by "improve(ing) the general welfare and conditions of native Hawaiians through educational, economic, political, social, cultural, and other programs."

In this upcoming Fiscal Year, DHHL plans to implement the following components in the NHDPP:

- a) Training and Technical Assistance for beneficiary organizations on business development, includes business planning, financial feasibility, project management, operational planning.
- b) Homesteading Opportunities Program

- o Small business development and entrepreneurship training
 - o Agriculture peer-to-peer learning
 - o Agriculture co-operative training
 - o Pastoral task force
- c) Hawaiian Home Lands Trust Capacity Building Grants for beneficiary organizations
- d) Statewide Beneficiary Leaders conference and workshop events, including an Agriculture Leaders conference
- e) Community Liaison

The rehabilitation projects below are financed from the Native Hawaiian Rehabilitation Fund in FY 2020.

Rehabilitation Projects		
7110	Native Hawaiian Development Program and Plan	\$1,000,000
7110	Beneficiary Capacity Building	\$200,000
	Total	\$1,200,000

Pursuant to HB 809 SD1 CD1, the State Legislature appropriated an operating grant-in-aid in the amount of \$150,000 for FY 2020 to the Waiohuli Hawaiian Homesteaders Association.

The Commission's approval of above recommended motion is respectfully requested.

**Department of Hawaiian Home Lands
Executive Budget for FY 2020**

Object Code	General Fund	Administration and Operating Costs				NHRF	Rev. Bond Special Fund	NAHASDA	TOTAL BUDGET
		Administration		Operating Fund					
		Account	Operating Portion	Development Portion	Operating Fund (Non App) Development Portion				
2000	11,826,362	0	0	0	0	0	0	11,826,362	
2900	704,000	225,000	0	0	0	0	0	929,000	
3010	68,300	1,000	28,000	0	0	0	0	97,300	
3020	2,450	500	29,500	0	0	0	0	32,450	
3030	24,380	0	6,548	0	0	0	0	30,928	
3090	23,500	0	19,634	0	0	0	0	43,134	
3100	11,800	0	130,000	0	0	0	0	141,800	
3200	136,400	0	800	0	0	0	0	142,200	
3400	30,566	3,300	1,500	0	0	0	0	35,366	
3500	19,062	1,000	300	0	0	0	0	23,362	
3600	6,770	0	5,200	0	0	0	0	12,970	
3700	179,490	0	4,550	0	0	0	0	184,040	
3800	130,700	0	600	0	0	0	0	132,700	
3900	96,200	1,000	500	0	0	0	0	98,700	
4100	24,500	0	0	0	0	0	0	27,500	
4200	373,450	0	15,000	0	0	0	0	408,450	
4300	211,970	94	5,000	0	0	0	0	237,064	
4400	83,000	200	0	0	0	0	0	93,200	
4500	77,500	3,000	0	0	0	0	0	90,500	
4600	75,106	2,000	3,000	0	0	0	0	90,106	
5000	751,000	100,000	376,980	0	348,220	0	0	1,576,200	
5200	135,000	1,200	269,800	0	200,000	0	0	606,000	
5500	22,800	0	0	0	0	0	0	24,800	
5600	83,400	0	3,500	0	0	0	0	89,300	
5700	1,449,750	0	0	0	0	0	0	1,454,750	
5810	14,000	0	0	0	0	0	0	14,000	
5815	130,000	0	0	0	0	0	0	130,000	
5820	77,910	25,000	22,000	0	0	0	0	124,910	
5825	341,100	30,000	117,550	0	0	0	0	538,650	
5830	36,200	53,300	13,000	0	0	0	0	102,500	
5835	30,750	0	10,000	0	0	0	0	40,750	
5840	86,000	527,600	760,000	0	0	0	0	1,373,600	
5895	81,684	0	10,000	0	0	0	0	91,684	
5900	75,000	0	0	0	0	0	0	75,000	
7110	885,550	3,466,015	1,742,600	0	2,225,155	827,750	1,300,000	11,447,070	
7230	103,500	62,500	22,000	0	0	0	0	193,000	
7290	44,700	7,000	3,500	0	0	0	0	57,200	
7700	54,000	315,000	139,472	0	0	245,000	0	753,472	
7700	0	0	0	0	0	50,000	0	50,000	
7900	0	0	0	0	0	0	0	0	
6120/8020	0	0	0	0	0	0	3,200,000	3,200,000	
8201	0	0	0	0	0	0	0	0	

ITEM NO. H-1
Attachment A
AMENDED

ITEM NO. H-1
Attachment A
AMENDED

**Department of Hawaiian Home Lands
Executive Budget for FY 2020**

Object Code	Administration and Operating Costs										NAHASDA	TOTAL BUDGET
	General Fund	Administration Account	Operating Fund		Operating Fund (Non App)		NHRF	Rev. Bond Special Fund	NAHASDA	TOTAL BUDGET		
			Operating Portion	Development Portion	Operating Portion	Development Portion						
Total - Current Expenditure & Equipment	6,811,698	4,824,709	3,740,534	0	2,773,375	1,122,750	1,300,000	3,200,000	1,156,400	24,929,466		
Total	18,638,060	4,824,709	3,740,534	0	2,773,375	1,122,750	1,300,000	3,200,000	1,156,400	36,755,828		
A--Personnel Cost	11,826,362	0	0	0	0	0	0	0	0	11,826,362		
B --Current Expenditure	6,757,698	4,509,709	3,601,062	0	2,773,375	827,750	1,300,000	3,200,000	1,156,400	24,125,994		
C --Equipment	54,000	315,000	139,472	0	0	245,000	0	0	0	753,472		
M--Motor Vehicle	0	0	0	0	0	50,000	0	0	0	50,000		
Total	18,638,060	4,824,709	3,740,534	0	2,773,375	1,122,750	1,300,000	3,200,000	1,156,400	36,755,828		
HB 2 CD 1	18,638,060	4,824,709	3,740,534									

ITEM NO. H-1
Attachment A
AMENDED

ITEM NO. H-1
Attachment A
AMENDED

Department of Hawaiian Home Lands Development Budget (FY 2020) (000's omitted)						
Project / Description	FY 2020 Carry-over			FY 2020 New		
	HHL Trust Funds	USDA/ other Fed Funds	Leg Appns/ OHA	HHL Trust Fund Budget	USDA/ other Fed Funds	Leg Appns
PART A: Lot Development Projects (Addressing the homestead waiting list)						
OAHU						
Kakaina Subdivision	348					
Kanehili Wall, Pedestrian Access	75					
East Kapolei II-B Na Kupa'a Loan Payoff	2,300					
East Kapolei II-C Site Construction	15,000					
East Kapolei II-A TOD	157					2,000
Lualualei Subdivision	1					
Voice of America Phase I Infrastructure (GOB F17)			800			
Ulu Ke Kukui Lease Expiration	25					
Waianae Increment 4	833					
Waimanalo Agricultural Lots (GOB F18)			381	700		3,500
Land Acquisition, Oahu (GOB F16)			6,900			
MAUI						
Keokea-Waiohuli, Phase 1(B)	1					
Keokea-Waiohuli, Phase 2 (GOB F13, F29.02)			5,480			12,500
Maui Development Fees (water, sewer, school district)	175					
Lei Alii Phase 1B				505		
Lei Alii Highway and Access Improvements (GOB F12)	1					
Scattered lot improvements for UI relocations	150			200		
Pulehunui Development (GOB F22)			17,500			
Kahikinui Roadways	585					
UH Partnership	250			275		
Puunani Development				1,500		
LANAI						
Lanai Scattered Lots	50					
MOLOKAI						
Hoolehua Scattered Ag Lots (GOB F14)			1,198			
Naiwa Ag Lot Subdivision (GOB F15)			1,500			
BIG ISLAND						
Panaewa - Subsistence Ag Lots (Lot 185)				1,500		
HCC Home Project				220		
Kaumana Subdivision Rehabilitation (GOB F8)			450			
Honomu						2,000
Lower Piipihonua Res and Subs Ag Lots	1					
Lalamilo Housing Phase 2A, Increment 1				2,000		
Puukapu Agricultural Lots				10		
Laiopua Village 4 (Akau) Infrastructure	23					
Laiopua Village 4 (Akau) House Construction	4,700					
Laiopua Village 4 (Hema) Construction			2,759			
KAUAI						
Hanapepe Residential Subdivision, Phase 2 (GOB F10)				500		
Anahola Residence Lots, Units G & G-1				300		
STATEWIDE PROJECTS						
Scattered Lots program (Statewide)	1,638					
Acquisition Due Diligence	500			500		
HHFDC Land Exchange Payment	5			1,700		
VOKA Payment	17			39		
Federal Funds Reimbursements/Adjustments	5,000					
Dispute Resolution	523			1,000		
PART A SUBTOTAL	\$ 32,358	\$ 2,759	\$ 34,209	\$ 10,949	\$ -	\$ 20,000

Department of Hawaiian Home Lands						
Development Budget (FY 2020)						
(000's omitted)						
Project / Description	FY 2020 Carry-over			FY 2020 New		
	HHL Trust Funds	USDA/ other Fed Funds	Leg Appns/ OHA	HHL Trust Fund Budget	USDA/ other Fed Funds	Leg Appns
PART B: Repair, Maintenance, and Operating Costs (Promoting thriving, healthy communities)						
OAHU						
Nanakuli Drainage Channel Concrete Repair	1,332					
Papakolea Sewer Improvements, Phase 2				1,500		
Maintenance of Various Vacant Lots	217			100		
Drainage Basins and Other areas	418			200		
Sewers Spill Response and Inspections	75			75		
Signage Replacement	16			14		
Nanakuli Channel Fence Repair	226					
Waianae Coast Secondary Access Road (GOB F28)			3,000			
Kamakau Charter School Road (GOB F29.01)			50			
Waianae Coast Parallel Route (GOB F29.06)			2,000			
Nanakuli Roadways Traffic Signalization						1,000
Land Acquisition for Lot Development, Oahu						1,000
MAUI						
Leialii Parkway Maintenance	464					
Maui Pump Station and Sewer Improvements	180					
Maintenance of drainage basins and ditches	380			250		
Agricultural Off-site Water System, Keokea (GOB F11)			2,000			
Roadway Safety and Drainage Imprts, Kula (GOB F23)			900			
Kula Roadway Safety and Drainage Imprts (GOB F29.03)			1,200			
Archaeological Pres, Keokea-Waiohuli (GOB F24)			900			
LANAI						
Drainage Ditches and Unencumbered Area	25					
MOLOKAI						
Kapaakea Flood Mitigation		600				
Molokai Water System/PV	13,750	11,250				4,000
Ground Maint of Cemetery & Drainage Ditches	169			115		
Drainage Basins and Ditches	1					
Molokai Veterans Center (GOB F29.05)			3,693			
BIG ISLAND						
Kawaihae Improvements	1					
Honokaia Non-potable Water System	714					
Kau Water System (GOB F9)	500		1,279			
Lalamilo Housing Ph 1, Kawaihae Road Imprv				350		
Water Source Development, West Hawaii	112					
Infrastructure Improvements at Various Locations	491					
Maintenance of Various Vacant Lots	539					
Laiopua Plant Preserves O/M	1					
KAUAI						
Anahola Dam and Reservoir Additional Impr	1,000					
Anahola Water System - Long-term Improvements	804	3,971				
Drainage Basins, Ditches Repairs and Upgrades	200					
Maintenance of Various Vacant Lots	100					
STATEWIDE PROJECTS						
Engineering Services for Various Locations	228					
Maintenance of Fire Breaks	1					
Rock Fall Mitigation, Statewide	1					
Street Lamp Repair, Replace, Upgrade	1					
R/M of Improvements on HHL, Statewide	539					
R/M to Existing Infrastructure (GOBF29.04)			2,300			
R/M of Utilities in Existing Subdivisions (GOB F25)			1,432			
Molokai and Kauai Water Systems Security (GOB F26)			500			
Environmental Mitigation and Remediation (GOB F27)			500			
Environmental Mitigation and Construction Support				500		
PART B SUBTOTAL	\$ 22,485	\$ 15,821	\$ 19,754	\$ 3,104	\$ -	\$ 6,000
BUDGET SUBTOTAL BY SOF	\$ 54,843	\$ 18,580	\$ 53,963	\$ 14,053	\$ -	\$ 26,000
Total Trust	68,896					

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

June 18, 2019

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Rodney K. M. Lau, Administrative Services Officer
SUBJECT: Transfer of Hawaiian Home Receipts Money at the End
Of the Fourth Quarter, FY 2019



RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of June 30, 2019 to the Hawaiian Home General Loan Fund.

DISCUSSION

Section 213 (g) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part as follows:

"(3) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department."

Section 10-3-52(b) of Title 10, DHHL Administrative rules, provides that:

"If the Commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:

- (1) Nine per cent to the operating fund; and
- (2) Ninety-one per cent to the general loan fund."

As of June 30, 2019, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$1,500,000. Based on the

on-going loan requirements for fiscal year 2020, it is recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending June 30, 2019 be transferred to the Hawaiian Home General Loan Fund.

J ITEMS

J-1

Subject: FW: Refinance Update
Attachments: Balauro_DHHL_Lease&Amendment.pdf; 95-124908 Declaration-of-Restrictive-Covenants.pdf; 96-012417 First-Supplemental-Declaration.pdf

From: **Clint Lacaden** <>
Date: Wed, Oct 31, 2018 at 3:06 PM
Subject: Refinance Update
To: [kimibalauro](#)

Aloha Kim and Art,

Per my phone conversation with Art, the way that the current DHHL lease reads will not qualify for the FHA loan program. I have scanned and attached a copy of your current DHHL lease and on pages 3 and 4 of the Amendment to Lease No. 6644, it references the Declaration of Restrictive Covenants for the Waiahole Valley Agricultural Park and Residential Lots. And specifically Documents No. 95-124908 and 96-012417 that basically say you are required to have income producing agricultural activity on the lot. This is the restriction that FHA will not allow.

SUBJECT, HOWEVER, whenever applicable, to the restrictive covenants as contained in the original and first supplemental Declaration of Restrictive Covenants for the Waiahole Valley Agricultural Park and Residential Lots

Subdivision, registered with the Bureau of Conveyances of the State of Hawaii, as Document Nos. 95-124908 and 96-012417, respectively.

Prior to me bringing this to the attention of DHHL, they had no idea that the leases they had in Waiahole Valley Ag Park had these deed restrictions. So based on communication with DHHL, you could request for that part of the addendum referencing Documents 95-124908 and 96-012417 to be removed from your lease. When speaking with DHHL, please ask for the Housing Assistant for Waiahole Valley Agricultural Park. The assistant should be able to help you with your request for removal of the Restrictive Covenants on your lease. It would also be good to check on how long that removal process will take so you have an idea of when we can start your loan application for refinance.

Once the lease has been officially amended to remove the Restrictive Covenants, we can proceed with the loan refinance. Thank you for your patience in this.

Respectfully, **Clint Lacaden**

Loan Officer | NMLS #316250

[HomeStreet] Bank

Subject: FW: J Agenda -

From: ZAK SHIMOSE <
Sent: Friday, May 24, 2019 12:42 PM
To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: Re: J Agenda -

mahalo for your time.

we are requesting to be put on the agenda for the DHHL Commission Meeting.
we are asking to gather a koa log that is down on DHHL lands for the traditional cultural practice of carving a canoe under (one of the few, if not the last) master Hawaiian canoe carver Ray Bumatay, a DHHL beneficiary. the apprentice canoe carvers are DHHL beneficiaries. the project will also educate the beneficiary community on Queen Kapi'olani's life and her gifting of this wa'a to the Smithsonian.

we are going to be replicating queen kapi'olani's canoe that she gifted to the Smithsonian in 1888. we are in the first stages of planning and getting a koa tree/log. we are looking to be part of the festpac 2020 to be held on oahu next summer. we feel festpac 2020 would be the perfect platform for this project.

i have been working with and will be working under master canoe carver ray bumatay.

we have asked DLNR DOFAW.

we have asked for log/tree on federal land (volcano national park and hakalau wildlife refuge).

we have been inquiring with private landowner for possible koa.

thus far, everyone supports this project, promising leads, but plenty red tape and no koa.

we hope dhhl can support this project as it not only supports and perpetuates the traditional culture of hawaiian canoe carving, but it will also educate the public on queen kapi'olani, her life and her gift to the smithsonian.

we also feel this will generate a tremendous amount of positive/inspirational publicity.

A little background info on the queen kapi'olani canoe replica project.

In july of 2017, alika bumatay received a call from maori canoe carver james eruera. James was in d.c. lashing a maori waka for the Smithsonian, when the curator shows him queen kapiolani's canoe in storage. after seeing the lines of the canoe, james has a deep-felt urge to let his Hawaiian cousins know of this canoe. The Smithsonian was going to be doing a virtual 3d reconstruction scan of the canoe, and there were some unidentifiable parts to the canoe, so the Smithsonian flies up alika and his father, master canoe carver ray bumatay, to be a part of that process. Upon arrival ray and alika are able to identify the parts.

The canoe was gifted to the Smithsonian (known as national museum) in 1888 by queen kapi'olani. She and princess Liliuokalani were on their way to England for queen victoria's golden jubilee in 1887. That canoe is the oldest intact Hawaiian canoe in existence. So, for over 125years there were all these experts who could not identify some parts of the canoe, until ray and alika entered the picture. In looking at the canoe, ray felt

there was something not right with the canoe. Ray called home to have a koa paddle sent up to d.c., and instructs the Smithsonian that the paddle is never to be separated from the canoe. the canoe was lonely.

During this past 2019 merrie monarch festival, we carved the replica canoe with an albizia tree. We were training women to do the carving, under the supervision of Ray and Alikea. We now want to replicate with a koa log and we will be inviting all to participate.

We feel this project is by the people of Hawaii and for the people of Hawaii. Carving a canoe, as ray puts it, keeps the mana of the tree in the canoe, versus building a canoe by planks. Carving a canoe is a traditional Hawaiian practice that is rarely carried out in today's world where the value and rarity of koa makes it more prudent and environmentally friendly to plank canoes.

However, we feel this project is an exception, and should be carved. It is a replica of the queen's canoe, it is one solitary canoe for all of the people of Hawaii, and the finished product will be gifted to kapi'olani medical center (or another like organization, we are open to suggestions), which benefits all the people of Hawaii. And, automatically, regardless if it is a tree or an already fallen log, we will be conducting a replanting of koa seedlings.

from the carving of the canoe, which perpetuates traditional Hawaiian culture, to the story of queen kapi'olani's journey and her compassion, to the story of how this wa'a has come to light; it is truly an amazing story. we hope to be able to participate in festpac 2020. and we are working on a documentary for this project which will help spread this story.

this project is truly a community-based development which perpetuates the traditions and culture of native Hawaiians. from the cultural tradition of carving a canoe and all of the knowledge associated with that from the importance of a healthy forest to the health of the ocean, the entire ahupua'a.

we are working on garnering as much support from community as possible. we were allowed to carve as part of 2019 merrie monarch, and received the continued support of luana kawelo. we have also received the support of pat kahawaiolaa.

this project will instill in the native Hawaiian individuals and the native Hawaiian community the foundational knowledge and awareness which allows the beneficiary individual and community to increase self-sufficiency and self-determination.

aloha

zak shimose

From: Kaulani Almeida <k...>
Sent: Tuesday, June 04, 2019 6:09 AM
To: Burrows-Nuuanu, Leatrice W
Subject: Request to be on June Commission Meeting

Aloha. This is a request to be on the June Agenda in Kapolei. Please list my name as the President of the PHHICA. Mahalo

Sent from my iPhone

TO: DEPT. OF HHL COMMISSION

RE: KENNETH R. H. KEA JR. LEASEE

3011 WILWILIAE PL.

KAPOLEI, HI 96707

MAILING: 6-218

ALOHA,

MY NAME IS DARYL-JEAN H. KEA, MOTHER OF LEASEE & I RESIDE AT 91-219 WILWILIAE PLACE FOR 14 YEARS.

I AM WRITING TO REQUEST A MEETING W/ YOUR COMMISSION AS SOON AS POSSIBLE TO DISCUSS HAVING MY WATER TURNED BACK ON.

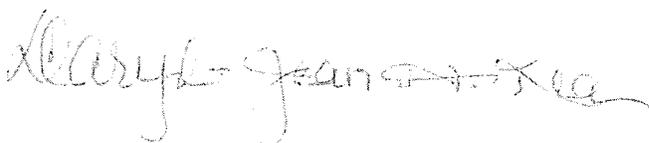
RECENTLY MY SON HAS MOVED OUT OF OUR HIS HOME FOR OVER 3 YEARS NOW. MY WATER HAS BEEN TURNED OFF DUE TO FINANCIAL CIRCUMSTANCES. NOW IN ORDER TO HAVE RUNNING WATER, IT NEEDS TO BE TURNED ON BY MY SON. HOWEVER, MY SON IS LIVING ON THE STREETS & IS IN TROUBLE W/ THE LAW. I HAVE NO WAY OF CONTACTING HIM. IS THERE ANY POSSIBILITY THAT I CAN TURN THE WATER ON UNDER MY NAME,

MY UTILITIES HAVE BEEN IN MY NAME
SINCE WE LIVED THERE 14 YEARS AGO
& NOW I CAN'T GET WATER TURNED BACK
ON UNLESS MY SON KENNETH AUTHORIZES IT
W/ YOU.

I'VE BEEN STRONG IN DEDICATING MY LIFE
& ENERGY TO BECOME SELF SUFFICIENT,
SAFE, STABLE, & FREE FROM A LIFE
OF DOMESTIC VIOLENCE WHICH I'VE ENDURE
FOR THE LAST 8 TO 9 YEARS. MANY AGENCIES
(HELL, DVAC, HELPING HANDS, HCAP) HAVE
BEEN SUPPORTING ME TO GET OUR HOME
BACK TO A LIVABLE CONDITION, SINCE I
HAVE BEEN SO EMOTIONALLY, & PHYSICALLY
VULNERABLE. YOUR SUPPORT AT DTHL IS KEY
FOR THE LAST PIECE TO MAKE MY HOUSE A
HOME: RUNNING WATER.

PLEASE FEEL FREE TO CONTACT MYSELF @ ~~782-6978~~ ⁸⁰⁸⁻⁷⁸²⁻⁶⁹⁷⁸
OR KATHERINE ROSEN @ 808-465-8282 IF YOU
HAVE ANY QUESTIONS OR CONCERNS.

SINCERELY,



DARYL-JEAN H. KEA

J5

Subject: FW: Request to be on the J agenda

From: Lane Lima
Sent: Friday, May 31, 2019 11:28 AM
To: Yee Hoy, Louise K <louise.k.yeehoy@hawaii.gov>
Subject: Request to be on the J agenda

Property tax concerns for address 89-641 mokiawe st

Subject: FW: J Agenda at 6/17/19 Hawaiian Homes Commission meeting

Email: Leatrice.W.Burrows-Nuuanu@hawaii.gov

From: Kekoa <
Sent: Monday, June 03, 2019 4:12 AM
To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: J Agenda at 6/17/19 Hawaiian Homes Commission meeting

Aloha mai e Leah,

Ke `olu`olu, kindly place Bobby Pahia and me on the J Agenda at the 9:30 a.m. 6/17/19 Hawaiian Homes Commission meeting at DHHL Kapolei. We will discuss Pa`upena CDC's land-use request for some 4,000 Waiohuli/Keokea acres. Mahalo nui,

-`Anake Kekoa

J-7

From: Robin Danner <r> Thursday, February 14, 2019
Sent: 6:39 PM
To: Burrows-Nuuanu, Leatrice W
Subject: J agenda

Aloha Leatrice,

I'd like to request time on the next available J agenda to address the commission. At your convenience in scheduling. Mahalo.

Robin Puanani Danner
SCHHA Chairman & Homestead Housing Authority CEO

From: Bo Kahui >
Sent: Tuesday, June 04, 2019 6:04 PM
To: Burrows-Nuuanu, Leatrice W
Cc: Bo Kahui; Dora Aio; Iwalani tsai; Kapua Baker; Karleen Cox; Leah Debina; Leimamo Bean; Maring Gacusana; diana.akao; J Porter DeVries; Julie Candelaria-Lawrence; Kawehi Inaba; Wailana Kamau
Subject: Request to Appear before the Commission on J agenda

Aloha Lea,
I would like to request to be placed on the J agenda at the next Commission meeting on June 17th at Hale Pono I, Kapolei Hawaii
Please send me your confirmAtion at your earliest convenience
Craig "Bo" Kahui
Executive Director
Laiopua 2020
808-327-1221

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