

**HAWAIIAN HOMES COMMISSION**  
Minutes of April 21, 2020, via Teleconference  
DHHL Main Office, Hale Pono‘i, Kapolei, O‘ahu, Hawai‘i

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held via teleconference, moderated by Chairman William Aila Jr. and Commission Secretary Leah Burrows-Nuuanu, from Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, beginning at 9:30 a.m.

**PRESENT**

William J. Aila Jr., Chairman  
Randy K. Awo, Maui Commissioner (via teleconference)  
Zachary Z. Helm, Moloka‘i Commissioner (via teleconference)  
David B. Ka‘apu, West Hawai‘i Commissioner (via teleconference)  
Michael L. Kaleikini, East Hawai‘i Commissioner (via teleconference)  
Russell K. Kaupu, O‘ahu Commissioner (via teleconference)  
Pauline N. Namu‘o, O‘ahu Commissioner (via teleconference)  
Dennis L. Neves, Kauai Commissioner (via teleconference)  
Patricia A. Teruya, O‘ahu Commissioner (via teleconference)

**COUNSEL**

Ryan Kanaka‘ole, Deputy Attorney General (via teleconference)

**STAFF**

Tyler I. Gomes, Deputy to the Chairman  
Leah Burrows-Nuuanu, Secretary to the Commission  
Andrew Choy, Action Planning Manager  
Kahana Albinio, Acting Land Management Division Administrator  
Juan Garcia, Acting Homestead Services Division Administrator  
Cedric Duarte, Information & Community Relations Officer  
Stewart Matsunaga, Acting Land Development Division Administrator  
Paula Aila, Finance and Development Specialist  
Shanen Cruz, Legal Assistant  
Jamilia Epping, Information Specialist

**ORDER OF BUSINESS**

**CALL TO ORDER**

Chair Aila called the meeting to order at 9:53 a.m. Eight (8) members were present via teleconference at roll call.

Pursuant to the Governor’s March 16, 2020, Supplementary Proclamation in response to the COVID-19 pandemic, Hawai‘i Revised Statutes (“HRS”) Chapter 92 regarding public agency meetings and records are currently suspended through May 15, 2020, to the extent necessary to enable boards to conduct business without holding meetings open to the public and to allow state agencies the ability to more effectively provide emergency relief and engage in emergency management functions. At this time, we do not have the capability to create an audience live listening feature. A recording of the meeting will be posted to the DHHL website as soon as possible.

## **APPROVAL OF AGENDA**

### **MOTION/ACTION**

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the agenda. Motion carried unanimously.

## **APPROVAL OF MARCH 16, 2020 MEETING MINUTES**

### **MOTION/ACTION**

Moved by Commissioner Teruya, seconded by Commissioner Awo, to approve the Commission's March 16, 2020 Minutes. Motion carried unanimously.

## **APPROVAL OF MARCH 24, 2020 EMERGENCY MEETING MINUTES**

### **MOTION/ACTION**

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the Commission's March 24, 2020 Emergency Meeting Minutes. Motion carried unanimously.

## **PUBLIC TESTIMONY ON AGENDIZED ITEMS (via weblink only)**

Testimony on agendized items was submitted in writing via the Department of Hawaiian Home Lands website at [www.dhhl.hawaii.gov/hhc/hhc-contact](http://www.dhhl.hawaii.gov/hhc/hhc-contact). Testimonies received by yesterday's 4:30 p.m. deadline were forwarded to Commissioners. Testimonies received after the deadline will be stamped "Late" and submitted to the Commissioners after the meeting is adjourned.

Commissioners should have received public testimonies by email from Robin Danner, Kūhiō Lewis, Homelani Schaedel. Also attached by email are the J-Agenda Submittals from Kekoa Enomoto, Skylee Canon, and Cora Schnackenberg.

## **ITEMS FOR DECISION MAKING**

### **CONSENT AGENDA**

### **HOMESTEAD SERVICES DIVISION**

- |           |                                                                                                                                      |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------|
| ITEM D-2  | Approval of Consent to Mortgage (see exhibit)                                                                                        |
| ITEM D-3  | Approval of Streamline Refinance of Loans (see exhibit)                                                                              |
| ITEM D-4  | Approval of Homestead Application Transfers / Cancellations (see exhibit)                                                            |
| ITEM D-5  | Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)     |
| ITEM D-6  | Approval of Assignment of Leasehold Interest (see exhibit)                                                                           |
| ITEM D-7  | Approval of Amendment of Leasehold Interest (see exhibit)                                                                            |
| ITEM D-8  | Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)                          |
| ITEM D-9  | Cancellation of Lease – WILLIAM G. AKI, Agriculture Lease No. 2375, Lot No. 8, Hoolehua, Molokai and Lot No. 11a, Kalamaula, Molokai |
| ITEM D-10 | Cancellation of Lease – ARTHUR M. LEE, Agriculture Lease No. 7910, Lot No. 14, Hoolehua, Molokai                                     |

### RECOMMENDED MOTION/ACTION

Acting Homestead Services Division Administrator Juan Garcia presented the following:  
Motion to approve the Consent Agenda D-2 through D-10, as listed in the submittal.

### MOTION/ACTION

| Moved by Commissioner Ka'apu to approve the Consent Agenda stated in the submittal.                                                                     |   |   |              |               |                    |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|--------------|---------------|--------------------|---------|
| Seconded by Commissioner Neves                                                                                                                          |   |   |              |               |                    |         |
| Commissioner                                                                                                                                            | 1 | 2 | 'AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>ABSTAIN | EXCUSED |
| Commissioner Awo                                                                                                                                        |   |   | X            |               |                    |         |
| Commissioner Helm                                                                                                                                       |   |   |              |               |                    | Muted   |
| Commissioner Ka'apu                                                                                                                                     | X |   | X            |               |                    |         |
| Commissioner Kaleikini                                                                                                                                  |   |   | X            |               |                    |         |
| Commissioner Ka'upu                                                                                                                                     |   |   | X            |               |                    |         |
| Commissioner Namu'o                                                                                                                                     |   |   | X            |               |                    |         |
| Commissioner Neves                                                                                                                                      |   | X | X            |               |                    |         |
| Commissioner Teruya                                                                                                                                     |   |   | X            |               |                    |         |
| Chairman Aila                                                                                                                                           |   |   | X            |               |                    |         |
| TOTAL VOTE COUNT                                                                                                                                        |   |   | 8            |               |                    |         |
| MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED |   |   |              |               |                    |         |
| Motion passes with eight (8) Yes votes                                                                                                                  |   |   |              |               |                    |         |

## **REGULAR AGENDA**

### **OFFICE OF THE CHAIRMAN**

#### **ITEM C-1 Acceptance of 2020-2021 Native Hawaiian Housing Block Grant Annual Housing Plan**

### RECOMMENDED MOTION/ACTION

NAHASDA Manager Lehua Kinilau-Cano presented the following:  
Motion to accept the 2020-2021 Native Hawaiian Housing Block Grant (NHHBG) Annual Housing Plan.

### DISCUSSION

L. Kinilau-Cano stated that part of the compliance with 24 CFR Part 1006, Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA), the Department of Hawaiian Home Lands (DHHL) must file an approved annual housing plan (AHP) with the U.S. Department of Housing and Urban Development (HUD). As part of that process, the department releases the draft housing plan. DHHL has submitted a request to HUD to submit its AHP by April 30, 2020, to allow for the commission's acceptance at this meeting. The housing plan would go into effect on July 1, 2020, through June 30, 2021.

DHHL tried to keep the housing plan similar to the last plan; a lot of it is continuing what the department already has on the books. She felt it was prudent given the limited options beneficiaries have to provide feedback on the plan.

Notable changes to the AHP:

- Continued reduction in CIP activities as most of the infrastructure is completed in areas where NHHBG had been expended over the past five years, and no new NHHBG money exist to start new CIP developments.
- Expansion of rental assistance in response to COVID-19.
- Remaining balances are encumbered in existing contracts and projected homeowner financing.

There is approximately \$16.6 million in the account; a lot of funds are in existing contracts and homeowner financing.

#### MOTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to accept the 2020-2021 Native Hawaiian Housing Block Grant (NHHBG) Annual Housing Plan.

Commissioner Kaleikini asked what the process for allocating additional funds for CIP projects going forward is. L. Kinilau-Cano stated there was a time when the State Legislature was giving the Department less funding, more of the NAHASDA money was going toward CIP projects. Things have reversed, and the Legislature is funding more CIP projects, so NAHASDA funds are going more toward homeowner financing.

#### MOTION/ACTION

| Moved by Commissioner Neves to approve the Consent Agenda stated in the submittal. |   |   |              |               |                    |         |
|------------------------------------------------------------------------------------|---|---|--------------|---------------|--------------------|---------|
| Seconded by Commissioner Awo                                                       |   |   |              |               |                    |         |
| Commissioner                                                                       | 1 | 2 | 'AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>ABSTAIN | EXCUSED |
| Commissioner Awo                                                                   |   | X | X            |               |                    |         |
| Commissioner Helm                                                                  |   |   | X            |               |                    |         |
| Commissioner Ka'apu                                                                |   |   | X            |               |                    |         |
| Commissioner Kaleikini                                                             |   |   | X            |               |                    |         |
| Commissioner Ka'upu                                                                |   |   | X            |               |                    |         |
| Commissioner Namu'o                                                                |   |   | X            |               |                    |         |
| Commissioner Neves                                                                 | X |   | X            |               |                    |         |
| Commissioner Teruya                                                                |   |   | X            |               |                    |         |
| Chairman Aila                                                                      |   |   | X            |               |                    |         |
| TOTAL VOTE COUNT                                                                   |   |   | 8            |               |                    |         |
| MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED                         |   |   |              |               |                    |         |
| Motion passes with nine (9) Yes votes                                              |   |   |              |               |                    |         |

**ITEM C-2** Authorize (1) the establishment of the DHHL COVID-19 Emergency Rental Assistance Program utilizing Native Hawaiian Housing Block Grant (NHHBG) funds to provide rental assistance to eligible families; (2) use of up to seven million dollars in NHHBG funds to start the COVID-19 Emergency Rental Assistance Program; and (3) DHHL to increase funding for the program as demand and funding permits.

#### RECOMMENDED MOTION/ACTION

NAHASDA Manager Lehua Kinilau-Cano presented the following:

- (1) Authorize the establishment of the DHHL COVID-19 Emergency Rental Assistance Program utilizing Native Hawaiian Housing Block Grant (NHHBG) funds made available in accordance with the Native American Housing Assistance and Self-Determination Act (NAHASDA) and other federal laws including Public Law 115-141, the Consolidated Appropriations Act, 2018, which provided that NHHBG funds may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands.
- (2) Authorize the Department of Hawaiian Home Lands to utilize up to (\$7,000,000.00) seven million dollars of NHHBG funds to start the program and allow the department to increase funding for the program in response to demand and as NHHBG funding or other supplemental funding permits, by informing the Hawaiian Homes Commission.

#### MOTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.

#### DISCUSSION

Commissioner Helm stated there are three beneficiaries on Moloka'i who have NAHASDA demolition rebuild homes that have been put on hold for now. He asked if this program affects the completion of those projects. L. Kinilau-Cano stated these funds would not affect those projects. If those beneficiaries are already in the pipeline, these funds will not be taken from that project.

Commissioner Neves asked if there is an opportunity for more funding because seven million won't go far. L. Kinilau-Cano stated she and Deputy Gomes spoke with Senator Schatz staff, and although no commitments were made, if there is a high demand for this project, there may be an opportunity for supplemental funding through future Congressional COVID packages, or possibly increasing the future funding. They want to see what the response to the program is like. This program covers the gap group of waitlisters who don't have any other assistance should they fall behind, and they need help with their housing.

Commissioner Neves asked for clarification on the residency requirement. There are waitlisters not living in Hawai'i. L. Kinilau-Cano stated that the Hawai'i Delegation is looking at ways to help their constituents in the State of Hawai'i. If there is a high demand for waitlisters outside of Hawai'i, staff can look at what options are available.

Commissioner Teruya asked who will administer the program or whether the department was looking for an outside vendor. Chair Aila stated it would likely be an outside vendor who specializes in getting the funds dispersed as quickly as possible. Under the Governor's emergency proclamation, certain procurement procedures have been waived to get the funds dispersed quickly. The submittal delegated authority to the Chair and staff to negotiate with the vendor.

Commissioner Teruya asked if the staff has any vendors in mind. Chair Aila stated there are a few organizations, but the staff is still conducting its due diligence. Commissioner Teruya stated she would support the action and asked that the Chairman consider beneficiary based organizations that are able to execute the program.

Commissioner Awo supported the program and agreed with it being for Hawai'i waitlisters. He stated that seven million dollars are not much.

Commissioner Helm asked what the application process would look like. L. Kinilau-Cano stated the vendor would come up with the process, but the department will try to emphasize the message that the program requires lots of documentation because of the federal funding. Beneficiaries may find the documentation request challenging, but that is the requirement of where the funds are coming from.

Commissioner Kaleikini asked how beneficiaries would be notified about the program. L. Kinilau-Cano stated after the Commission's approval, a press release will be issued, the website will provide information, and a mailer will be sent out. If more outreach is needed, the department has the option of radio spots or newspaper ads.

#### MOTION/ACTION

| Moved by Commissioner Awo to approve the motion, as stated in the submittal.                                                                            |   |   |              |               |                    |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|--------------|---------------|--------------------|---------|
| Seconded by Commissioner Neves                                                                                                                          |   |   |              |               |                    |         |
| Commissioner                                                                                                                                            | 1 | 2 | 'AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>ABSTAIN | EXCUSED |
| Commissioner Awo                                                                                                                                        | X |   | X            |               |                    |         |
| Commissioner Helm                                                                                                                                       |   |   | X            |               |                    |         |
| Commissioner Ka'apu                                                                                                                                     |   |   | X            |               |                    |         |
| Commissioner Kaleikini                                                                                                                                  |   |   | X            |               |                    |         |
| Commissioner Ka'upu                                                                                                                                     |   |   | X            |               |                    |         |
| Commissioner Namu'o                                                                                                                                     |   |   | X            |               |                    |         |
| Commissioner Neves                                                                                                                                      |   | X | X            |               |                    |         |
| Commissioner Teruya                                                                                                                                     |   |   | X            |               |                    |         |
| Chairman Aila                                                                                                                                           |   |   | X            |               |                    |         |
| TOTAL VOTE COUNT                                                                                                                                        |   |   | 9            |               |                    |         |
| MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED |   |   |              |               |                    |         |
| Motion passes with nine (9) Yes votes                                                                                                                   |   |   |              |               |                    |         |

#### **LAND MANAGEMENT DIVISION**

**ITEM F-1      Approval and authorization to consider rent relief requests submitted by various lessees, licensees, and permittees statewide as a result of the COVID-19 Pandemic and emergency orders implemented by the Governor and various Mayors in response to COVID-19.**

#### RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve and consider rent relief requests submitted by various lessees, licensees, and permittees statewide as a result of the COVID-19 Pandemic and emergency orders implemented by the Governor and various Mayors in response to COVID-19.

## DISCUSSION

Commissioner Kaapu is concerned about what documents are required in the application process. The department will likely receive fewer funds from the Legislature, so trust funds may already have to be used. He wouldn't want to give someone who has the ability to pay, a six-month deferral. There should be a good basis for granting deferrals. The lessees should know what the expectations are at the front. Chair Aila stated Ka Makana Alii had submitted a list of which vendors are paying rents.

Commissioner Kaapu stated he has no problem with deferring rents for beneficiary licensees. Chair Aila stated that some of the licenses or general leases expire prior to the timeframe of the submittal, it has been difficult to do a one-size-fits-all program. It may end up being a case-by-case process.

Commissioner Neves stated he agrees with Commissioner Kaapu that more financial documentation should be required.

Commissioner Teruya stated she supported the motion and thanked the department for reaching out to commercial licensees.

Commissioner Kaapu asked that the Commission be provided an update of those who requested assistance and how much was provided.

## MOTION/ACTION

| Moved by Commissioner Awo to approve the motion, as stated in the submittal. |   |   |              |               |                    |         |
|------------------------------------------------------------------------------|---|---|--------------|---------------|--------------------|---------|
| Seconded by Commissioner Namu'o                                              |   |   |              |               |                    |         |
| Commissioner                                                                 | 1 | 2 | 'AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>ABSTAIN | EXCUSED |
| Commissioner Awo                                                             | X |   | X            |               |                    |         |
| Commissioner Helm                                                            |   |   | X            |               |                    |         |
| Commissioner Ka'apu                                                          |   |   | X            |               |                    |         |
| Commissioner Kaleikini                                                       |   |   | X            |               |                    |         |
| Commissioner Ka'upu                                                          |   |   | X            |               |                    |         |
| Commissioner Namu'o                                                          |   | X | X            |               |                    |         |
| Commissioner Neves                                                           |   |   | X            |               |                    |         |
| Commissioner Teruya                                                          |   |   | X            |               |                    |         |
| Chairman Aila                                                                |   |   | X            |               |                    |         |
| TOTAL VOTE COUNT                                                             |   |   | 9            |               |                    |         |
| MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED                   |   |   |              |               |                    |         |
| Motion passes with nine (9) Yes votes                                        |   |   |              |               |                    |         |

**ITEM F-2      Approval and authorization to consider rent relief requests submitted by various lessees, licensees, and permittees statewide as a result of the COVID-19 Pandemic and emergency orders implemented by the Governor and various Mayors in response to COVID-19.**

## RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all Moloka'i Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the Molokai Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of May 1, 2020.
- B) The annual renewal period shall be on a month-to-month basis for up to twelve (12) months, but no longer than April 30, 2021, or at the next scheduled HHC meeting on Moloka'i island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

#### MOTION

Moved by Commissioner Neves, seconded by Commissioner Kaapu, to approve the motion as stated in the submittal.

#### DISCUSSION

Commissioner Neves stated his concern for the lack of details about whether the permittees are in compliance. On Kaua'i there are problems with ROEs, and no one is really visiting the permittees to determine if they're doing what they're supposed to.

#### MOTION/ACTION

| Moved by Commissioner Neves to approve the motion, as stated in the submittal. |   |   |              |               |                    |         |
|--------------------------------------------------------------------------------|---|---|--------------|---------------|--------------------|---------|
| Seconded by Commissioner Kaapu                                                 |   |   |              |               |                    |         |
| Commissioner                                                                   | 1 | 2 | 'AE<br>(YES) | A'OLE<br>(NO) | KANALUA<br>ABSTAIN | EXCUSED |
| Commissioner Awo                                                               |   |   | X            |               |                    |         |
| Commissioner Helm                                                              |   |   | X            |               |                    |         |
| Commissioner Ka'apu                                                            |   | X | X            |               |                    |         |
| Commissioner Kaleikini                                                         |   |   | X            |               |                    |         |
| Commissioner Ka'upu                                                            |   |   | X            |               |                    |         |
| Commissioner Namu'o                                                            |   |   | X            |               |                    |         |
| Commissioner Neves                                                             | X |   |              | X             |                    |         |
| Commissioner Teruya                                                            |   |   | X            |               |                    |         |
| Chairman Aila                                                                  |   |   | X            |               |                    |         |
| TOTAL VOTE COUNT                                                               |   |   | 8            | 1             |                    |         |
| MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED                       |   |   |              |               |                    |         |
| Motion passes with eight (8) Yes votes, one (1) No vote.                       |   |   |              |               |                    |         |

### ITEMS FOR INFORMATION AND DISCUSSION

#### **GENERAL AGENDA**

- J-1 Skydee Canon – Kalani Lease**
- J-2 Kekoa Enomoto – Paupena Community Development Corporation**
- J-3 Cora Schnackenberg – Ahonui Homestead Association**



Chair Aila stated the J Agenda listees submitted written testimony, which was provided to Commissioners. He asked if there were any questions regarding the testimonies. There were none.

## **WORKSHOPS**

### **PLANNING OFFICE**

#### **ITEM G-1 For Information Only – Hanapēpē, Kaua‘i Homestead Development Plan Draft Environmental Assessment**

##### RECOMMENDED MOTION/ACTION

None. For Information Only.

Acting Planning Manager Andrew Choy presented the following:

The purpose of the informational briefing is to update the HHC on the status of the planning process for the Hanapepe Homestead Community; to present summary highlights of the Draft Environmental Assessment (DES), and to notify Commissioners of the Draft Environmental Assessment (DEA) prior to publication in the Office of Environmental Quality Control’s Environmental Notice Bulletin.

##### DISCUSSION

Commissioner Neves wanted to make sure there are considerations about additional access to the development area, specifically looking for areas available to cross between the lots A. Choy stated there is a preliminary recommendation in one of the slides of the Draft EA.

#### **ITEM G-2 For Information Only – Anahola, Kaua‘i Kuleana Settlement Plan, and Draft Environmental Assessment**

##### RECOMMENDED MOTION/ACTION

None. For Information Only.

Acting Planning Manager Andrew Choy presented the following:

The purpose of the informational briefing is to update the HHC on the status of the planning process for the Anahola Kuleana Homestead Settlement; to present summary highlights of the Draft Environmental Assessment (DES), and to notify Commissioners of the Draft Environmental Assessment (DEA) prior to publication in the Office of Environmental Quality Control’s Environmental Notice Bulletin.

##### DISCUSSION

Commissioner Awo commented that the department is mindful of the challenges that continue to unfold in Kahikinui.

Commissioner Kaapu asked what the expected roll-out date might be. A. Choy stated they expect the environmental assessment to be presented to the Commission in July. The implementation will need to be discussed internally as there are a few programmatic issues, and there need to be some site improvements before the project can move forward. The department needs to coordinate with the Green Energy team with whom the Commission approved a right-of-entry permit last September to clear out the albizia trees.

Commissioner Kaleikini asked if the assessment work of the environmental assessment is considered essential during the COVID-19 process. All of the fieldwork was completed in 2019.

Commissioner Neves stated the removal of the albizia trees has opened up the area and maybe cause for another topical review and possibly a redesign of the lots. Is the report adjustable based on community input? He suggested a community storage area. A. Choy stated the community activities are sited closer to the access points should the community decide to do as economic development activity like a farmers market in the future.

**ITEM G-3 For Information Only -- Pu'u 'Ōpae, Kaua'i Kuleana Settlement Plan and Draft Environmental Assessment**

RECOMMENDED MOTION/ACTION

None. For Information Only.

Acting Planning Manager Andrew Choy presented the following:

The purpose of the informational briefing is to update the HHC on the status of the planning process for the Pu'u 'Ōpae, Kaua'i Kuleana Settlement Plan; to present summary highlights of the Draft Environmental Assessment (DES), and to notify Commissioners of the Draft Environmental Assessment (DEA) prior to publication in the Office of Environmental Quality Control's Environmental Notice Bulletin.

DISCUSSION

Commissioner Kaapu asked what the department is expecting the community to do with 10-acre lots and how the project is being integrated with Kawai Warren's project. A. Choy stated pastoral lots were requested by the beneficiaries who attended the community meeting. It could be used for subsistence pastoral uses. The main source of water is ditch water from the Pu'u Opae reservoir. The partnership with KIUC minimizes the department's investment in the area.

Commissioner Kaleikini asked how is KIUC's involved. A. Choy stated KIUC would be making improvements to the ditch system as well as providing 600 mg of water per day for both Kawai Warren's project and DHHL's future projects. They are also responsible for the maintenance of the main road to and from Puu Opae. There are monthly payments, as well.

Commissioner Neves asked about the timeline. A. Choy stated there are programmatic issues as well and some site improvements before implementation.

**REGULAR AGENDA**

**HOMESTEAD SERVICES DIVISION**

- ITEM D-1 HSD Status Reports**  
**A - Homestead Lease and Application Totals and Monthly Activity Reports**  
**B – Delinquency Report**  
**C – DHHL Guarantees for USDA-RD Mortgage Loans**

Commissioner Neves asked for information on which lessees elected to defer loan payments.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm to convene in an executive session pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issue pertaining to the Commission's powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

Commissioner Teruya asked to be excused from the meeting to attend to a prior commitment.

**EXECUTIVE SESSION IN**

**11:15 AM**

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

1. Update on Honokaia Non-Potable Water System Settlement

**EXECUTIVE SESSION OUT**

**11:35 AM**

**ANNOUNCEMENTS AND ADJOURNMENT**

Chair Aila thanked Commissioners for participating.

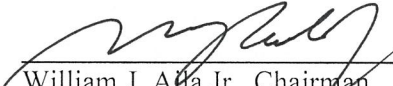
MOTION/ACTION

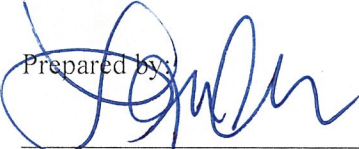
Moved by Commissioner Neves, seconded by Commissioner Awo, to adjourn the meeting.  
Motion carried unanimously.

**ADJOURNMENT**

**11:39 A.M.**

Respectfully submitted:

  
\_\_\_\_\_  
William J. Aila Jr., Chairman  
Hawaiian Homes Commission

Prepared by:  


\_\_\_\_\_  
Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

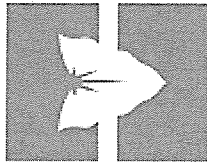
**APPROVED BY:**

The Hawaiian Homes Commission at its regular monthly meeting on:

May 19, 2020

**Attachments**

1. Public Testimony – Homelani Schaedel
2. Public Testimony – Kūhiō Lewis, President/CEO CNHA
3. Public Testimony – Robin Danner



## PUBLIC TESTIMONY on AGENDIZED ITEMS

Hawaiian Homes Commission Meeting April 21, 2020 via Weblink

April 17, 2020

Hawaiian Homes Commission  
Department of Hawaiian Home Lands  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

Re: C2- DHHL COVID-19 Emergency Rental Assistance Program

Aloha Chair Aila and members of the Commission,

I am Homelani Schaedel, President of Malu'ōhai Residents' Association, mahalo for this opportunity to share comments.

On March 24, 2020 with approval from the Hawaiian Homes Commission (HHC), the Department of Hawaiian Home Lands (DHHL) announced deferment of its' direct loan mortgage payments of 6 months for lessees. Coupled with the Coronavirus Aid, Relief, and Economic Security (CARES) Act both actions provide relief for beneficiaries who are lessees.

We appreciate and are pleased to know the Department of Hawaiian Home Lands (DHHL) administration and its' NAHASDA staff is addressing our waitlist beneficiaries who have lost their jobs and/or source of income due to COVID-19.

Aware that Native Hawaiian Housing Block Grant (NHHBG) funds available through the Native American Housing Assistance and Self-Determination Act (NAHASDA) have requirements that will impede the process, we offer the following:

- . Given current workplace conditions, planning, internal support and teamwork among DHHL staff is crucial in assisting the vendor to expedite the program.
- . The selected vendor must have proven experience, technical resources, staffing capacity, and ability to manage the daunting documentation process effectively and efficiently. In addition, the vendor should be familiar with DHHL's initiatives and culturally sensitive when assisting our beneficiaries.
- . Announcement of this program to waitlist beneficiaries should include the minimum criteria, including income and documentation required to qualify for the program that is clear and concise. Not to discourage applicants, but rather to quickly assist those who have the greatest need and prepared to do the work to help themselves, as Prince Kuhio intended for all of us.

The need for kokua is urgent, we ask for your favorable support of the recommended motion.

Me ka mahalo nui

E mālama no kākou i ko kākou po'e kānaka

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
Commission Meeting  
April 21, 2020

To: Chairman and Members, Hawaiian Homes Commission

From: Kuhio Lewis, President & CEO, Council for Native Hawaiian Advancement 

Subject: TESTIMONY - DHHL COVID-19 Emergency Rental Assistance Program – Item C-2

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The Council for Native Hawaiian Advancement supports the establishment of the DHHL COVID-19 Emergency Rental Assistance Program and the allocation of up to seven million dollars (\$7,000,000.00) of Native Hawaiian Housing Block Grant (NHHBG) funds to start the program.

The Council for Native Hawaiian Advancement (CNHA) is a member-based 501(c)3 non-profit organization with a mission to enhance the cultural, economic, political, and community development of Native Hawaiians. CNHA is a national network of Native Hawaiian organizations and a strong voice on public policy. CNHA is a Native Community Development Financial Institution (CDFI) certified by the US Treasury department and a HUD-Certified Housing Counseling agency. We provide access to capital, financial education and individualized financial counseling services with a focus on low and moderate-income families. CNHA serves as a National Intermediary, providing grants and loans targeting underserved communities in Hawaii.

CNHA currently operates the Kahiau Community Assistance Program and the Ho‘āla Assistance Program, providing emergency financial assistance to Native Hawaiians and all Hawaii residents respectively. Over the past three months, CNHA has deployed nearly \$300,000 in emergency funds to cover mortgage, rent and utility payments for Hawaii families, with an estimated 85% of distributed funds going to support Native Hawaiian applicants. Despite these payments, the need for assistance continues to grow exponentially. As of April 20, 2020, CNHA has logged over 2,000 Native Hawaiian households expressing need for financial assistance. Beneficiaries need effective and efficient programming that can expedite payments and prevent further financial instability and long-term impacts to their self-sufficiency.

We have witnessed first-hand the implications of a burdensome program where criteria do not account for the realities of COVID-19 impacts on beneficiaries. With that in mind, CNHA offers the following comments and recommendations on criteria and eligibility proposed for this program:

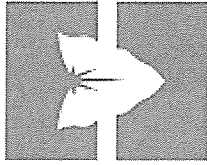
- Native Hawaiian as defined by the HHCA currently on the Applicant Waiting List. Given the current situation with COVID-19, DHHL is unable to process applications in a timely fashion for any Native Hawaiian as defined by the HHCA not currently on the Applicant Waiting List.
  - *CNHA Comments/Recommendations:*
    - *CNHA supports this requirement and recommends validating this information either through documentation provided by the applicant or internal verification by the administering agency. (i.e. Applicants name is published on the applicant waitlist website, or a letter verifying the applicant has been deemed eligible for a DHHL lease)*
    - *DHHL should still consider waitlist applicants that are a part of the household but not necessarily listed as the “head of household” (per tax returns)*

- A reduction of income or loss of income/job as a result of COVID-19.
  - *CNHA Comments/Recommendations:*
    - *The following forms of verification should be acceptable from either the head of household or the waitlisted applicant to satisfy this requirement:*
      - *Letter from employer notifying applicant of reduced hours or layoff*
      - *One month of pay stubs that show a decline in income*
      - *Bank statements that show a decline in automatic payroll deposits*
      - *Unemployment approval letter from DLIR*
- An eligible household is one whose total household annual income does not exceed 80% AMI as defined by HUD for the NHHBG program.
  - *CNHA Comments/Recommendations:*
    - *The definition of "household" can provide challenges on its own. CNHA recommends that DHHL use the Head of Household's 2019 tax return to determine AMI eligibility. If 2019 tax returns are not available, then a 2018 tax return can substitute this requirement. Tax transcripts should also be an accepted form of household income verification.*
    - *Additional documentation should be considered if the applicant has had a significant adjustment to the household, including but not limited to birth certificates, death certificates, marriage certificates, or divorce certificates.*
- The rental unit for which assistance is being requested is the individual's primary residence located in the State of Hawaii.
  - *CNHA Comments/Recommendations:*
    - *CNHA agrees with this criteria and suggests validating this through documents that would already be collected through this process, including tax returns or rental/lease agreements.*
    - *If the beneficiary is not listed on either the tax returns or the rental/lease agreement, documentation should be collected to prove legal/familial relation to the head of household (i.e. birth certificates, marriage certificates)*
- The maximum monthly rent for a household to pay may not exceed 30% of the family's monthly adjusted income. For example, if a household receives no income the household is responsible for 0% of the rent due and the Rental Assistance Program will be responsible for 100% of the rent due. If a household receives \$1000 adjusted income per month, the household will be responsible for a portion of the rent due up to no more than 30% of their monthly adjusted income or \$300, the rest of the payment will be provided by the Rental Assistance Program.
  - *CNHA Comments/Recommendations:*
    - *This requirement can be satisfied and calculated based on information contained on the tax returns that the applicant will be required to submit.*
- The maximum fair market rent that will be considered is as established by HUD's fair market rent guidelines. The Landlord is asked to consider waiving any rent owing above the fair market rent guidelines during the period for which DHHL COVID-19 emergency rental assistance is provided.
  - *CNHA Comments/Recommendations:*

- *This information can be collected through a copy of the applicant's rental/lease agreement.*
- Not more than six (6) consecutive months of payment for rent. An additional six (6) months may be made available on a case-by-case basis subject to funding.
  - *CNHA Comments/Recommendations:*
    - *CNHA recommends the collection of a monthly "Statement of No Change" verifying that the applicant's status remains the same. Changes in the applicant's or head of household's financial status or living situation must be disclosed and considered for eligibility prior to distributing follow-up payments.*

In light CNHA's experience in working closely with the native Hawaiian community, supporting a broad network of service provider across the state as an intermediary, and its familiarity in navigating an emergency assistance program, CNHA in partnership with our network of providers - is interested in helping to administer this program. **We strongly urge the Commission to approve the creation of the DHHL COVID-19 Emergency Rental Assistance Program and thoroughly consider beneficiary serving organizations ready and willing to execute this program.**

Mahalo for the opportunity to submit testimony on this matter.



## PUBLIC TESTIMONY on AGENDIZED ITEMS

Hawaiian Homes Commission Meeting April 21, 2020 via Weblink

Sent: Tuesday, April 14, 2020 8:16 PM

Subject: HHC Contact: Submit Written Testimony

To:

HHC Secretary

First Name: Robin

Last Name: Danner

Phone:

8086520140

Email:

Robin@hawaiianhomesteads.org

Subject:

Submit Written Testimony

Message:

On the Emergency COVID 19 Rental Assistance Item.

1. Beneficiary consultation by sending out drafts of program details prior to scheduling an action item, is a best practice that beneficiaries have consistently requested decade after decade. To use the email lists to garner input would be amazing.
  2. Recommend that any COVID 19 program include waitlist beneficiaries in making rental payments.
  3. Recommend that any COVID 19 program include HHCA beneficiaries with businesses that need rental assistance to pay rental expenses to keep their businesses open.
  4. Request a copy of the program description to better understand how "rental assistance" helps a lessee.
- Mahalo!

Be safe everyone!