

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

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

Monday, March 15, 2021, at 9:30 a.m. to be continued, if necessary, on

Tuesday, March 16, 2021, at 9:30 a.m.

Livestream available at www.dhhl.hawaii.gov/live

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Thursday, March 11, 2021.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for February 15 & 16, 2021
- D. Public Testimony on Agendized Items – Written Via weblink only; see information below

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Refinance of Loans (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Commission Designation of Successors to Application Rights – 2013, 2014, 2015, 2016, 2017, 2018 & 2019 (see exhibit)
- D-8 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-9 Approval of Assignment of Leasehold Interest (see exhibit)
- D-10 Approval of Amendment of Leasehold Interest (see exhibit)
- D-11 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-12 Cancellation of Lease - No Qualified Successor - **OSEAS K. BALOYOT**, Residential Lease No. 5612, Lot No. 80, Lualualei, Oahu
- D-13 Commission Designation of Successor – **LARRY E. MEHAU**, Pastoral Lease No. 3391, Lot No. 10, Kamoku, Hawaii

B. REGULAR AGENDA

Homestead Services Division

- D-4 Approval to Extend Postponement of Mortgage Payments
- D-5 Approval of Loan Interest Rate Policy

Office of the Chairman

- C-1 Approval of Lease Award Kauluokahai Increment B Residential Vacant Lot Ewa Beach and Kakaina Subdivision Residential Vacant Lot Waimanalo (See Exhibit)

Planning Office

- G-1 Accept Beneficiary Consultation Report for Proposed Limited Gaming Legislation as the Official Public Record of Beneficiary Input and Feedback Relative to the Legislative Proposal to Authorize Limited Gaming.

Administrative Services Office

- H-1 Transfer of Hawaiian Home Receipts Money at the End of the Third Quarter, FY 2021

III. EXECUTIVE SESSION

The Commission anticipates convening an 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 *Richard Nelson, III, et al., v. Hawaiian Homes Commission*, Civ. No. 07-1-1663

IV. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Joseph Lapilio – Ka Ohana O Kalaupapa
- J-2 Bob Douglas – DHHL Loans
- J-3 Kekoa Enomoto – Paupena CDC
- J-4 Gina Kaniaupio – Waimānalo Lease Concerns
- J-5 Sharmaine Taua – Nānākuli Lease Concerns
- J-6 Emily Naeole – Maku'u Issues
- J-7 Liko Wallace – Na'iwa Homestead Association
- J-8 Mahealani Kahanaoi – Papakolea Lease Concern

B. WORKSHOPS

Office of the Chairman

- C-2 For Information Only – Kuhio Awards: Addressing the Wait List and Successorship
- C-3 For Information Only – Homesteads with Declarations of Covenants, Conditions, and Restrictions (DCCRs)
- C-4 For Information Only – Legislative Updates 2021

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

91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i
Tuesday, March 16, 2021, at 9:30 a.m.

I. ORDER OF BUSINESS

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

II. ITEMS FOR DECISION MAKING

Land Management Division

- F-1 Approval to Extension of Lease Term, General Lease No. 102, Big Island Energy Co., LLC, Panaewa, Hawaii, TMK No. (3) 2-2-047:059

III. ITEMS FOR INFORMATION/DISCUSSION

Homestead Services Division

- D-1 HSD Status Reports
 - A Homestead Lease and Application Totals and Monthly Activity Reports
 - B- Delinquency Report

Land Management Division

- F-2 For Information Only – DHHL 2020 Renewable Energy Projects Solicitation Status Report

IV. EXECUTIVE SESSION

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

1. Update on issues related to Kuhio Awards: Addressing the Wait List and Successorship
2. Discussion on *Michael J. Tacub, Jr. v. Hawaiian Homes Commission, et al.*, Civ. No. ICCV-20-0000300 and CAAP-20-0000665


The Commission further anticipates convening an executive meeting pursuant to Section 92-5(a)(3), HRS, to discuss the acquisition of real property and 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 the following matter:

1. Land Exchanges and Acquisitions on the islands of Hawai‘i and Oahu.

V. ANNOUNCEMENTS AND ADJOURNMENT

A. Next Meeting – April 19 & 20, 2021, Videoconference

B. Adjournment



William J. Aila Jr., Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui

Patricia L. Teruya, O'ahu

Pauline N. Namu'o, O'ahu

Michael L. Kaleikini, East Hawai'i

Zachary Z. Helm, Moloka'i

David B. Ka'apu, West Hawai'i

Dennis L. Neves, Kaua'i

Russell K. Ka'upu, O'ahu

Public testimony can be submitted in writing via the Department of Hawaiian Home Lands website at www.dhhl.hawaii.gov/hhc/hhc-contact

Livestream available at www.dhhl.hawaii.gov/live

Pursuant to the Governor's Eighteenth Proclamation Related to the COVID-19 Emergency, Hawai'i Revised Statutes Chapter 92 regarding public agency meetings and records is currently suspended through till April 13, 2021 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 effectively and efficiently provide emergency relief and engage in emergency management functions.

ITEM C-1 EXHIBIT

APPROVAL OF LEASE AWARD KAULUOKAHAI INCREMENT B VACANT LOT
EWA BEACH, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Elaine H. Gist	10/06/1986	48	1-9-1-017-110	12955

APPROVAL OF LEASE AWARD KAKAINA SUBDIVISION VACANT LOT
WAIMANALO, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Lloyd Young, Jr.	07/07/1972	30	1-4-1-041-030	12956

ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
AKAU, Kalaninuipoaimaku S. J.	7766	Waimanalo, Oahu
AKIONA, Albert, III	11421	Kaupea, Oahu
ALEJO, Lenora L.	9667	Kawaihae, Hawaii
ARRIETA, Leeann L.	7650	Waiohuli, Maui
AYAU, Kimo	7656	Waiohuli, Maui
BALES, Bridgit M. L.	5100	Panaewa, Hawaii
BALLENTI, Jolyn	2932Z	Nanakuli, Oahu
BRANCO, May L. K.	4589	Waianae, Oahu
CAVACO, Darrell W.	8565	Nanakuli, Oahu
CHANDLER, Conrad	7697	Waiohuli, Maui
CRIVELLO, Warren K.	10619	Kalamaula, Molokai
DAMAS, Dawn U.	1733	Nanakuli, Oahu
DANIELSON, Kanani	12929	Kauluokahai, Oahu
DANIELSON, Melody	12929	Kauluokahai, Oahu
DE LIMA, Mohala T. G.	5274	Waianae, Oahu
DEPERALTA, Laurel K.	9629	Kalawahine, Oahu
HAINA, Wallace, Jr.	12488	Kauluokahai, Oahu
HANO HANO, Robert	12842	Kauluokahai, Oahu
HARAGUCHI, Randall T. N.	11154	Anahola, Kauai
HARRIS, Barbett M.	12061	Kaupea, Oahu
HATCHER, Barbie M. K.	7360	Nanakuli, Oahu
HOLT, Marivlena	12954	Kauluokahai, Oahu
INOVEJAS, Frances L. K.	11409	Kaupea, Oahu
KA A H A N U I, Keith A. K.	12627	Kanehili, Oahu
KAHUE, Heston R.	12104	Kaupea, Oahu
KAIDE, Catherine L.	10107	Keaukaha, Hawaii
KAILILAAU, Sherri Ann U.	10304	Waiohuli, Maui
KALEO, Tanya I.	10009	Keaukaha, Hawaii
KAMANU, Kirk K.	5886	Waimanalo, Oahu
KANAHELE, Alohanamakanalani I. M.	11343	Kekaha, Kauai
KAPANUI, John S. K.	656	Papakolea, Oahu
KAUPU, Raymond K.	1855A	Keaukaha, Hawaii

KAUPU, Sheiladine L.	9088	Keaukaha, Hawaii
KEALOHA, Florence	12932	Kauluokahai, Oahu
KEOSTER, Glenn E., Jr.	12737	Kaupea, Oahu
KOMETANI, James Kolea	12127	Kaupea, Oahu
KOMETANI, Lorna M. H.	12127	Kaupea, Oahu
LENCHANKO, Rosalie A. L.	11256	Kakaina, Oahu
LEWIS, Joseph R. K.	11880	Kanehili, Oahu
LOPERFIDO, Desiree S.	11871	Kanehili, Oahu
LOPES-SHANE, Carolyn L.	12464	Kauluokahai, Oahu
MONTEILH-ZOLLER, Mahealani K.	2217	Kewalo, Oahu
MONTEZ, Dylan-Keanu D. K. N.	12419	Kauluokahai, Oahu
MYERS, James A. K. K.	11673	Kanehili, Oahu
NAPEAHI, Terri L.	6247	Panaewa, Hawaii
NAWELI, Roberta K.	5579	Lualualei, Oahu
NOA, Charles P., Jr.	12655	Kanehili, Oahu
ONTAI, Susanna L.	11435	Kaupea, Oahu
PILILAAU, Cameron K.	12060	Kaupea, Oahu
PLACE-AJALA, Christy C. L.	11866	Kanehili, Oahu
VARES, Stanette	12936	Kauluokahai, Oahu
WAGNER, Gregory M., Jr.	6819	Waiakea, Hawaii
WALLACE, Donald A., Jr.	7694	Waiohuli, Maui
WAN, William A.	12829	Kauluokahai, Oahu
WATSON, David K.	11478	Leialii, Maui
WILLIAMS, Logan J., IV	9985	Nanakuli, Oahu
WILLIAMS, Starla K.	9985	Nanakuli, Oahu
YOSHINAGA, Lawrence G.	11980	Kaupea, Oahu

ITEM D-3 EXHIBIT

APPROVAL OF REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
SPENCER, Mark C.	10207	Waianae, Oahu

ITEM D-6 EXHIBIT

HOMSTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AH YOU, Priscilla I.K.	Oahu IW Agr
ANNINO-LUAT, Naomi N.	Oahu IW Res
APAKA, Gaymond H.	Hawaii IW Agr
ASHLEY, Bradfrey G.	Maui IW Agr to Oahu IW Agr
ASHLEY, Bradfrey G.	Maui IW Res to Oahu IW Res
BALLIO, Mary Jane U.	Hawaii IW Res
CHARTRAND, Kahealani H.	Hawaii IW Agr
FEITEIRA, Mary Ann D.P.	Maui IW Res
HOOKANO, Lizatte Kylie	Kauai IW Res
KAAIHUE, Kapiolani B.	Maui IW Agr
KAAIHUE, Kapiolani B.	Maui IW Res

KAHALEHOE, Tiffany M.W.
 KAHAWAIOLAA, Kipling K.S.
 KAHUMOKU, Randolph K.
 KAIMIKAUA, Kevin R.K.
 KALELE, Janelle K.
 KANAHELE, Lucky
 KANOA, Lawrence A.
 KANOA, Lawrence A.
 KAUPIKO, Kaimi N.
 KUIA, Daniel K.
 LUM HO, John J.A.
 LUM HO, John J.A.
 MAUNAKEA, Regina K.
 MCCOMBER, Ella M.K.
 MOKU, David Kulani V
 MOKU, David Kulani V
 REEVES, Steward G.
 VARES, Joann A.
 VIERNES, Jennifer L.
 VIERNES, Jennifer L.
 WASHINGTON, Charmaine P.
 WATSON, Jesse K., Jr.
 YAMAMOTO, Candice H.

Maui IW Agr to Maui IW Pas
 Hawaii IW Res
 Hawaii IW Agr
 Oahu IW Res
 Hawaii IW Res
 Kauai IW Res
 Oahu IW Agr to Hawaii IW Agr
 Oahu IW Res to Hawaii IW Res
 Oahu IW Res to Hawaii Res
 Maui IW Agr
 Hawaii IW Agr
 Hawaii IW Res
 Oahu IW Res
 Hawaii IW Res to Oahu IW Res
 Oahu IW Res to Hawaii IW Res
 Kauai IW Pas to Hawaii IW Pas
 Hawaii IW Agr
 Maui IW Res
 Maui IW Agr to Oahu IW Agr
 Maui IW Res to Oahu IW Res
 Maui IW Agr
 Maui IW Res to Lanai IW Res
 Oahu IW Res

ITEM D-7 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS – PUBLIC NOTICE 2013, 2014, 2015, 2016, 2017, 2018 & 2019

APPLICANT	AREA
AH YOU, Priscilla I.K.	Oahu IW Agr
ANNINO-LUAT, Naomi N.	Waimanalo Area / Oahu IW Res
BALLIO, Mary Jane U.	Hawaii IW Res
BROWN, Pauline L.	Maui IW Agr
BROWN, Pauline L.	Maui IW Res
CHARTRAND, Kahealani H.	Hawaii IW Agr
COLVIN, Marciann K.	Maui IW Agr
HOOKANO, Lizatte Kylie	Kauai IW Res
KAAIHUE, Kapiolani B.	Maui IW Agr
KAAIHUE, Kapiolani B.	Maui IW Res
KAHAWAIOLAA, Kipling K.S.	Hawaii IW Res
KAMALAMALAMA, George K.	Oahu IW Res
KANAHELE, Lucky	Kauai IW Res
KUIA, Daniel K.	Maui IW Agr
LUM HO, John J.A.	Hawaii IW Agr
LUM HO, John J.A.	Hawaii IW Res
MAUNAKEA, Regina K.	Oahu IW Agr

MAUNAKEA, Regina K.	Oahu IW Res
REEVES, Steward G.	Hawaii IW Pas
SNOW, Christopher A.	Hawaii IW Agr
SNOW, Christopher A.	Hawaii IW Res
TOMASELLI, Ezekiel-Ethan K.	Hawaii IW Agr
VARES, Joann A.	Maui IW Res
WASHINGTON, Charmaine P.	Maui IW Agr
YAMAMOTO, Candice H.	Oahu IW Res
YOUNG, Antoinette U.	Waimanalo Area / Oahu IW Res
YOUNG, Antoinette U.	Oahu IW Agr

ITEM D-8 EXHIBIT

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

LESSEE	LEASE NO.	AREA
BALOYOT, Oseas K.	5612	Lualualei, Oahu
DOCTORELLO, Howard	7777	Waimanalo, Oahu
KAMAI, Hannah	3484	Paukukalo, Maui
KANAHELE, Annie K.	4677	Kekaha, Kauai
LII, Donna D.	3696	Kewalo, Oahu
LONO, Carolyn L.	2657	Waimanalo, Oahu
MAHI, Kawehilani F.	8700	Anahola, Kauai
MATTOS, Gordon J.	8765	Waimanalo, Oahu
WHITWORTH, Victoria	6243	Panaewa, Hawaii

ITEM D-9 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
BAKER, Brenette I.	3421	Nanakuli, Oahu
BLAKE, Alexianne	2699	Kuhio Village, Hawaii
BUSHE, Lawrence E., Jr.	11673	Kanehili, Oahu
KAHELE, Ramona L.	11673	Kanehili, Oahu
CHARTRAND, Hal N.	11312	Kaumana, Hawaii
DANIELSON, Melody K.	12929	Kauluokahai, Oahu
KAHALOA, John Thomas K.	12924	Kauluokahai, Oahu
KALA, Alice L.	7537	Waiohuli, Maui
KAMA, Edward H., Jr.	12927	Kauluokahai, Oahu
KEAWE, Mitchell K.	12925	Kauluokahai, Oahu
LINDSEY, Edwin N., Jr.	3713	Waimanalo, Oahu
MERVYN, Rachael K.	3760	Waimanalo, Oahu
SOUZA, Justin W.	2978	Nanakuli, Oahu
VIERRA, Cynthia K.	2410	Waimanalo, Oahu
MILLER, Denise K. K.	10388	Waiohuli, Maui
NAMAHOE, Michele T. L.	5112	Panaewa, Hawaii
ROMIAS, Aubrey J. P.	9157	Kahikinui, Maui
SCHWEITZER, Jerome	6402	Makuu, Hawaii

ITEM D-8 EXHIBIT
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
BAKER, Brenette I.	3421	Nanakuli, Oahu
BLAKE, Alexianne	2699	Kuhio Village, Hawaii
GARCIA-KEALOHA, Mercy H.	6304	Keaukaha, Hawaii
GRAMBERG, William H.	11248	Waimanalo, Oahu
KAAIHUE, Lisa L.	11116	Anahola, Kauai
KAMAI, Hannah	3484	Paukukalo, Maui
LEONG, Donna K.	1878	Keaukaha, Hawaii
LONO, Carolyn L.	2657	Waimanalo, Oahu
MERVYN, Rachael K.	3760	Waimanalo, Oahu
NEILSON, Davilyn K. K.	12341	Kapolei, Oahu
NEILSON, Patrick E. K.	12341	Kapolei, Oahu
RAMOS, Elizabeth L.	4288	Kewalo, Oahu
SAITO, Doreen K. K.	2214	Kewalo, Oahu
SOUZA, Justin W.	2978	Nanakuli, Oahu

ITEM D-10 EXHIBIT
**APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC
SYSTEMS FOR CERTAIN LESSEES**

LESSEE	LEASE NO.	AREA
AKI, Naylene L.	11148	Anahola, Kauai
BURNS, Kahikina W.	306A	Nanakuli, Oahu
KUAHINE, Charles C. K.	5214	Nanakuli, Oahu
LOPES, Russell H.	8644	Nanakuli, Oahu
MEYERS, James A. K. K.	11673	Kanehili, Oahu
NEVES, Wanda M.	4053A	Keaukaha, Hawaii
YOUNG, Renee M.	5358	Waianae, Oahu

**HAWAIIAN HOMES COMMISSION
MARCH 15 & 16, 2021
TELECONFERENCE
9:30 A.M.**

**C – ITEMS
OFFICE OF THE CHAIRMAN**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Paula Aila, Acting Administrator, Contact & Awards Division



FROM: Michelle Hitzeman, HALE Manager

SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Leases to the applicants 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

Kauluokahai Increment B Residential Vacant Lots, Ewa Beach, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Elaine H. Gist	10/06/1986	48	1-9-1-017-110	12955

Kakaina Subdivision Residential Vacant Lot, Waimanalo, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
Lloyd Young, Jr.	07/07/1972	30	1-4-1-041-030	12956



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

C-2

Kuhio Award Concept: Addressing the Wait List and Successorship

March 15-16 2021



Roadmap

- HHCA
 - Lease conditions
 - Successorship
- HAR
 - Waiting list
 - Successorship
- Undivided Interest Awards
- Kuhio Award Concept



Lease Conditions

- HHCA 208
 - Original lessee must be native Hawaiian, as defined, and 18 years old
 - Lessee may transfer, with DHHL approval, to another native Hawaiian(s)
 - Lessee may also transfer, with DHHL approval, to one-quarter Hawaiian relatives:
 - Spouse, child, grandchild



Successors to Leases

- HHCA 209

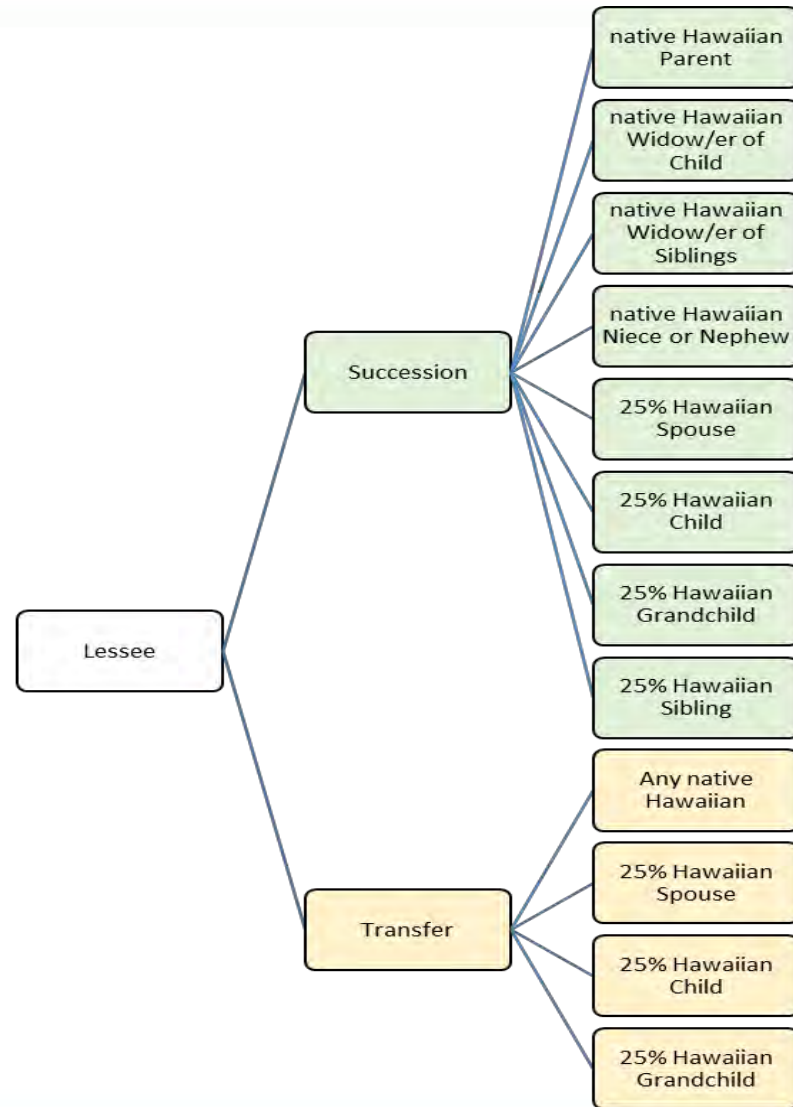
- Designated successor can be:

- One-quarter Hawaiian relatives of the lessee: spouse, children, grandchildren, sibling, or
 - native Hawaiian parent, widow/er of the children, widow/er of the sibling, or nieces or nephews

- If no designated successor, the DHHL may select from qualified relatives:

- Spouse
 - If none, then children
 - If none, then grandchildren
 - If none, then siblings
 - If none, then native Hawaiian father, mother, widow/er of the children, widow/er of the siblings, or nieces or nephews

Lessee Transfer & Succession





Waiting Lists

- HAR 10-3-6
 - The department shall maintain waiting lists until the lists are exhausted.



Transfer of Application Rights

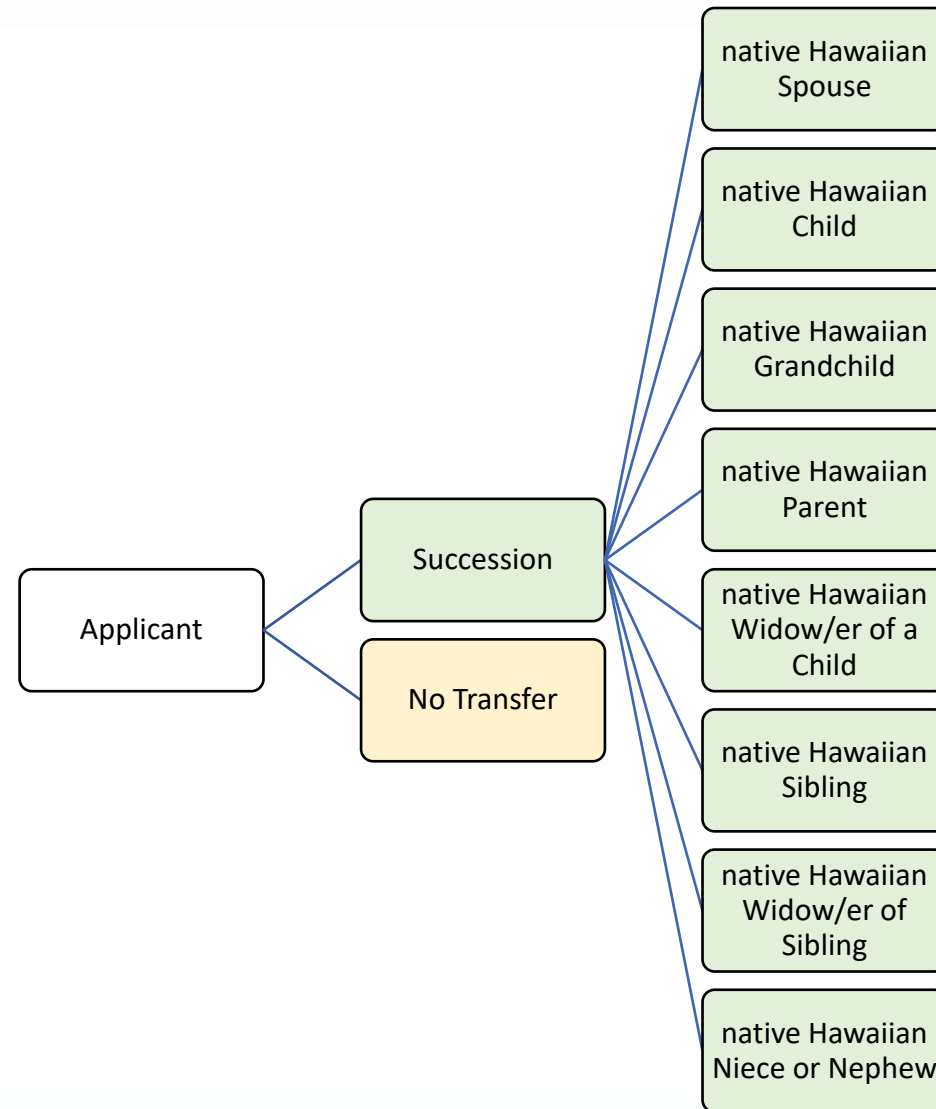
- HAR 10-3-8
 - An applicant may designate an individual relative who is at least 18 years old and a native Hawaiian:
 - Spouse
 - Child
 - Grandchild
 - Widow/er of a child
 - Sibling
 - Widow/er or a sibling or
 - Niece or nephew



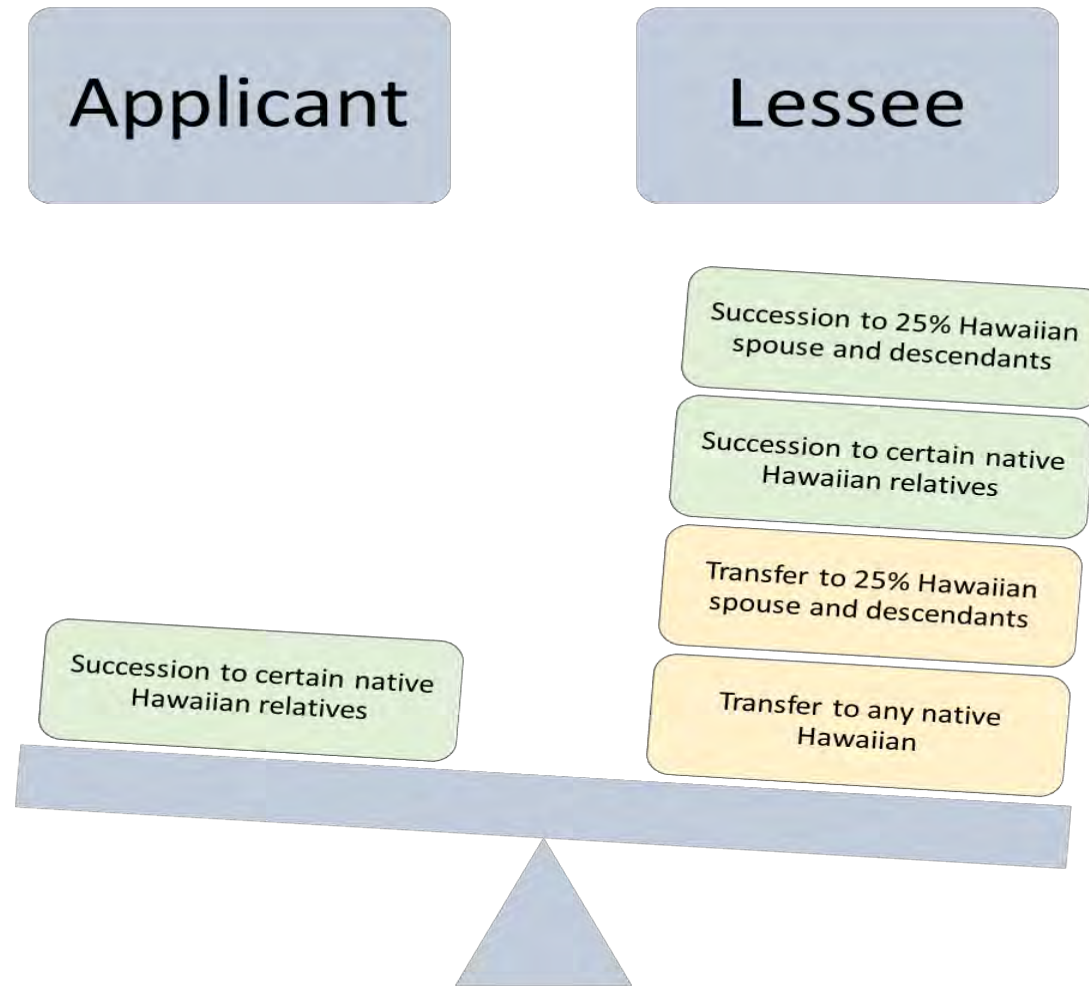
Transfer of Application Rights

- HAR 10-3-8
 - If no designated successor, the commission may designate a successor applicant who is at least 18 years old, a native Hawaiian, and has requested to succeed to the application:
 - Spouse
 - If none, then children
 - If none, then grandchildren
 - If none, then siblings
 - If none, then native Hawaiian father, mother, widow/er of the children, widow/er of the siblings, or nieces or nephews

Applicant Transfer and Succession



Transfer and Succession Comparison





Undivided Interest Awards

- Awarded leases to unimproved parcels without specifying the interest of each lessee by percentage or description
- Intended to provide time to prepare for a residential award: finances and credit, relocation
- Allowed for the transfer of the lease
- Awarded from 2005 to 2008



Kuhio Award Concept

- Award a “paper” lease to waitlist applicants, which would allow them to plan for their family through transfer and succession rights equal to those of a lessee.
- Policy questions:
 - Is this really a waiting list by a different name?
 - Does this prioritize 25% over 50%?
- Implementation issues:
 - Conversion: opt-in/opt-out process, department capacity and staff time
 - Transfer and successorship
- Legal issues

Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

State of Hawaii

Department of Hawaiian Home Lands

March 15 – 16, 2021

To: Chair and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Acting Planning Program Manager

From: Gigi O. Cairel, Grants Specialist

Subject: For Information Only – Homesteads with Declarations of Covenants, Conditions and Restrictions (DCCRs)

RECOMMENDED MOTION/ACTION

None. For information only.

BACKGROUND

The purpose of this submittal is to provide the Hawaiian Homes Commission (HHC) an update on the Department's plan to rollout the new Hawaii Administrative Rules (HAR) Chapter 10-7 related to Planned Communities. HAR Chapter 10-7 became effective August 17, 2019.

DISCUSSION

At the July 2020 regularly scheduled HHC meeting, the Department of Hawaiian Home Lands (DHHL) conducted an overview (See Exhibit A) on the basics of homesteads with Declarations of Covenants, Conditions and Restrictions (DCCRs). These are "Planned Communities" defined and governed by Hawaii Revised Statutes (HRS) Chapter 421J and Chapter 414D.

In summary, there are a total of eighteen (18) DCCR Homesteads located statewide, with the exception of Molokai. Twelve (12) were created by DHHL and six (6) homesteads came with DCCRs already on the land when DHHL acquired the properties. All are residential homesteads,

with the exception of two (2): Waiāhole, O‘ahu has both residential and agriculture homesteads; and Kahikinui, Maui is a pastoral homestead.

Lessees in DCCR homesteads face the same challenges as those on fee simple land:

- Board members may not always be aligned with the general membership
- Member apathy to participate in the association
- Enforcing the DCCRs, neighbor-to-neighbor, including collection of dues
- Limited awareness by lessees of association business, including the association budget and what the dues pay for

And, there are significant differences between DCCR communities located on Hawaiian Home Lands and those on fee simple land. The primary difference is that DHHL maintains a long-term relationship with the individual lessees and the homestead associations, whereas in fee simple properties, the developer exits the project and the homeowners and the association are left to manage the property.

There are three areas for DHHL to address in order to implement the new rules – Policy Level, Department Level and Community Outreach. The immediate task is Community Outreach. HAR 10-7-2(b) applies to every existing DCCR homestead. This rule allows the homestead to choose whether to opt-in to the new rules or not. Per HAR 10-7-2(b), a simple majority vote of the homestead is needed.

DHHL’s primary objective is to assist each homestead with taking this vote. In order to do this, outreach meetings will be scheduled to raise awareness of the new rules and to assist lessees with making an informed decision on whether to opt-in or not. Next steps are as follows.

- Research and compile homestead governing documents
- Conduct initial kickoff meetings with each homestead to explain the “opt-in” choice
- Conduct outreach meetings to review the new rules
- Assist homestead to take a vote whether to “opt-in”

We plan to start with the DCCR homesteads on O‘ahu. Priority homesteads will be those where DHHL placed the DCCRs on the land. These are: Kānehili, Kaupuni, Kumuhau-Kaka‘ina, Princess Kahanu. Neighbor islands are: Kahikinui, Waiehu Kou 2, 3, 4; Lāna‘i; Pi‘ilani Mai Ke Kai; and Lālāmilo on Hawai‘i island.

RECOMMENDATION


None. For information only.

State of Hawaii

Department of Hawaiian Home Lands

July 20 - 21, 2020

To: Chair and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Acting Planning Program Manager 
Hokulei Lindsey, HHL Rules Officer *Hokulei Lindsey*
Stewart Matsunaga, Acting Administrator,
Land Development Division
Paula Aila, Administrator, Contacts and Awards
Division
Juan Garcia, Administrator, Homestead Services
Division *Jto Garcia*

From: Gigi O. Cairel, Grants Specialist *Gigi Cairel*

Subject: For Information Only - Homesteads with Declarations of
Covenants, Conditions and Restrictions

RECOMMENDED MOTION/ACTION

None. For information only.

BACKGROUND

The purpose of this submittal is to provide the Hawaiian Homes Commission (HHC) an overview of the Department of Hawaiian Home Lands (DHHL) experiences with developing master-planned communities with Declarations of Covenants, Conditions and Restrictions or "DCCRs" and organizing homesteads under the Planned Community Association law, Hawaii Revised Statutes Chapter (HRS) 421J. This submittal was prepared in response to a request from the HHC at its regularly scheduled meeting held on June 16, 2020.

Who are the "DCCR Homesteads"?

- Statewide, there are eighteen (18) DCCR Homesteads.
- All, except two (2), are residential homesteads. Waiāhole on O'ahu has both residential and agriculture homestead lots and Kahikinui on Maui is a pastoral homestead.
- Total of 2,309 lessees, which represents 23% of all lessees.

- Only the island of Moloka'i does not have a DCCR homestead.
- 6 of the 18 came with DCCRs when DHHL acquired the property from Hawaii Housing Finance and Development Corporation (HHFDC).
- 1 DCCR homestead is a Kuleana homestead (Kahikinui).

Established in the mid-1990s, Princess Kahanu Estates (PKE) in Nānākuli was the first homestead development that DHHL placed DCCRs on the land. The DCCR, which is a set of rules, is attached to each individual homestead lease. Since then, DHHL developed eleven (11) more homesteads with DCCRs and acquired lots in six (6) other development projects, where DCCRs were placed on the land by other parties. See Table 1 for a complete listing of DCCR homesteads.

TABLE 1.
DCCR Homesteads
No. of Lessees (as of 6/30/20)

O'AHU	MAUI	KAUA'I	HAWAI'I
Kalāwahine 90	Kahikinui** 75	Pi'ilani Mai Ke Kai+ 64	Discovery Harbor** 2
Kānehili+ 373	Leiali'i** 104		La'i 'Ōpua** 284
Kaupe'a* 326	Waiehu Kou 2 109		Lālāmilo+ 30
Kaupuni 19	Waiehu Kou 3 114		
Kumuhau- Kaka'ina+ 76	Waiehu Kou 4 97		
Malu'ōhai* 226			
Princess Kahanu Estates 271	LĀNA'I+ 33 DCCR status unknown		
Waiāhole*^ 16	MOLOKA'I 0		
TOTALS 1,397	532	64	316

Notes:

* 6 properties (**in bold**) came with DCCRs

** 1 DHHL Kuleana homestead (pastoral)

^ Mix of DHHL Residential (18) and Agriculture (2) homestead lots

+ Additional homestead lots still under development or to be awarded

The idea to move in the direction of master-planned communities was to emulate the HHFDC and other developments happening in Hawaii at the time. Also, DHHL's objective included providing opportunity for lessees to self-govern and self-manage their homestead communities and reduce reliance on DHHL and other government agencies. Key features of using the Planned Community Association model are: (1) the homestead

community has a clear and distinct set of geographic boundaries;
(2) all lessees are automatically members of the association;
(3) lessees each have a vote to elect the association board; and
(4) lessees are in control to manage the aesthetics of the home exterior, community rules or DCCRs, and common areas.

What exactly are DCCRs?

DCCRs are a set of rules specific to a given development project. The rules are intended to keep the community and lots in it clean, well maintained and safe. The idea is that with these types of rules in place, the community becomes a more desirable place to live and property values are maintained for the long term. Based on market analysis and studies of potential buyers, the developer initially prepares the DCCRs. The DCCRs may or may not be recorded with the Bureau of Conveyances.

What's a Planned Community Association?

Any community in Hawaii with DCCRs may be organized as a nonprofit un-incorporated or incorporated entity. Most communities organized under HRS Chapter 421J Planned Community Association law, are governed by DCCRs and organized as Hawaii nonprofit corporations (under HRS 414D Nonprofit Corporation Act). Unlike other community associations and nonprofits where the community organizes itself around an issue, need, problem or opportunity, in a Planned Community, the developer creates the association as part of the development process, prepares and records the governing documents (DCCRs, Articles of Incorporation or Charter, Bylaws, policies), and serves as the first board, until owners occupy the units. Once the developer transitions the association to the community and all units are sold, the developer's role in the community ceases. The association then manages and enforces the DCCRs and may amend its governing documents, as provided.

These homeowner associations or HOAs are called "Planned Community Associations" and have three basic, defining characteristics:

- Membership is mandatory and automatic for all owners.
- Certain documents bind all owners to be governed by the association. These documents require mutual obligations to be performed by the owner and the community.
- Mandatory lien-based economic charges or assessments are levied on each owner in order to operate the association and maintain common areas.

Under HRS 421J, there are three basic types of planned community associations:

- Planned community
This is the most common type of community association and includes master-planned communities; planned residential developments; townhouse developments; single-family home developments. DHHL has a total of eighteen (18) properties with DCCRs; sixteen (16) have associations.
- Condominium
This is the second most common type of community association. The condominium is a unique form of ownership where the owner typically owns the air space, but not the physical boundaries of the unit or the land underneath. The owner also holds a shared interest in the common area. Currently, DHHL does not have these.
- Cooperative
This is the least common type of community association. A corporation owns the building or other property that makes up the cooperative. An owner owns a shared interest in the corporation and exclusive right to occupy or "rent" a specific portion of the cooperative - usually called an apartment. Currently, DHHL does not have these.

TABLE 2.
List of Planned Community Associations

DCCR Homestead area	Name of Association	Common areas
O'AHU		
Kalāwahine	Kalawahine Streamside Association^	None
Kānehili	Kānehili Community Association**	Park
Kaupe'a#	Villages of Kapolei Association (VOKA)**	E komo mai sign Maintained by VOKA
Kaupuni*	Kaupuni Village Community Association^	Community center
Kumuhau-Kakaina	Kumuhau Subdivision and Kaka'ina Subdivision Community Association	None
Malu'ōhai#	Villages of Kapolei Assoc.**	E komo mai sign Maintained by VOKA
Princess Kahanu Estates	Princess Kahanu Estates Association*	Community center; boat yard
Waiahole	None	Unknown
MAUI		
Kahikinui	Ka 'Ohana O Kahikinui, Inc.*	Forest Reserve Community center
Leiali'i	Villages of Leiali'i Phase 1A Association **	Community garden
Waiehu Kou 2	Waiehu Kou Residence Lots Phase II Association, Inc.**	None
Waiehu Kou 3	Waiehu Kou Phase 3 Association, Inc.**	None
Waiehu Kou 4	Waiehu Kou Phase 4 Association, Inc.^	None
LĀNA'I		
	Ha'uoi o Lana'i Hawaiian Homestead Community Association Incorporated^	None
MOLOKA'I		
	None	N/A
KAUA'I		
Pi'ilani Mai Ke Kai	Pi'ilani Mai Ke Kai Community Association^	None
HAWAI'I		
Discovery Harbor	Unknown	Unknown
La'i 'Ōpua	Villages of Laiopua Association**	Community Center located in Kaniohale Village 3
Lālāmilo	Lālāmilo Residence Lots Association ^	None

Notes:

- * Has Federal IRS 501c3 status
- ** Has property management company
- ^ DCCA administratively dissolved, but may not be completely terminated.

- # These homesteads each have another association: Kaupe'a Homestead Association and Malu'ohai Residents' Association, respectively. However, these are not Planned Community Associations (HRS 421J).

DISCUSSION

Is the Planned Community Association model a good fit for homesteads?

The department was initially drawn to the Planned Community model for some of its attractive features: creation of a geographic-based community association; membership is mandatory; homeowners self-manage the community; and property value is maintained in the long term. Planned Communities can and do work well in fee simple developments. However, there are key differences to note between Planned Communities on Hawaiian Home Lands and private development, which raises the question, Is the Planned Community Association model a good fit for homesteads? And, should HHC and DHHL continue using this model? See Table 3.

TABLE 3
KEY DIFFERENCES

	Private Development	DHHL Development
Land	Fee simple	Leasehold Rarely are Planned Communities on Leasehold land.
The project development itself	Large to small scale Mix of single- and multi-family units Community facilities	Small-scale (19 to 400 units) Single-family units only, with or without facilities/common areas to manage and maintain
Role of developer	Developer initiates the project, then leaves the project when 100% units sold	As both landowner and developer, DHHL initiates the project. DHHL may partner with a developer. DHHL remains involved with the community well after construction is completed.
Home Buyer	Any member of the general public who chooses to live in a Planned Community	Buyers restricted to only HHCA Beneficiaries. Primary motivation is to obtain a homestead lot, whether it's a Planned Community or not.
Infrastructure Water, sewer, roads	Some HOAs maintain some infrastructure. Some maintained by County.	Need clarity on who maintains what – association, DHHL, County.
DCCRs	Prepared by developer based on market studies of potential buyers.	Prepared by DHHL and consultants. DHHL made an initial attempt to solicit beneficiary mana'o through the Ho'opaepae program, The Kahikinui kuleana homestead is the only exception, whereby the community prepared its own DCCRs.
Association	Developer set ups the association and serves as the first board.	DHHL or its developer partner sets up the association and serves as the first board.

	Private Development	DHHL Development
	<p>No support is provided to the association, except for initial budget set-up, feasibility and cost studies to determine initial HOA dues and assessments.</p> <p>After the developer transitions the association to the homeowners, developer's role ends.</p>	<p>DHHL did not set up the initial budget, nor conducted feasibility/cost studies.</p> <p>After DHHL transitions the Association to the lessees, DHHL maintains a relationship with the lessees. Also, DHHL provides some support to the associations (board training, technical assistance, grants).</p>
Self-governing and Self-managing	Handled by association	Associations and individual lessees have both approached the department for assistance. As resources allow, DHHL has responded.

Planned Community Associations, as with other nonprofits, are run by an all-volunteer board. Some associations hire a third party, property management company to handle administrative tasks, enforce the DCCRs, including addressing delinquencies in homeowner dues, and provide professional assistance to manage and operate the association business. About half of the DCCR homestead associations have active boards, hold meetings and events, organize activities, and provide programs and services. Some have obtained resources (funds, volunteer labor, donated equipment, technical expertise) to plan and implement projects. A large part of the success of these handful of homesteads comes from strong leadership, trust, good communications, and providing meaningful activities and opportunities to keep lessees involved.

These active associations also face many of the same challenges faced by Planned Communities on fee simple land, such as the following:

- Though elected by association members, board members may not always be aligned with the general membership.
- Member apathy to participate in the association.
- Enforcing the DCCRs, neighbor-to-neighbor, including collecting association dues.

- Limited awareness by lessees of association business and activities, including limited knowledge of the association budget and what the dues pay for.

DHHL Implementation Challenges

Though the department's initial thought and purpose for developing master-planned communities and creating Planned Community Associations were admirable, several implementation challenges have surfaced. One of the biggest factors is the limited to no research and analysis early on during the conceptual phase to determine if this model is a fit for homestead, then to prepare the department to smoothly implement this initiative.

DHHL implementation challenges related to DCCRs fall under these broad categories: Enforcement, Declining association membership participation, Management of community facilities, and Inconsistencies with DHHL programmatic implementation and supports.

Enforcement

In fee simple properties, DCCR enforcement is strictly handled by the HOA, then, if not resolved, the HOA can take action against the homeowner through the courts system. The landowner and developer are typically not parties to the dispute.

On Hawaiian Home Lands, DHHL has a relationship with each individual lessee via the homestead lease. In 2006, one association testified before the Hawaiian Home Commission seeking assistance with enforcement of the DCCRs. Several other associations joined in. For the next two years, DHHL and the associations collaborated and crafted a homestead community-based solution to enforce the DCCRs and collections of dues, called Kānāwai.

- The term Kānāwai was used to refer to the requirements of the konohiki system in which individual families were responsible for proper use of their tracts of land.
- The Kānāwai Enforcement Procedures outlined the steps associations and DHHL would follow to enforce the DCCRs.
- These procedures did not constitute official administrative rules nor were adopted by HHC.

Kalāwahine case

Around the same time as the Kānāwai Enforcement Procedures were being developed, members of the Kalāwahine association filed a petition seeking a declaratory ruling that DCCRs were void

because the administrative rules required by the Hawaiian Homes Commission Act (HHCA) Section 207.5 were not in place when the DCCRs were incorporated into the Kalāwahine leases. In 2015, the Hawaii Intermediate Court of Appeals found that administrative rules were required before DHHL could incorporate DCCRs into the homestead leases issued to Kalāwahine lessees but that because the Kalāwahine DCCRs were also incorporated into the sales contract with the developer, the DCCRs remained enforceable by the association. In 2019, DHHL promulgated Hawaii Administrative Rules Chapter 10-7 relating to Planned Communities, Multi-Family Complexes, and Rental Housing as required by the HHCA Section 207.5. See Exhibit A.

Declining association membership participation

In fee simple developments, associations almost never decline. It is simply not in the interest of the homeowners who invested, bought into, and chose to live in a Planned Community. Associations have evolved and become more sophisticated, including establishing an association of associations for mentoring, training, support and networking. In DCCR homesteads, at least six (6) associations are inactive and are administratively dissolved. It is unclear as to DHHL's role and obligation, if any, to organize the community, revive and support the Planned Community Associations.

Management of common areas and community facilities

In fee simple developments, when the developer transitions the association to the community, it is clear as to the property boundaries, common areas, community facilities and amenities to be managed by the association. An overall association budget is prepared as well as feasibility studies and reserve studies to project the costs to operate the association and maintain the property and facilities. The studies also help determine the HOA dues and assessments.

DCCR homestead development projects have been mixed. More than half of DHHL properties have no common areas, facilities nor amenities. In the other homesteads, DHHL constructed the community facilities, thus lessening the burden on the community. However, the association faced many challenges in operating and maintaining these community facilities such as, setting affordable rental rates for lessees; obtaining affordable liability and property insurance; less than adequate size of the facility to serve lessees and their families; and balancing affordability of homeowner dues and assessments with rising costs to maintain the facility. At least one homestead

has opened up its facility to rent to the general public from outside the homestead.

Below is a list of the homesteads with community facilities to manage.

- Princess Kahanu Estates, Nānākuli (271 lessees). DHHL built a community center facility, with a small office/board room, and a boat yard. The boat yard was intended as a revenue-generating activity for the community. The community center was not sized for the full build out of the 271 lots and families nor is there adequate parking; thus making it challenging for rentals for large gatherings. The association made a business decision to expand the facility as well as to renovate and has secured initial funding. Initially, the boat yard was exclusively rented by beneficiaries. With hard economic times, today, the association now accepts rentals from non-beneficiaries.
- Villages of La'i 'Ōpua, Kona (400+ lessees at full build out). DHHL built a community center facility in Kaniohale (Lai Opua Village 3). This community center also was not sized for the full build out of Village 3, let alone to serve the surrounding villages. However, given the small size relative to the eventual large customer base, the community center operations seems sustainable.
- Kaupuni, Wai'anae (19 lessees). DHHL built a community center facility in this NAHASDA-funded development project. Though lessees intended to mālama the facility with volunteers, the administrative burden (ie insurance) and operational costs (ie water, electricity, etc.) were unmanageable for this 19 unit subdivision.
- Leiali'i (30+ lessees), Maui. The association took the initiative to secure a small parcel to start a community garden. The project was successful so the association approached DHHL to secure a 3-acre parcel.
- Kānehili, Kapolei (403 lessees). The association established a private park and secured the initial construction funds. It remains to be seen how this park will be managed, operated and financially supported.

Inconsistencies with programmatic implementation and supports

At the time the department drafted the DCCRs and set up the associations, DHHL relied on real estate law and creating real estate entities. There was little to no beneficiary perspective nor nonprofit technical expertise brought in to complement the real estate perspective. Initially, the associations were partially set up with the very basics of templated governing

documents, then turned over to the community with little to no orientation. With the association not completely set up, there was confusion on roles among individual lessees, the association, DHHL and the County. The most common confusion was that lessees were contacting association board members on topics from soup to nuts. There was also push back from lessees that the initial governing documents needed to be more based in culture values. Further, DHHL did not have procedures in place to transfer the dues that DHHL initially collected to each association. This hampered the boards to complete setting up the association and its administrative systems. DHHL also did not have procedures to transfer lessee contact information so the association can build up and maintain a current members list.

Today, there are procedures in place for both transferring dues held by DHHL and for transferring lessee contact information to the association. It is recommended that these procedures be revisited to be compatible with the new rules.

About 2006 - 2008, during the DHHL Undivided Interest (UI) program, DHHL conducted a community outreach program, called Ho'opaepae, to assist UI lessees to prepare themselves as homebuyers, financial literacy, and to craft their own set of community rules, or DCCRs while subdivision construction was ongoing. UI Lessees responded well to this program and appreciated the frequent communication from DHHL via newsletter and community meetings. Unfortunately, this program ran into internal coordination issues. And, the program ended when staff were re-assigned and ultimately left the agency.

Between 2009 to 2013, DHHL launched the Kūlia i ka Nu'u - Strive for Excellence program. A team of staff and consultant trainers provided a comprehensive set of training, technical assistance, networking, and conference events for all associations. DHHL also managed a robust community grants program. Given the unique needs of Planned Community Associations, these associations received additional specialized assistance. Homestead leaders also responded well to this program. The Kūlia program abruptly ended, trainer contracts were terminated and staff left the agency.

From 2012 to 2014, the department brought on board a nonprofit training organization to specifically assist the DCCR homesteads with board training, updating their governing documents, drafting policies and procedures. Networking gatherings of all the associations were organized and held at the Honolulu Airport conference center. Staff liaisons were also assigned to attend

association meetings and functions and to represent DHHL as the "Class B" member, as appropriate. Homestead leaders responded well to this assistance, then it was halted until new administrative rules could be adopted.

There continues to be confusion as to who owns and maintains what property and infrastructure in each of the DCCR homestead, such as roads - association, DHHL or County. And, it is unclear whether proper easements and licenses are in place for common property such as welcome signs and community use space.

Multiple divisions within DHHL serve the DCCR homesteads, associations and individual lessees. There needs to be clear roles and responsibilities and procedural consistency among DHHL divisions to better serve the DCCR homesteads. Below are areas needing role clarifications and procedures within DHHL as well as with the associations.

- Enforcement of lease terms and conditions, including DCCRs
- Orientation to beneficiaries interested in a Planned Community
- Orientation to a new lessee who was awarded a lease in a Planned Community
- Maintenance of common areas and vacant lots
- Maintenance of homestead infrastructure such as roads, drainage
- Training and technical assistance to the HOA, if any is to be provided

From the association perspective, the following are areas of concern:

Concern	DHHL response
Delinquencies and community violations	Addressed in the new rules
Transfer of initial dues	DHHL to transfer the dues to the associations
[DHHL] Payment of [HOA dues for] undeveloped lots	Varies by each individual CCRs To be researched
Relationship between lessee, assoc, DHHL and County	Consider developing a "cheat sheet" Call xxx entity for xxx type question
Payment of dues during period between lease cancellation and new lessee	Varies by each individual CCRs To be researched

These experiences and key differences have resulted in misconceptions by both lessee and staff of what is a Planned Community and how it is suppose to function. There continues to be confusion within DHHL and among DHHL, associations, and individual lessees as to their roles and responsibilities managing and living in a Planned Community and the role of the Counties in managing infrastructure in a Planned Community. Lastly, DHHL should consider what level of support, if any, to provide to Planned Community Associations.

MOVING FORWARD

The new Administrative Rules for Planned Communities on Hawaiian Home Lands were drafted to address many of the implementation issues described above, particularly articulating the roles of DHHL and association; enforcement procedures; and orientation for beneficiaries considering to accept an award in a Planned Community. Our immediate next step is to reach out to each existing DCCR homestead and inform them of the new rules. Secondly, to assist each homestead to take a vote within their community whether or not to opt-in and continue as a Planned Community.

Function before form

DHHL needs re-visit its goals and objectives for the Planned Community approach. For example, one of the attractive features is this concept of self-managing the homestead. In at least half of the DCCDR homesteads, this has not worked out as expected as evidenced by the absence of an active board and little to no participation by association members. There are alternatives to achieve some of the advantages of the Planned Community - such as automatic membership, house rules - through a homestead lease program or addenda, without the administrative burden of a full-fledged Planned Community Association.

DHHL analysis, programmatic framework, and organizational structure

DHHL should do further analysis and establish a programmatic framework and organizational structure so there is clarity in roles among divisions, better communication and coordination internally as well as with responding to the association and its members as well as potential lessees interested in living in a Planned Community. An evaluation of this initiative is also

needed to provide the analysis and set criteria and procedures on developing new homesteads using this Planned Community model.

DHHL Kuleana homestead

In the DHHL Kuleana homestead program, DHHL to determine if the Planned Community approach is appropriate. There is one existing Kuleana homestead that is a Planned Community (Kahikinui) and there are three (3) future Kuleana homesteads in the planning and environmental studies phase. As noted above, there are alternatives to explore to achieve some of the advantages of the Planned Community model - such as automatic membership, house rules - through a homestead lease or addenda, without the administrative burden of a full-fledged Planned Community Association.

Long term: Programmatic framework for any new DHHL initiative

Lastly, as with any DHHL programmatic initiative, DHHL needs to consider applying a programmatic framework involving the following steps:

- Involve community throughout the process
- Concept phase: Research, Cost/Benefit Analysis to the Trust, Beneficiary Affordability, Due Diligence
- Policy formulation and approval by HHC
- Develop procedures and assign Divisions to be responsible for specific kuleana
- Implement and invest adequate resources (budget, staff, expertise)
- Monitor, Evaluate, Adjust

RECOMMENDATION

None. For information only.

.

EXHIBIT A

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-7
Hawaii Administrative Rules

[AUG 17 2019]

SUMMARY

Chapter 10-7, Hawaii Administrative Rules,
entitled "Planned Communities, Multi-Family Complexes,
and Rental Housing", is adopted.

3341 442

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

§§10-7-23 to 10-7-25 (Reserved)

Subchapter 4 Obligations of the Lessee

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

Subchapter 5 Enforcement of Governing Documents

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

Subchapter 6 Rental Housing

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

SUBCHAPTER 1

GENERAL PROVISIONS

§10-7-1 Definitions. As used in this chapter and any k^ān^āwai 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 residential lease from the department, or anyone included in the definition of a member under

the governing documents.

"Multi-family complex" means a residential 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 residential 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 **AUG 17 2019**] (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 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 **AUG 17 2019**] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

\$10-7-3 Method of disposition. (a) The department may award 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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 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 **AUG 17 2019**] (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 **AUG 17 2019**]
(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 **AUG 17 2019**]
(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 **AUG 17 2019**]
(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 **AUG 17 2019**] (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 **AUG 17 2019**] (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 **AUG 17 2019**] (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. [Eff **AUG 17 2019**]
(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 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 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 **AUG 17 2019**] (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 **AUG 17 2019**] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-44 Successorship. (a) If the renter is an 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 **AUG 17 2019**] (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 **AUG 17 2019**] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

§10-7-46 Conversion to lessee. A renter who is an applicant on a waitlist shall remain an applicant during the rental period. The renter's 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 lease. [Eff **AUG 17 2019**] (Auth: HHC Act §222) (Imp: HHC Act §207.5)

DEPARTMENT OF HAWAIIAN HOME LANDS

Chapter 10-7, Hawaii Administrative Rules, on Summary Page dated [**AUG 17 2019**], 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: 08-07-2019

APPROVED AS TO FORM:



Deputy Attorney General

Filed

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LIEUTENANT GOVERNOR'S
OFFICE

7-17

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HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Homesteads with DCCRs

Hawaiian Homes Commission
Item G-5
July 21, 2020

1

Agenda

- **Background**
 - Definitions: DCCR and Planned Community Assoc
 - Who, What, Where, When, Why
- **Key differences: DCCRs on Hawaiian Home Lands and DCCRs on fee simple land**
- **DHHL Experience: Implementation Challenges**
- **Moving Forward**

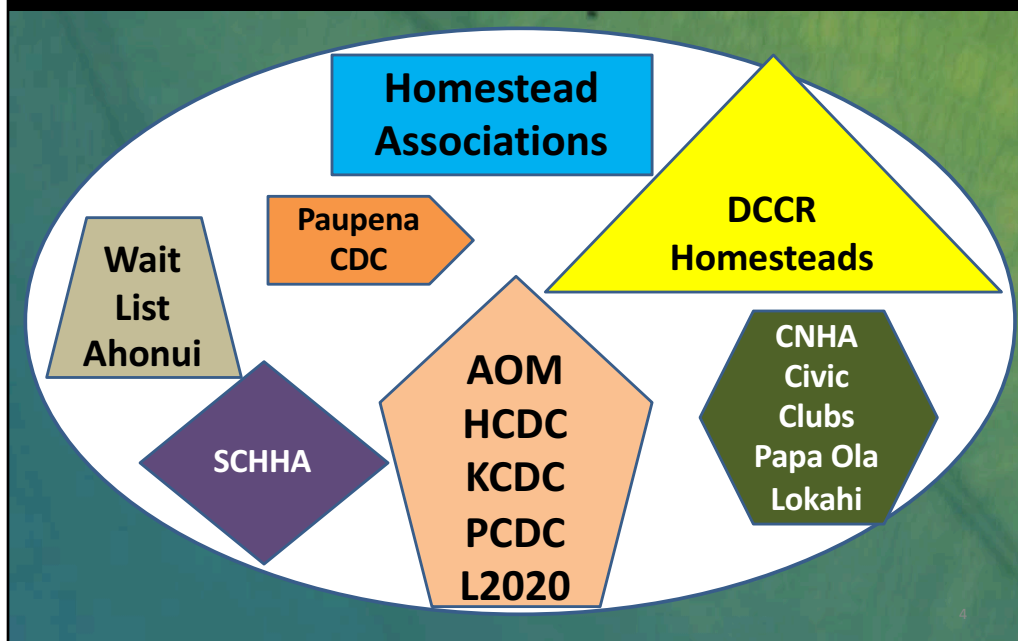
2

Definitions

- **DCCRs** – Declaration of Covenants, Conditions and Restrictions
- **Planned Community Association** – a specific type of nonprofit, by law, requires homeowners to automatically be members; mandatory dues and assessments to operate the association; and documents (ie DCCRs) that bind homeowners

3

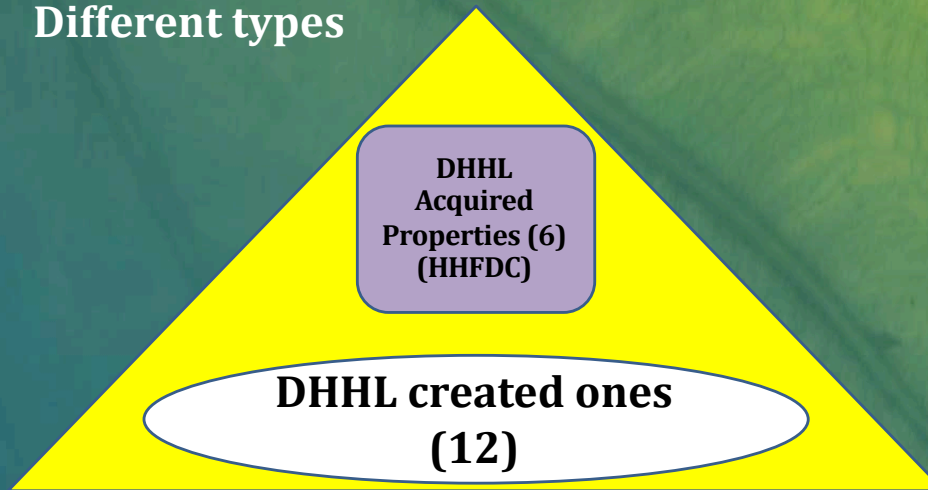
Nonprofits come in all shapes and sizes Function before Form



4

DCCR Homesteads

Different types



5

The “Planned Community Association” A particular type of nonprofit

3 basic types:

- Planned community
- Condominium
- Apartment

3 characteristics:

- Automatic membership
- Documents that bind homeowners
- Mandatory dues and assessments to operate the association

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Who, What, When, Where, Why

WHY

Master-planned communities and
opportunity for homesteads to self-manage

WHERE: Statewide, except Moloka'i

WHEN

1995 (Princess Kahanu) – 2009 (Kānehili)

7

Who, What, When, Where, Why

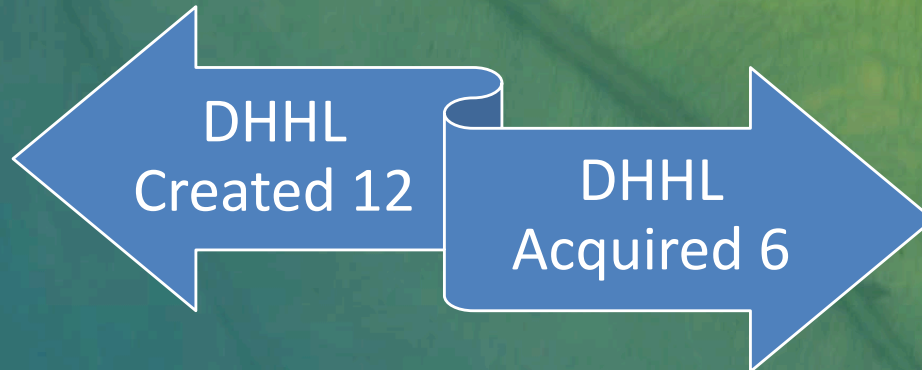
WHAT

DHHL created 12 DCCR Homesteads
and DHHL acquired 6 properties
with DCCRs

TOTAL 18 properties
2,309 lessees (23% of total lessees)

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Total of 18 properties with DCCRs



9

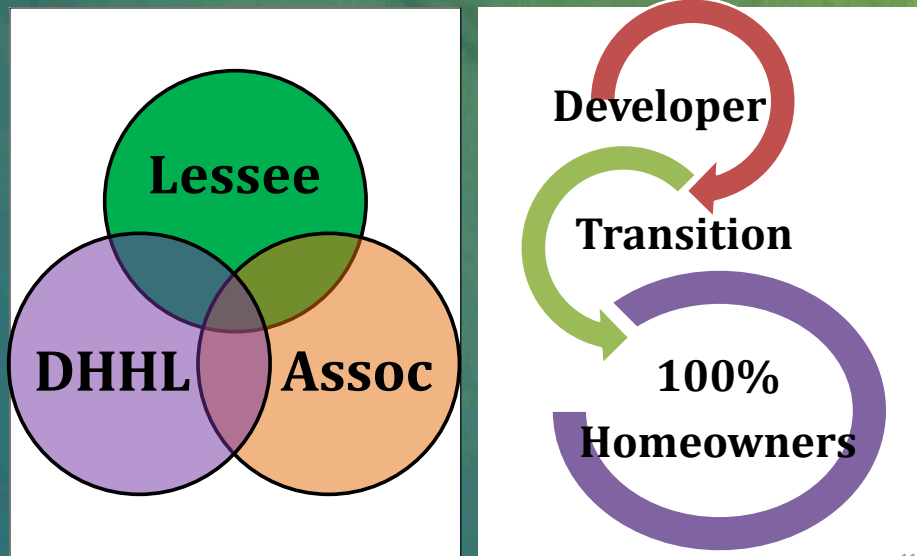
WHO are these DCCR Homesteads

Refer to Tables 1 (page 2) and Table 2 (page 5)

OAHU	MAUI	KAUAI	HAWAII
Kalāwahine	Kahikinui	Pi'ilani Mai Ke Kai	Discovery Harbor
Kaupe'a	Leiali'i		La'i 'Ōpua
Kaupuni	Waiehu Kou 2		Lālāmilo
Kumuhau and Kaka'ina	Waiehu Kou 3		
Malu'ōhai	Waiehu Kou 4		
Princess Kahanu	LĀNĀ'I DCCR status unknown		
Waiāhole	MOLOKA'I (none)		

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Key Differences



Key Differences

Refer to Table 3 on page 7

Fee Simple

- Fee simple
- Project based on market studies –SFH, MFH, facilities
- Developer in, then out
- Buyer: general public
- Infrastructure
- DCCRs based on market studies, buyer preferences

Hawaiian Home Lands

- Leasehold
- SFH only, with or without facilities
- DHHL remains
- Buyer: HHCA beneficiaries only
- Infrastructure maintenance unclear
- DCCRs templated

Key Differences (continued)

Refer to Table 3 on page 7

Fee Simple

- Developer sets up Assoc, transitions, leaves
- Rarely does Assoc decline
- Assoc self-manages and self-governs

Hawaiian Home Lands

- DHHL partially set up the Assoc, transitioned, continued to assist Assoc, as resources allowed
- Association decline. At least half have inactive boards.
- New Rules tie Assoc and DHHL in DCCR enforcement

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DHHL Implementation Challenges

- ☐ Enforcement
- ☐ Declining association membership participation
- ☐ Management of community facilities
- ☐ Inconsistent programmatic implementation and support

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HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Moving Forward

15

Next Steps

Policy level: Function before Form

- Re-visit goals and objectives of the DCCR model
- Applicability to Kuleana Homesteads
 - Explore options
- Determine level of support to Associations

Department level:

- Clarify Division roles and responsibilities
- Develop procedures

Community outreach

- Community Outreach on the New Admin Rules
- Choose to opt-in

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Long Term Programmatic Framework

- Involve community throughout process
- Concept phase – research and analysis
- Formulate policy – seek HHC action
- Operational Plan
 - Clear division roles and responsibilities
 - Procedures

THEN IMPLEMENT

- Monitor, Evaluate, Adjust

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HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Mahalo!

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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15-16, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*

Subject: For Information Only – Legislative Updates 2021

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

DHHL Legislative Proposals

Legislative proposals approved by the Hawaiian Homes Commission were submitted for inclusion in the Administration's legislative package for the 2021 Regular Session. The following table reflects the Legislative Proposal, Description and Progress. The measures italicized were either withdrawn or have not advanced by the deadline and are essentially dead for this session.

Legislative Proposal	Description	Progress
<i>Proposal HHL-01(21) Independent Legal Counsel</i>	<i>Allows DHHL to retain independent legal counsel</i>	<i>HB1391 – Not Scheduled by FIN SB877 – Not Scheduled by WAM/JDC</i>
<i>Proposal HHL-02(21) Representation on CWRM</i>	<i>Adds the Chairman of the HHC or designee to CWRM</i>	<i>HB500 – Not Scheduled by WAL SB872 – Not Scheduled by WTL/HWN</i>
Proposal HHL-03(21) Representation on the Board of Agriculture	Adds the Chairman of the HHC to the Board of Agriculture	HB756 – Passed Third Reading SB882 – Not Scheduled by JDC
<i>Proposal HHL-04(21) Representation on ADC</i>	<i>Adds the Chairman of the HHC to the Board of ADC</i>	<i>Withdrawn after consultation with the Department of Agriculture</i>
Proposal HHL-05(21) Exemption from School Impact Fees	Exempts any housing development for DHHL from school impact fee requirements	HB753 – Passed Third Reading HB966 – Not Scheduled by WAL SB880 – Not Scheduled by HWN/WTL SB1120 – Not Scheduled by HWN/EDU
Proposal HHL-06(21) Exemption from General Excise Taxes	Exempts any housing development for DHHL from general excise taxes	HB967 – Not Scheduled by JHA SB881 – Not Scheduled by HWN SB1121 – Referred to JHA, FIN
<i>Proposal HHL-07(21) Cesspool Upgrade or Conversion Bill</i>	<i>Establishes a low interest loan program for lessees with cesspools to be upgraded or converted</i>	<i>Withdrawn after consultation with the Department of Health</i>

Proposal HHL-08(21) County Boards of Water Supply	Clarifies requirements on the County Boards of Water Supply to reserve water credits for DHHL	<i>HB548 – Not Scheduled by WAL</i> <i>HB968 – Not Scheduled by WAL</i> <i>SB878 – Not Scheduled by WTL/PSM</i> <i>SB1122 – Passed Third Reading</i>
<i>Proposal HHL-09(21)</i> <i>Water Rights</i>	<i>Sets the upset price for water that is leased</i>	<i>HB501 – Deferred by WAL</i> <i>SB874 – Not Scheduled by WTL/HWN</i>
Proposal HHL-10(21) Infrastructure Maintenance	Requires the Counties within 60 days to maintain infrastructure	<i>HB969 – Deferred by HSG</i> <i>SB879 – Not Scheduled by HWN</i> <i>SB1123 – Passed Third Reading</i>
Proposal HHL-11(21) Medical Cannabis	Extends the medical cannabis dispensary program on Hawaiian Home Lands	Withdrawn after HHC decision <i>SB86 – Passed Third Reading</i>
<i>Proposal HHL-12(21)</i> <i>Industrial Hemp</i>	<i>Expands the industrial hemp pilot program on Hawaiian Home Lands</i>	<i>Withdrawn after consultation with the Department of Agriculture</i>
<i>Proposal HHL-13(21)</i> <i>Historic Preservation</i>	<i>Allows DHHL to assume review of historic properties or burial sites for its lands</i>	<i>HB970 – Not Scheduled by WAL</i> <i>SB876 – Not Scheduled by HWN/WTL</i> <i>SB1124 – Not Scheduled by JDC</i>
<i>Proposal HHL-14(21)</i> <i>Expedited Contested Case Hearing</i>	<i>Establishes an expedited agency hearing for criminal activity</i>	<i>HB971 – Deferred by JHA</i> <i>SB875 – Not Scheduled by GVO</i> <i>SB1125 – Not Scheduled by JDC</i>
Proposal HHL-15(21) Remote Contested Case Hearing	Authorizes contested case hearings to use interactive conference technology	<i>HB972 – Not Scheduled by FIN</i> <i>SB873 – Passed Third Reading</i> <i>SB1126 – Not Scheduled by GVO</i>
<i>Proposal HHL-16(21)</i> <i>Limited Casino Gaming</i>	<i>Grants gaming license for a single integrated resort property on Hawaiian Home Lands</i>	<i>HB359 – Deferred by ECD</i> <i>SB1321 – Deferred by HWN</i>

The State Budget

The budget decking and crossover deadlines were pushed back a week to accommodate Congressional action on the American Rescue Plan Act of 2021. The Budget Decking deadline was changed from March 15 to March 22, 2021 and the Budget Crossover deadline was changed from March 17 to March 24, 2021.

Measure Tracking

Staff has prepared a measure tracking spreadsheet listing all measures that impact the department that are still moving in the Legislature. The current spreadsheet with the status of each measure as of 03-09-21 is attached as Exhibit 'A'.

In addition to the bills and resolutions that specifically reference the department, staff monitors and prepares testimony as appropriate on measures that would impact Hawaiian Home lands or the department as a state agency.

RECOMMENDED MOTION/ACTION

None; For information only.

HB200	State Budget	RELATING TO THE STATE BUDGET.	Appropriates funds for the operating and capital improvement budget of the Executive Branch for fiscal years 2021-2022 and 2022-2023.	H 1/27/2021: Referred to FIN, referral sheet 1	SAIKI (Introduced by request of another party)	FIN	SB1229
HB753 HD1	School Impact Fees; Education; Housing; DHHL	RELATING TO SCHOOL IMPACT FEES.	Excludes housing developed by the department of Hawaiian home lands from school impact fees. Effective 1/1/2050. (HD1)	H 3/9/2021: Passed Third Reading with Representative(s) LoPresti, Matayoshi voting aye with reservations; none voting no (0) and none excused (0). Transmitted to Senate.	HOLT, HASHIMOTO, NAKAMURA, QUINLAN, TAKAYAMA, TODD, Branco	WAL, JHA, FIN	
HB756 HD2	Board of Agriculture; Composition; Hawaiian Homes Commission	RELATING TO THE BOARD OF AGRICULTURE.	Designates one of the at-large positions on the board of agriculture as the chairperson of the Hawaiian homes commission. Sunsets on 6/30/2024. (HD2)	H 3/9/2021: Passed Third Reading as amended in HD 2 with none voting aye with reservations; none voting no (0) and Representative(s) Sayama excused (1). Transmitted to Senate.	HOLT, ELI, HASHIMOTO, NAKAMURA, NAKASHIMA, OKIMOTO, QUINLAN, TARNAS, TODD, Branco	AGR, JHA	
HB776 HD1	SPRB; Pueo Development, LLC; DHHL; Low-Income Housing; Moderate-Income Housing; Agriculture; Processing Enterprises	RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PUEO DEVELOPMENT, LLC.	Authorizes the issuance of special purpose revenue bonds for a master planned development proposed by Pueo Development, LLC, on Hawaiian Home Lands. (HD1)	H 3/9/2021: Passed Third Reading as amended in HD 1 with none voting aye with reservations; none voting no (0) and Representative(s) Sayama excused (1). Transmitted to Senate.	YAMASHITA, DECOITE, HASHIMOTO, MCKELVEY, WOODSON	JHA, FIN	SB715
HB784	Trespass; Public Land; Ownership; Enforcement	RELATING TO TRESPASS.	Clarifies that when trespass involves public land, all law enforcement officers shall enforce trespass laws, without regard to whether the land is owned by the State or by a county.	S 3/9/2021: Referred to WTL/PSM, JDC.	OHNO, CULLEN, GANADEN, GATES, HASHIMOTO, HOLT, ICHiyAMA, KITAGAWA, LOPRESTI, LOWEN, MARTEN, MATAYOSHI, MCKELVEY, MORIKAWA, NAKASHIMA, ONISHI, PERRUSO, QUINLAN, TAKAYAMA, TARNAS, WILDBERGER, Nakamura, Ward, Yamashita	WTL/PSM, JDC	SB293
HB818 HD1	Criminal Trespass; Evidence; Photographs; Video Recordings	RELATING TO CRIMINAL TRESPASS ONTO STATE LANDS.	Provides that the facts and circumstances to be considered in establishing the offenses of criminal trespass onto state lands may include but not be limited to authenticated photographs, video recordings, or other recordings that show the commission of the offense. (HD1)	H 3/9/2021: Passed Third Reading with Representative(s) Tokioka voting aye with reservations; Representative(s) Kapela, D. Kobayashi, Perruso voting no (3) and none excused (0). Transmitted to Senate.	MATAYOSHI, BRANCO, ELI, HASHIMOTO, KITAGAWA, MARTEN, MCKELVEY, MORIKAWA, NAKASHIMA, TARNAS, TODD	JHA	

HB1122 HD1	Hawaiian Homes Commission Act; Beneficiary Consultation; Leases; Department of Hawaiian Home Lands	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	the department of Hawaiian home lands from disposing or extending a general lease to non-beneficiaries unless there are no applicants seeking to enter into a general lease to the use and occupancy of a tract of Hawaiian home lands. Requires the department to notify beneficiaries through beneficiary consultation prior to the disposition of Hawaiian home lands. Adds language to require Section 204 lessees mandate Homestead Beneficiary Agreements. Prohibits the department from establishing additional criteria to enter into a general lease with an applicant, under certain conditions. Specifies that the department may grant a license or enter into a general lease, under certain conditions. Allocates the interest or other earnings from the Hawaiian home loan fund and Hawaiian home general loan fund into their respective funds, under certain conditions. Requires the department to submit a quarterly report to the legislature and beneficiaries. Authorizes the department to negotiate with homestead association governed water agencies to maintain water systems prior to other service providers, under certain	H 3/9/2021: Passed Third Reading with Representative(s) Branco, DeCoite, Gates, Har, Holt, Ilagan, Okimoto, Quinlan, Sayama, Todd voting aye with reservations; none voting no (0) and none excused (0). Transmitted to Senate.	ELI, AQUINO, BRANCO, ICHiyAMA, MIZUNO, MORIKAWA, NAKASHIMA, TAM, TARNAS, TOKIOKA, Marten	WAL, JHA, FIN	SB892
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HB1124 HD1	Hawaiian Homes Commission Act; Department of Hawaiian Home Lands; Hawaiian Homes Commission; Appraisal; Lease Cancellation; Loan Default; Loan Delinquency; Second Position Loans; Loan Loss Mitigations; Loan Servicing Manual	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Amends the Hawaiian Homes Commission Act to require appraisals of improvements to identify the replacement cost or the leasehold market value. Grants authority to DHHL, to authorize second position loans on homestead leases by approved lenders. Requires DHHL to develop and implement a loan servicing manual, subject to commission approval, to standardize loan loss mitigation policies, procedures, and methods. Clarifies that DHHL shall not cancel a lease solely based on a loan default or delinquency unless all loan loss mitigation procedures are exhausted pursuant to the loan services manual. Effective 1/1/2050. (HD1)	H 3/9/2021: Passed Third Reading with Representative(s) Branco, DeCoite, Gates, Har, Hashimoto, Holt, Ilagan, Matayoshi, Matsumoto, Nakamura, Okimoto, Quinlan, Todd, Tokioka, Ward voting aye with reservations; Representative(s) Ganaden voting no (1) and none excused (0). Transmitted to Senate.	ELI, GATES, ICHİYAMA, KAPELA, D. KOBAYASHI, LOPRESTI, MARTEN, MIZUNO, MORIKAWA, NAKASHIMA, PERRUSO, TARNAS, WILDBERGER	WAL, JHA, FIN	SB884
HB1147	State Budget; Capital Improvement Projects; Executive Branch	RELATING TO THE STATE BUDGET.	Appropriates funds for capital improvement projects for fiscal biennium 2021-2023.	S 3/9/2021: Referred to WAM.	YAMASHITA	WAM	SB1256
HB1191 HD2	Broadband Infrastructure Grant Program; Unserved Areas; Hawaii Broadband Infrastructure Fund; General Obligation Bonds; Appropriation	RELATING TO BROADBAND SERVICE INFRASTRUCTURE.	Establishes the broadband infrastructure grant program to award grants to applicants to extend deployment of infrastructure used to provide broadband service to unserved areas of the State. Amends the Hawaii technology loan revolving fund to change it to the Hawaii broadband infrastructure fund, including the types of funds deposited into the fund. Authorizes the issuance of general obligation bonds for the broadband infrastructure grant program. Effective 7/1/2050. (HD2)	S 3/9/2021: Referred to EET/GVO, WAM.	JOHANSON, AQUINO, BELATTI, BRANCO, CULLEN, DECOITE, ELI, ICHİYAMA, ILAGAN, KAPELA, KITAGAWA, LOPRESTI, LOWEN, MARTEN, MATAYOSHI, MATSUMOTO, MIZUNO, MORIKAWA, NAKASHIMA, NISHIMOTO, ONISHI, PERRUSO, QUINLAN, SAYAMA, TAM, TARNAS	EET/GVO, WAM	SB917

HB1299 HD1	DOA; BUF; DBEDT; DOD; DOE; DOH; DHS; DLIR; DLNR; AG; PSD; DOT; UH; DCCA; DHHL; JUD; HPHA; Non-General Funds	RELATING TO NON-GENERAL FUNDS.	Repeals various non-general funds of the department of agriculture; department of budget and finance; department of business, economic development, and tourism; department of defense; department of education; department of health; department of human services; department of labor and industrial relations; department of land and natural resources; department of the attorney general; department of public safety; department of transportation; University of Hawaii; department of commerce and consumer affairs; department of Hawaiian home lands; judiciary; and Hawaii public housing authority. Implements recommendations of the auditor. Transfers most unencumbered balances to the credit of the general fund. (HB1299 HD1)	H 3/9/2021: Passed Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) Sayama excused (1). Transmitted to Senate.	LUKE	FIN	
HB1352 HD1	Surplus Military Land; DLNR; DOH; EPA; Office of Planning	RELATING TO SURPLUS MILITARY LAND.	Requires the office of planning to submit a report to the legislature containing: (1) an inventory of lands within the State that are leased or controlled by the federal government; (2) any known contaminants or environmental hazards associated with the inventoried lands based on past environmental studies; (3) input from executive branch departments and agencies on proposed alternative uses for the lands that would be consistent with their mission should the lands be returned to the State; and (4) its findings and recommendations, including proposed legislation, based on this information. Effective 7/1/3050. (HD1)	H 3/9/2021: Passed Third Reading with none voting aye with reservations; Representative(s) McDermott voting no (1) and none excused (0). Transmitted to Senate.	MARTEN, BRANCO, KAPELA, MATAYOSHI, MCKELVEY, PERRUSO, TAKUMI, WILDBERGER	CMV, WAL, FIN	

<u>SB7 SD1</u>	HHFDC; Right of First Refusal; Development	RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.	Authorizes the Hawaii Housing Finance and Development Corporation the right of first refusal for the development of property for all development on state lands, excluding Hawaii Public Housing Authority and Department of Hawaiian Home Land lands, that are within a one-half mile radius of a rail transit station provided there is a transfer of any property interest, including a leasehold interest, of state lands that are within a one-half mile radius of a rail transit station. Effective 7/1/2050.	H 3/9/2021: Received from Senate (Sen. Com. No. 138) in amended form (SD 1).	CHANG, KEOHOKALO, LEE, MISALUCHA, MORIWAKI, San Buenaventura, Taniguchi	HOU/WTL, WAM	
<u>SB82 SD2</u>	Departments; Boards; Commissions; Members	RELATING TO GOVERNMENT OPERATION AND POLICY.	Requires each new member of a board or commission to participate in an orientation and training session with the head of the department with jurisdiction of that member's board or commission or their designee. Requires each department and agency to train their members at least once per calendar year. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 148) in amended form (SD 2).	ENGLISH	GVO/WAM	
<u>SB86 SD3</u>	DHHL; DOH; Medical Cannabis; Dispensaries; Gaming; Study	RELATING TO HAWAIIAN AFFAIRS.	Requires the Department of Health to issue medical cannabis dispensary licenses to the Department of Hawaiian Home Lands, allowing for increased revenue for beneficiaries. Requires the Department of Hawaiian Home Lands to study the feasibility and revenue to be generated by medical cannabis dispensaries, limited gaming, and other potential revenue-generating options on Hawaiian home lands. Effective 7/1/2050. (SD3)	H 3/9/2021: Received from Senate (Sen. Com. No. 149) in amended form (SD 3).	ENGLISH	HWN, WAM	
<u>SB179 SD2</u>	DOA; East Kauai Irrigation System; Transfer of Operational Authority; Appropriation	RELATING TO IRRIGATION.	Transfers operational authority over portions of the east Kauai irrigation system operated and maintained by the east Kauai water users' cooperative before 12/15/20, to the Department of Agriculture. Appropriates funds. Effective 7/1/2050. (SD2)	H 3/9/2021: Bill scheduled to be heard by AGR on Friday, 03-12-21 10:00AM in House conference room 325 Via Videoconference.	KOUCHI (Introduced by request of another party)	AGR, FIN	

<u>SB257 SD2</u>	BLNR; Public Lands; Lease Extension; Development Agreement	RELATING TO LEASE EXTENSIONS ON PUBLIC LAND.	Requires the board of land and natural resources to establish a public lands lease extension pilot project to extend certain leases of public lands for commercial, industrial, resort, mixed-use, or government use upon approval of a proposed development agreement to make substantial improvements to the existing improvements. Effective 7/1/2050. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 183) in amended form (SD 2).	INOUE, KEITH-AGARAN, KIDANI, MISALUCHA, Wakai	WTL, WAM	HB499
<u>SB715 SD2</u>	Special Purpose Revenue Bond; Pueo Development, LLC; DHHL; Low-income Housing; Moderate-income Housing	RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PUEO DEVELOPMENT, LLC.	Authorizes the issuance of special purpose revenue bonds for a master planned development proposed by Pueo Development, LLC, on Hawaiian home lands. Effective 7/1/2050. (SD2)	H 2/23/2021: Referred to JHA, FIN, referral sheet 17	ENGLISH, KEITH-AGARAN, KIDANI, Baker, Chang, Gabbard, Shimabukuro	JHA, FIN	HB776
<u>SB717 SD1</u>	DHHL; Beneficiary Information; Database; Appropriation	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Requires the department of Hawaiian home lands to digitize its applicant, beneficiary, and lessee records and create a usable digital database no later than 7/1/2022. Effective 7/1/2050. (SD1)	H 3/9/2021: Received from Senate (Sen. Com. No. 257) in amended form (SD 1).	ENGLISH, CHANG, FEVELLA, INOUE, KANUHA, KEITH-AGARAN, KEOHOKALO, MISALUCHA, Gabbard, Kim, Shimabukuro	HWN, WAM	HB545
<u>SB850 SD2</u>	DBEDT; DOT; CARES Act; Broadband; Unserved and Underserved Areas; Digital Equity	RELATING TO BROADBAND INFRASTRUCTURE FOR RURAL COMMUNITIES.	Creates a task force jointly convened by the department of transportation and department of business, economic development, and tourism to provide equitable broadband access for historically marginalized, unserved, and underserved rural communities. Requires the task force to apply for federal moneys for broadband access. Requires the departments' report to include the findings of the task force and an accounting of amounts received from the CARES Act and Emergency Coronavirus Relief Act of 2020 and grants disbursed by the State for broadband infrastructure for rural communities. Effective 7/1/2050. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 294) in amended form (SD 2).	KANUHA, CHANG, ENGLISH, KEITH-AGARAN, KIDANI, KIM, MISALUCHA, SAN BUENAVENTURA, WAKAI, Gabbard, Ihara, Inouye, Riviere	EET, WAM	

SB8866 SD2	Hawaii Housing Finance and Development Corporation; Affordable Housing; State Fees	RELATING TO AFFORDABLE HOUSING.	Temporarily exempts affordable housing projects from specific state and county fees and exactions related to discretionary approval or ministerial permitting, except application fees; provided that the units are exclusively for qualified residents who are owner/renter occupants and own no other real property. Effective 5/6/2137. Sunsets on 6/30/2027. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 297) in amended form (SD 2).	KANUHA	HOU, JDC	
SB8873 SD1	Contested Cases; Interactive Conference Technology	RELATING TO CONTESTED CASES.	Authorizes contested case hearings to use interactive conference technology. Effective 5/6/2137. (SD1)	H 3/9/2021: Received from Senate (Sen. Com. No. 298) in amended form (SD 1).	SHIMABUKURO, KANUHA, KEOHOKALO, MISALUCHA, Acasio	JDC	
SB8891 SD2	Hawaiian Homes Commission Act; Beneficiaries; Department of Hawaiian Home Lands; Inter-agency Council; Legal Counsel	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Establishes requirements for Hawaiian home lands beneficiary consultation. Requires that a majority of the members of the Hawaiian homes commission be beneficiaries or on the waitlist for Hawaiian homestead lands. Requires quarterly reporting to the legislature and beneficiaries on land dispositions made during the quarter. Authorizes the governor to establish an inter-agency council, based on a recommendation from the Hawaiian homes commission. Requires an annual accounting of Act 14, Special Session Laws of Hawaii 1995, expenditures. Requires the department of Hawaiian home lands to develop and implement a loan servicing manual. Allows the Hawaiian homes commission to retain separate counsel from the attorney general to provide service to the commission and beneficiaries. Requires the legislative reference bureau to conduct a study on the potential effects of creating a position for the director of Hawaiian home lands that is separate from the chairperson of the Hawaiian homes commission. Effective 7/1/2050. (SD2)	H 3/4/2021: Referred to JHA, FIN, referral sheet 19	SHIMABUKURO, FEVELLA, KEOHOKALO, Chang, Gabbard, Misalucha, San Buenaventura	JHA, FIN	HB1123

			giving boards the option, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings under the Sunshine Law, even when no emergency has been declared by government authorities. Authorizes boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology, with members of the public given the option to participate either remotely or at an in-person public location. Establishes requirements for the conduct of remote meeting. Requires remote meetings held by interactive conference technology to recess for a maximum prescribed period when audiovisual communication cannot be maintained by the board (not due to a member of the public's inability to maintain such communication) and allows the meeting to be reconvened even if only audio communication can be reestablished. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by				
<u>SB1034 SD1</u>	Sunshine Law; Interactive Conference Technology; Remote Meetings	RELATING TO SUNSHINE LAW BOARDS.		H 3/9/2021: Received from Senate (Sen. Com. No. 326) in amended form (SD 1).	KOUCHI (Introduced by request of another party)	JDC	HB880
<u>SB1121 SD2</u>	DHHL; Taxation; Housing; General Excise Tax Exemption	RELATING TO HOUSING.	Exempts housing developed by the department of Hawaiian home lands from general excise taxes. Effective 7/1/2050. (SD2)	H 2/23/2021: Referred to JHA, FIN, referral sheet 17	KOUCHI (Introduced by request of another party)	JHA, FIN	HB967
<u>SB1122 SD2</u>	County Boards of Water Supply; Department of Hawaiian Home Lands	RELATING TO THE COUNTY BOARDS OF WATER SUPPLY.	Requires each board of water supply to transmit an accounting of all water credits held by the board to the department of Hawaiian home lands (DHHL). Allows DHHL to request unused and unallocated water credits from each board. Requires each board to develop policies that comply with the public trust doctrine to implement in case of water shortage. Adds a representative of DHHL to each county board of water supply. Effective 5/6/2137. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 358) in amended form (SD 2).	KOUCHI (Introduced by request of another party)	HWN, JDC	HB968

SB1123 SD2	Counties; Department of Hawaiian Home Lands; Infrastructure	RELATING TO COUNTIES.	Gives counties jurisdiction over the infrastructure of the Department of Hawaiian Home Lands housing developments in their boundaries under specific conditions. Requires counties, under specific conditions, to commence maintenance on that certain infrastructure within sixty days, subject to tolling to comply with certain other laws. Effective 5/6/2137. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 359) in amended form (SD 2).	KOUCHI (Introduced by request of another party)	HWN, JDC	HB969
SB1323 SD2	DHHL; Strategic Plan	RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.	Requires the department of Hawaiian home lands to develop a strategic plan to devise and implement long-term solutions for eliminating the waiting list for a home land lease with an emphasis on leveraging its trust resources, statutory powers, and other means of state funding and support to focus on lot development and distribution. The plans shall be based on a comprehensive assessment of the needs of the waitlist and with beneficiary consultation. Effective 7/1/2050. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 409) in amended form (SD 2).	KOUCHI (Introduced by request of another party), CHANG, FEVELLA, GABBARD, KEOHOKALOLE, KIDANI, KIM, LEE, MORIWAKI, SAN BUENAVENTURA, Shimabukuro, Wakai	HWN, WAM	
SB1334 SD2	Hawaii Community Development Authority; Office of Hawaiian Affairs; Residential Development; Kakaako Makai	RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.	Allows the raising of the building height limit for two of the six parcels owned by the office of Hawaiian affairs in the Kakaako Makai area to four hundred feet. Lifts the current restriction against residential development in Kakaako Makai to allow residential development by the office of Hawaiian affairs or by third parties to which the office of Hawaiian affairs conveys the parcels. Requires the office of Hawaiian affairs and any developer to provide written notice to any tenant or resident of potential aircraft related nuisances before entering into a lease, and to assess and propose mitigation efforts to address aircraft related nuisances in development plans and proposals. Effective 5/6/2137. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 412) in amended form (SD 2).	KEOHOKALOLE, CHANG, KIDANI, SAN BUENAVENTURA, Dela Cruz, Gabbard, Keith-Agaran, Shimabukuro	HWN/HOU, JDC/WAM/WTL	HB1267

<u>SB1343 SD2</u>	Department of Hawaiian Home Lands; Lessees; Agriculture; Farming; Acreage	RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.	Removes acreage restrictions on leases of Hawaiian home lands for agricultural purposes. Provides that the availability of the foregoing leases shall be subject to the availability of suitable tracts of land. Specifies that the foregoing leases may be for for-profit or non-profit purposes. Effective date is May 6, 2037. (SD2)	H 3/9/2021: Received from Senate (Sen. Com. No. 416) in amended form (SD 2).	ENGLISH, CHANG, FEVELLA, GABBARD, KEITH-AGARAN, KIDANI, Baker, Riviere	HWN, JDC	HB1344
<u>SB1395 SD2</u>	Boards and Commissions; Vacancy; Governor	RELATING TO BOARDS AND COMMISSIONS.	Requires the governor to appoint an individual to fill a vacancy within all boards and commissions within one hundred eighty days. Requires that holdover appointments are limited to one hundred eighty days, thereby creating a vacancy at the end of the holdover period. Requires department heads to inform the governor of any vacancy in any board or commission. (SD1)	H 3/9/2021: Received from Senate (Sen. Com. No. 422) in amended form (SD 2).	KIM, CHANG, DELA CRUZ, KIDANI, MISALUCHA, MORIWAKI, RIVIERE, WAKAI, English, Gabbard, Keith-Agaran, Shimabukuro	GVO, JDC	
<u>SCR30</u>	Kaāʻu Water System; Progress Report	REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, IN CONJUNCTION WITH THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY, TO PROVIDE A PROGRESS REPORT REGARDING THE DEVELOPMENT OF THE KAĀʻU WATER SYSTEM.		S 3/9/2021: The committee(s) on HWN deferred the measure until 03-11-21 1:00PM; Via Videoconference.	KANUHA, KEITH-AGARAN, Shimabukuro	HWN	
<u>SCR54</u>	Department of Hawaiian Home Lands; Housing Data Analysis	REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONDUCT AN ANALYSIS AND PROVIDE DATA ON THE NUMBER OF DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARIES WHO HAVE APPLIED FOR AND NEED HOUSING IN EACH COUNTY, BY INCOME CLASSIFICATION, AND UNIT TYPE.		S 3/8/2021: The committee(s) on HWN has scheduled a public hearing on 03-11-21 1:00PM; Via Videoconference.	KEOHOKALOLE, BAKER, CHANG, KEITH-AGARAN, KIDANI, SAN BUENAVENTURA, Kim, Shimabukuro	HWN	
<u>SCR59</u>	Hawaiian Homes Commission; Homeland Lot Development	URGING THE HAWAIIAN HOMES COMMISSION TO APPROPRIATE ONE HUNDRED PER CENT OF LEASE REVENUES FROM COMMERCIAL PROPERTY USES TO HOMELAND LOT DEVELOPMENT.		S 3/8/2021: The committee(s) on HWN has scheduled a public hearing on 03-11-21 1:00PM; Via Videoconference.	KEOHOKALOLE, CHANG, KIDANI, SAN BUENAVENTURA, Baker, Keith-Agaran, Kim, Shimabukuro	HWN	

<u>SR19</u>	Kaāʻu Water System; Progress Report	REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS, IN CONJUNCTION WITH THE COUNTY OF HAWAII DEPARTMENT OF WATER SUPPLY, TO PROVIDE A PROGRESS REPORT REGARDING THE DEVELOPMENT OF THE KAĀʻU WATER SYSTEM.		S 3/9/2021: The committee(s) on HWN deferred the measure until 03-11-21 1:00PM; Via Videoconference.	KANUHA, KEITH-AGARAN, Shimabukuro	HWN	
<u>SR36</u>	Department of Hawaiian Home Lands; Housing Data Analysis	REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO CONDUCT AN ANALYSIS AND PROVIDE DATA ON THE NUMBER OF DEPARTMENT OF HAWAIIAN HOME LANDS BENEFICIARIES WHO HAVE APPLIED FOR AND NEED HOUSING IN EACH COUNTY, BY INCOME CLASSIFICATION, AND UNIT TYPE.		S 3/8/2021: The committee(s) on HWN has scheduled a public hearing on 03-11-21 1:00PM; Via Videoconference.	KEOHOKALOLE, BAKER, CHANG, KEITH-AGARAN, KIDANI, SAN BUENAVENTURA, Kim, Shimabukuro	HWN	
<u>SR41</u>	Hawaiian Homes Commission; Homeland Lot Development	URGING THE HAWAIIAN HOMES COMMISSION TO APPROPRIATE ONE HUNDRED PER CENT OF LEASE REVENUES FROM COMMERCIAL PROPERTY USES TO HOMELAND LOT DEVELOPMENT.		S 3/8/2021: The committee(s) on HWN has scheduled a public hearing on 03-11-21 1:00PM; Via Videoconference.	KEOHOKALOLE, CHANG, KIDANI, SAN BUENAVENTURA, Baker, Keith-Agaran, Kim, Shimabukuro	HWN	


**HAWAIIAN HOMES COMMISSION
MARCH 15 & 16, 2021
TELECONFERENCE
9:30 A.M.**

**D – ITEMS
HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
From: Juan Garcia, 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

March 15, 2021

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through February 28, 2021

	As of 1/31/21	Add	Cancel	As of 2/28/21
Residential	8,455	0	0	8,455
Agricultural	1,092	0	0	1,092
Pastoral	410	0	0	410
Total	9,957	0	0	9,957

The cumulative number of Converted Undivided Interest Lessees represents an increase of 528 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 1/31/21	Converted	Rescinded/ Surrendered/ Cancelled	As of 2/28/21
Undivided	793	0	0	793

Balance as of 2/28/2021

Awarded	1,434
Relocated to UNDV	7
Rescinded	111
Surrendered	5
Cancelled	4
Converted	528
Balance to Convert	793

Lease Report For the Month Ending February 28, 2021

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL LEASES			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU																
Kakaina	25	0	0	25	0	0	0	0	0	0	0	0	25	0	0	25
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	0	399	0	0	399
Kapolei	183	0	0	183	0	0	0	0	0	0	0	0	183	0	0	183
Kauluokahai	101	0	0	101	0	0	0	0	0	0	0	0	101	0	0	101
Kaupea	326	0	0	326	0	0	0	0	0	0	0	0	326	0	0	326
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	249	0	0	249	0	0	0	0	0	0	0	0	249	0	0	249
Kumuhau	52	0	0	52	0	0	0	0	0	0	0	0	52	0	0	52
Lualualei	148	0	0	148	31	0	0	31	0	0	0	0	179	0	0	179
Malu'ohai	226	0	0	226	0	0	0	0	0	0	0	0	226	0	0	226
Nanakuli	1,045	0	0	1,045	0	0	0	0	0	0	0	0	1,045	0	0	1,045
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	271	0	0	271	0	0	0	0	0	0	0	0	271	0	0	271
Waiahole	0	0	0	0	16	0	0	16	0	0	0	0	16	0	0	16
Wai'anae	421	0	0	421	11	0	0	11	0	0	0	0	432	0	0	432
Waimanalo	721	0	0	721	2	0	0	2	0	0	0	0	723	0	0	723
TOTAL	4,340	0	0	4,340	60	0	0	60	0	0	0	0	4,400	0	0	4,400
MAUI																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
Kahikuni	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
Leialii	104	0	0	104	0	0	0	0	0	0	0	0	104	0	0	104
Paukukalo	178	0	0	178	0	0	0	0	0	0	0	0	178	0	0	178
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	1,265	0	0	1,265	65	0	0	65	75	0	0	75	1,405	0	0	1,405
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamāoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunāna	42	0	0	42	0	0	0	0	0	0	0	0	42	0	0	42
Keaukaha	473	0	0	473	0	0	0	0	0	0	0	0	473	0	0	473
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
Pānaeā	13	0	0	13	260	0	0	260	0	0	0	0	273	0	0	273
Piñonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Pūweo	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
Waiākea	286	0	0	286	0	0	0	0	0	0	0	0	286	0	0	286
TOTAL	840	0	0	840	393	0	0	393	25	0	0	25	1,258	0	0	1,258
WEST HAWAII																
Honokala	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	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
Kawaihāe	191	0	0	191	0	0	0	0	1	0	0	1	192	0	0	192
Lāiopua	283	0	0	283	0	0	0	0	0	0	0	0	283	0	0	283
Lāmalilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nihoa	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vll	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	878	0	0	878	110	0	0	110	282	0	0	282	1,270	0	0	1,270
KAUAI																
Anahola	532	0	0	532	46	0	0	46	0	0	0	0	578	0	0	578
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	696	0	0	696	46	0	0	46	1	0	0	1	743	0	0	743
MOLOKAI																
Hoolēhua	154	0	0	154	344	0	0	344	21	0	0	21	519	0	0	519
Kalamāula	165	0	0	165	71	0	0	71	3	0	0	3	239	0	0	239
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
One Aii	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27
TOTAL	393	0	0	393	418	0	0	418	27	0	0	27	838	0	0	838
LANAI																
Lanai	43	0	0	43	0	0	0	0	0	0	0	0	43	0	0	43
TOTAL	43	0	0	43	0	0	0	0	0	0	0	0	43	0	0	43
STATEWIDE TOTAL	8,455	0	0	8,455	1,092	0	0	1,092	410	0	0	410	9,957	0	0	9,957

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
February 28, 2021**

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	940	0	2	938	0	0	0	0	0	0	0	0	938
Maui District	50	0	0	50	4	0	0	4	5	0	0	5	59
Hawaii District	130	0	0	130	28	0	0	28	46	0	0	46	204
Kauai District	51	0	0	51	3	0	0	3	27	0	0	27	81
Molokai District	20	0	0	20	18	0	0	18	1	0	0	1	39
TOTAL	1,191	0	2	1,189	53	0	0	53	79	0	0	79	1,321

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	9,954	8	7	9,955	3,824	0	4	3,820	0	0	0	0	13,775
Maui	3,818	10	3	3,825	4,673	12	1	4,684	615	1	0	616	9,125
Hawaii	5,793	7	5	5,795	7,261	3	3	7,261	1,889	5	0	1,894	14,950
Kauai	1,646	0	1	1,645	2,238	0	1	2,237	301	1	0	302	4,184
Molokai	820	0	1	819	1080	0	0	1080	204	0	0	204	2,103
Lanai	74	1	1	74	0	0	0	0	0	0	0	0	74
TOTAL	22,105	26	18	22,113	19,076	15	9	19,082	3,009	7	0	3,016	44,211

AREA AND ISLANDWIDE LISTS

	RES	AG	PAS	TOTAL
OAHU	10,893	3,820	0	14,713
MAUI	3,875	4,688	621	9,184
HAWAII	5,925	7,289	1,940	15,154
KAUAI	1,696	2,240	329	4,265
MOLOKAI	839	1,098	205	2,142
LANAI	74	0	0	74
TOTAL	23,302	19,135	3,095	45,532

ADDITIONS	
New Applications	47
Application Transfers	1
Lease Rescissions	0
App Reinstatements	0
HHC Adjustments	0
TOTAL	48

CANCELLATIONS	
New Lease Awards	6
Application Transfers	1
Succ'd and Cancel Own	4
Public Notice Cancel	15
Voluntary Cancellations	2
Lease Successorships	0
HHC Adjustments	0
Dec'd No Successor	1
Additional Acreage	0
NHQ Unqualified	0
TOTAL	29

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

February 28, 2021

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
OAHU DISTRICT													
Nanakuli	163	0	0	163	0	0	0	0	0	0	0	0	163
Waianae	142	0	1	141	0	0	0	0	0	0	0	0	141
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	70	0	1	69	0	0	0	0	0	0	0	0	69
Waimanalo	565	0	0	565	0	0	0	0	0	0	0	0	565
Subtotal Area	940	0	2	938	0	0	0	0	0	0	0	0	938
Islandwide	9,954	8	7	9,955	3,824	0	4	3,820	0	0	0	0	13,775
TOTAL OAHU APPS	10,894	8	9	10,893	3,824	0	4	3,820	0	0	0	0	14,713
MAUI DISTRICT													
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0	50
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5	59
Islandwide	3,818	10	3	3,825	4,673	12	1	4,684	615	1	0	616	9,125
TOTAL MAUI APPS	3,868	10	3	3,875	4,677	12	1	4,688	620	1	0	621	9,184
HAWAII DISTRICT													
Keaukaha/Waiakea	69	0	0	69	0	0	0	0	0	0	0	0	69
Panaewa	0	0	0	0	16	0	0	16	0	0	0	0	16
Humuula	0	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0	16
Waimea	45	0	0	45	12	0	0	12	46	0	0	46	103
Subtotal Area	130	0	0	130	28	0	0	28	46	0	0	46	204
Islandwide	5,793	7	5	5,795	7,261	3	3	7,261	1,889	5	0	1,894	14,950
TOTAL HAWAII APPS	5,923	7	5	5,925	7,289	3	3	7,289	1,935	5	0	1,940	15,154
KAUAI DISTRICT													
Anahola	43	0	0	43	3	0	0	3	20	0	0	20	66
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	7	0	0	7	15
Subtotal Area	51	0	0	51	3	0	0	3	27	0	0	27	81
Islandwide	1,646	0	1	1,645	2,238	0	1	2,237	301	1	0	302	4,184
TOTAL KAUAI APPS	1,697	0	1	1,696	2,241	0	1	2,240	328	1	0	329	4,265
MOLOKAI DISTRICT													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hoolehua	8	0	0	8	18	0	0	18	1	0	0	1	27
Kapaakea	7	0	0	7	0	0	0	0	0	0	0	0	7
One Alii	1	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal Area	20	0	0	20	18	0	0	18	1	0	0	1	39
Islandwide	820	0	1	819	1,080	0	0	1,080	204	0	0	204	2,103
TOTAL MOLOKAI APPS	840	0	1	839	1,098	0	0	1,098	205	0	0	205	2,142
LANAI DISTRICT													
Islandwide	74	1	1	74	0	0	0	0	0	0	0	0	74
TOTAL LANAI APPS	74	1	1	74	0	0	0	0	0	0	0	0	74
TOTAL AREA ONLY	1,191	0	2	1,189	53	0	0	53	79	0	0	79	1,321
TOTAL ISLANDWIDE	22,105	26	18	22,113	19,076	15	9	19,082	3,009	7	0	3,016	44,211
TOTAL STATEWIDE	23,296	26	20	23,302	19,129	15	9	19,135	3,088	7	0	3,095	45,532

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ITEM NO. D-1
EXHIBIT A

DELINQUENCY REPORT - STATEWIDE

March 15, 2021

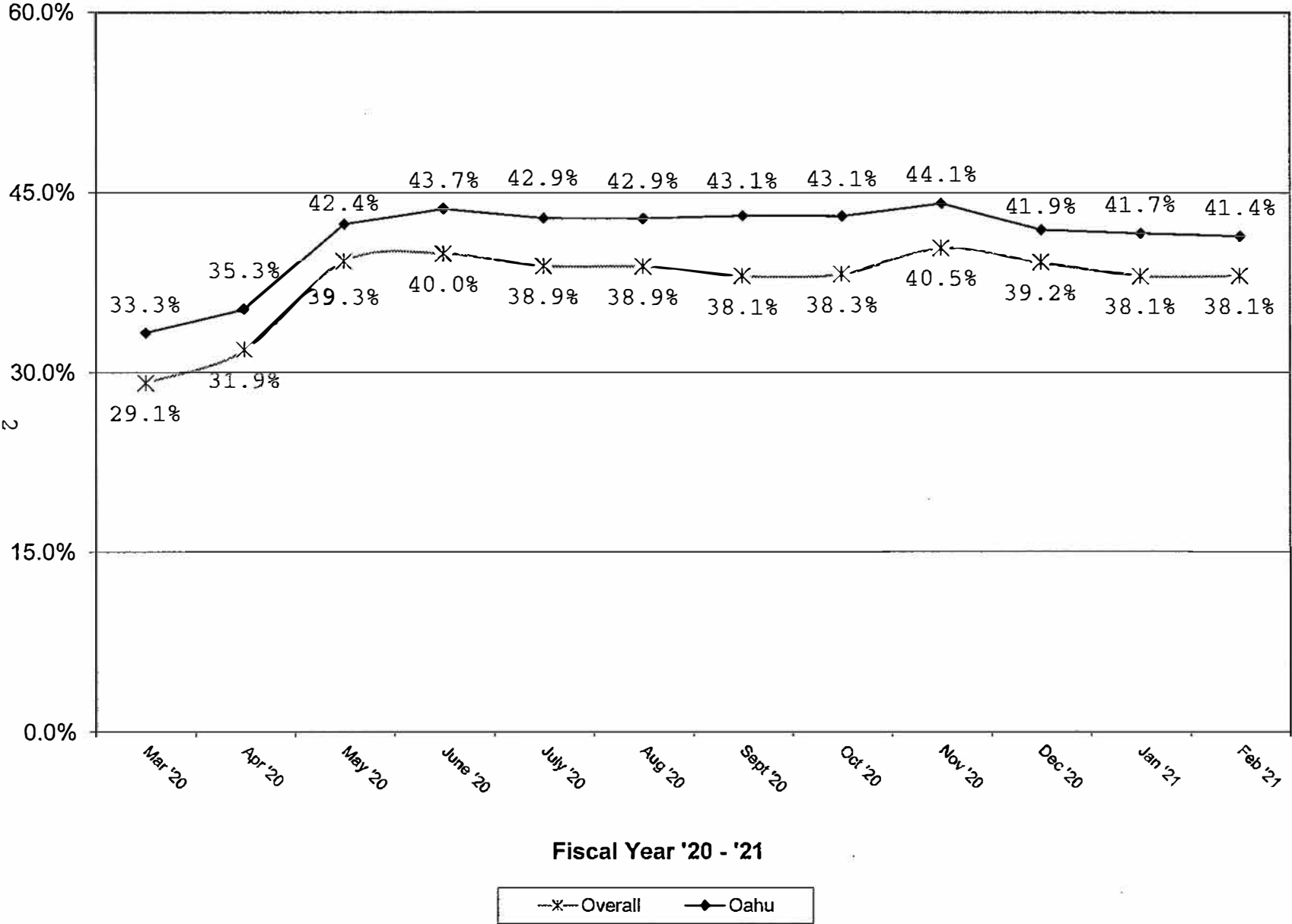
(\$Thousands)

	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		R I S K 90 Days (High)		180 Days (Severe)		% of Totals 2/28/2021	
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	\$
DIRECT LOANS														
OAHU	396	37,461	161	15,514	12	732	11	1,048	45	3,289	93	10,444	40.7%	41.4%
EAST HAWAII	210	12,657	87	6,026	3	110	7	405	25	1,139	52	4,373	41.4%	47.6%
WEST HAWAII	84	8,653	14	1,453	0	0	1	99	8	849	5	504	16.7%	16.8%
MOLOKAI	84	6,827	21	928	3	217	1	13	6	192	11	507	25.0%	13.6%
KAUAI	96	7,478	31	2,357	3	277	5	375	13	697	10	1,008	32.3%	31.5%
MAUI	<u>92</u>	<u>12,302</u>	<u>48</u>	<u>6,254</u>	<u>8</u>	<u>465</u>	<u>2</u>	<u>86</u>	<u>9</u>	<u>1,049</u>	<u>29</u>	<u>4,655</u>	<u>52.2%</u>	<u>50.8%</u>
TOTAL DIRECT	962	85,378	362	32,532	29	1,800	27	2,026	106	7,215	200	21,491	37.6%	38.1%
	100.0%	100.0%	37.6%	38.1%	3.0%	2.1%	2.8%	2.4%	11.0%	8.5%	20.8%	25.2%		
Advances (including RPT)	241	7,666	241	7,666	0	0	0	0	241	7,666			100%	100%
DHHL LOANS & Advances	1,203	93,044	603	40,198	29	1,800	27	2,026	347	14,881	200	21,491	50.1%	43.2%
LOAN GUARANTEES as of June 30, 2020														
SBA	2	102	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	300	33,639	56	6,790	0	0	0	0	56	6,790			18.7%	20.2%
Habitat for Humanity	45	1,385	27	986	0	0	0	0	27	986			60.0%	71.2%
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	13	270	12	260	0	0	0	0	12	260			92.3%	96.3%
FHA Interim	15	2,531	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	9	22	2	9	0	0	0	0	2	9			22.2%	40.9%
TOTAL GUARANTEE	390	38,030	98	8,052	0	0	0	0	98	8,052			25.1%	21.2%
PMI Loans	161	23,615	5	908	0	0	2	433	3	475			3.1%	3.8%
HUD REASSIGNED for Recovery	152	18,393	133	17,196	4	227	2	147	4	312	123	16,510	87.5%	93.5%
FHA Insured Loans	<u>2,834</u>	<u>475,967</u>	<u>348</u>	<u>58,058</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>348</u>	<u>58,058</u>			<u>12.3%</u>	<u>12.2%</u>
TOTAL INS. LOANS	3,147	517,975	486	76,162	4	227	4	580	355	58,845	123	16,510	15.4%	14.7%
OVERALL TOTALS(EXC Adv/RP)	4,499	641,383	946	116,746	33	2,027	31	2,606	559	74,112	323	38,001	21.0%	18.2%
ADJUSTED TOTALS	4,740	649,049	1,187	124,412	33	2,027	31	2,606	800	81,778	323	38,001		19.2%

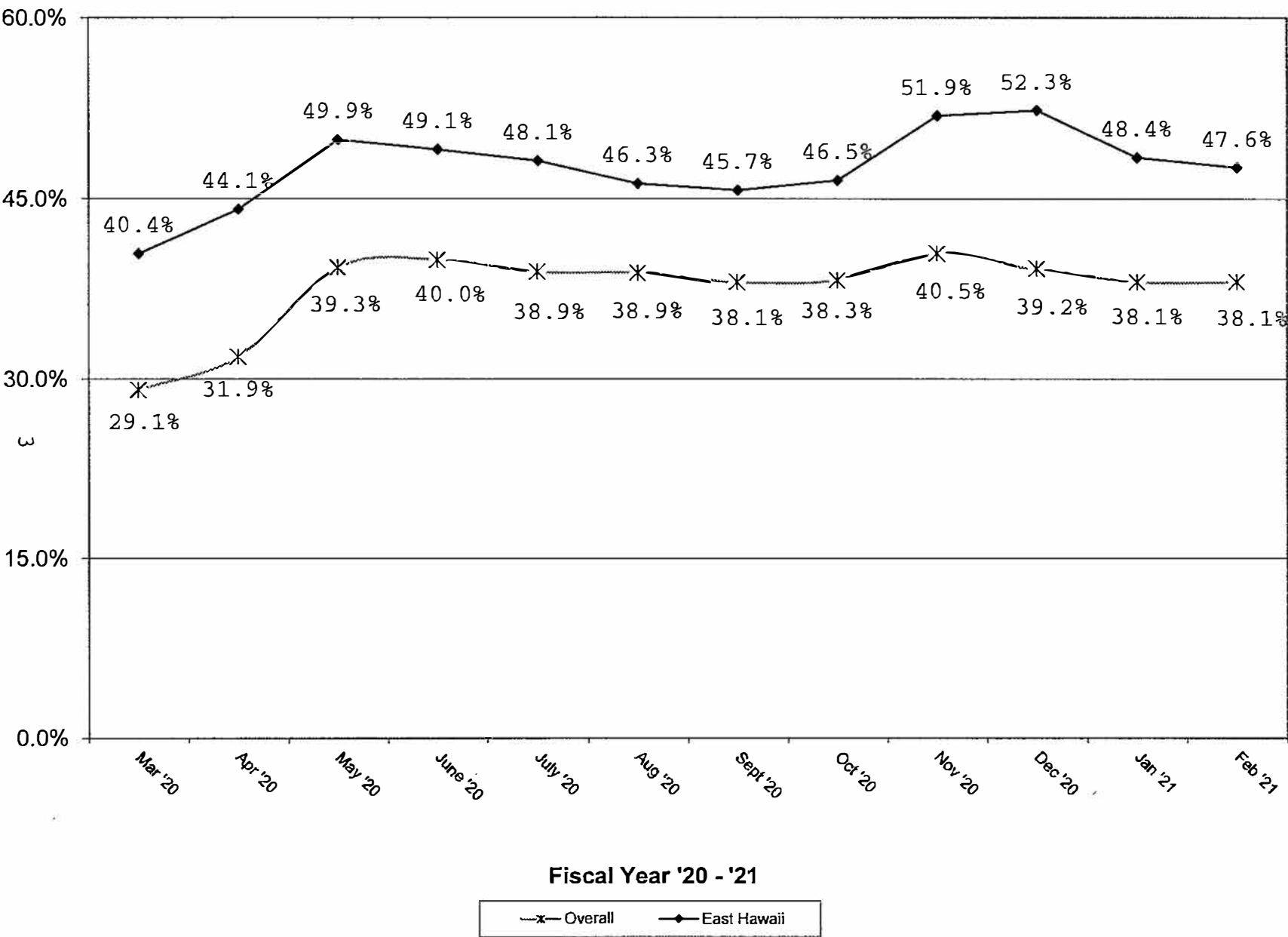
Note: HUD 184A loan program has 531 loans, with a total outstanding principal balance of \$116,367,560 as of June 30, 2020. 45 Loans, totaling \$10,558,792 are delinquent.

ITEM NO. D-1
EXHIBIT B

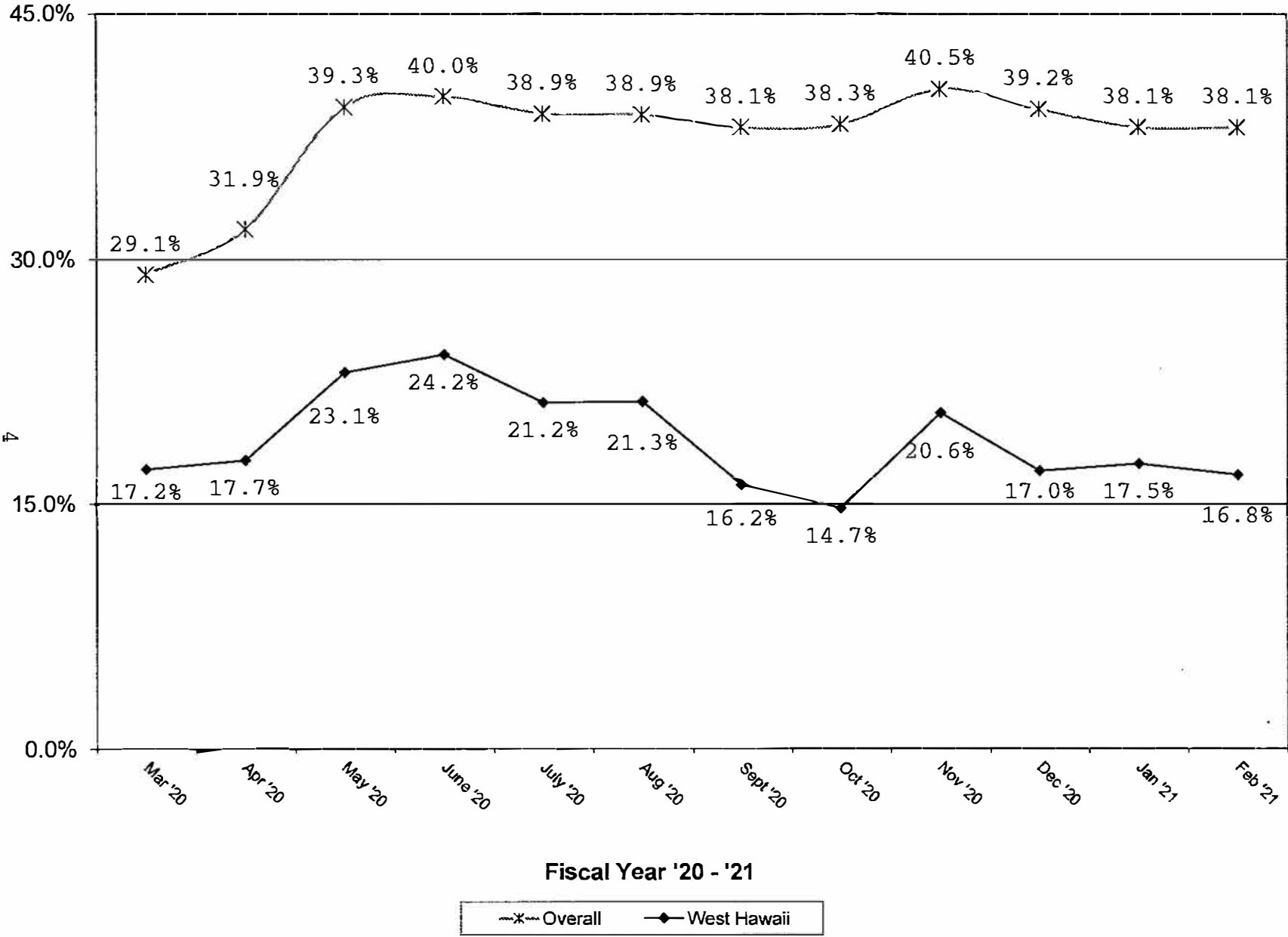
OAHU Direct Loans Delinquency Ratio Report



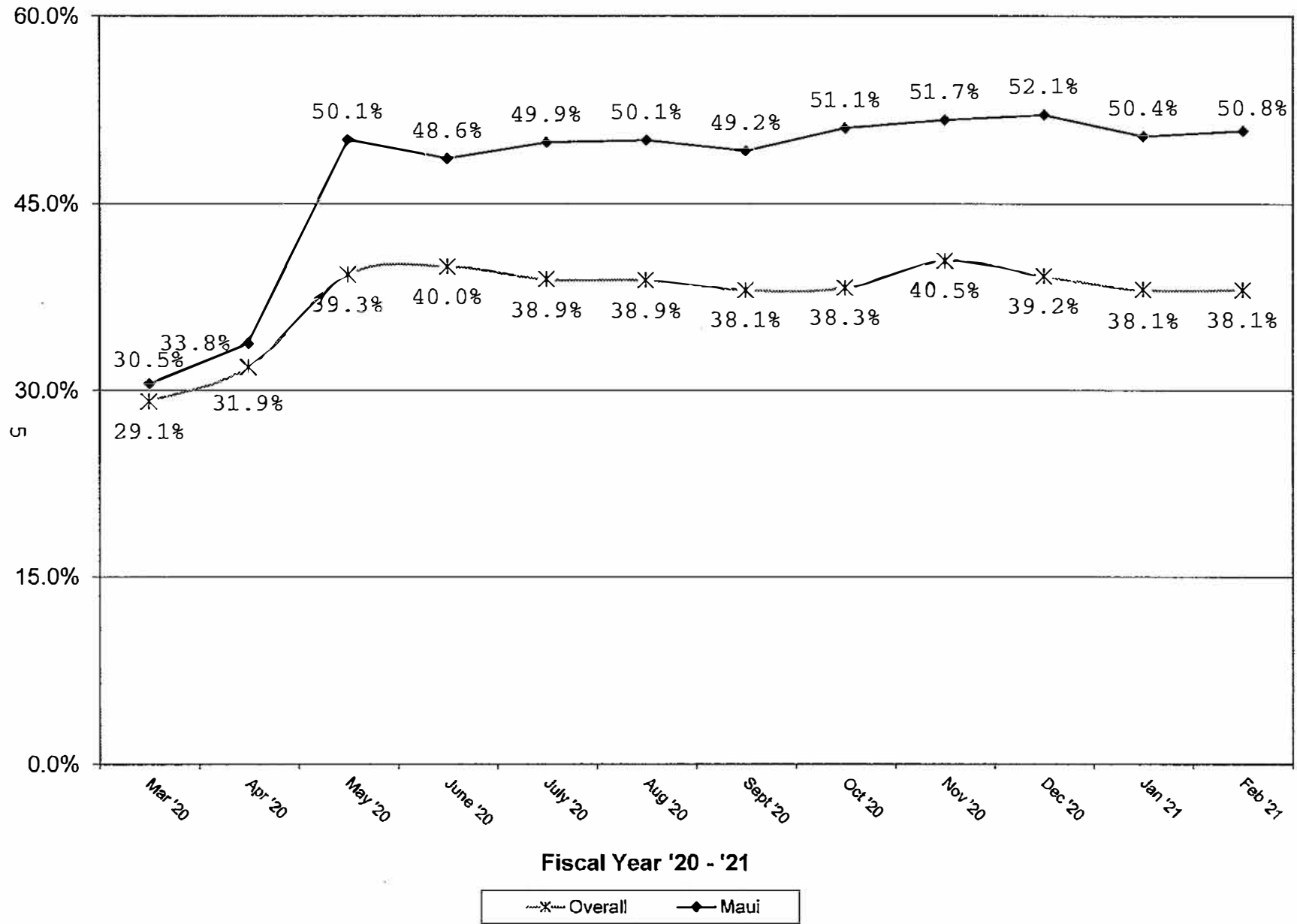
EAST HAWAII Direct Loans Delinquency Ratio Report



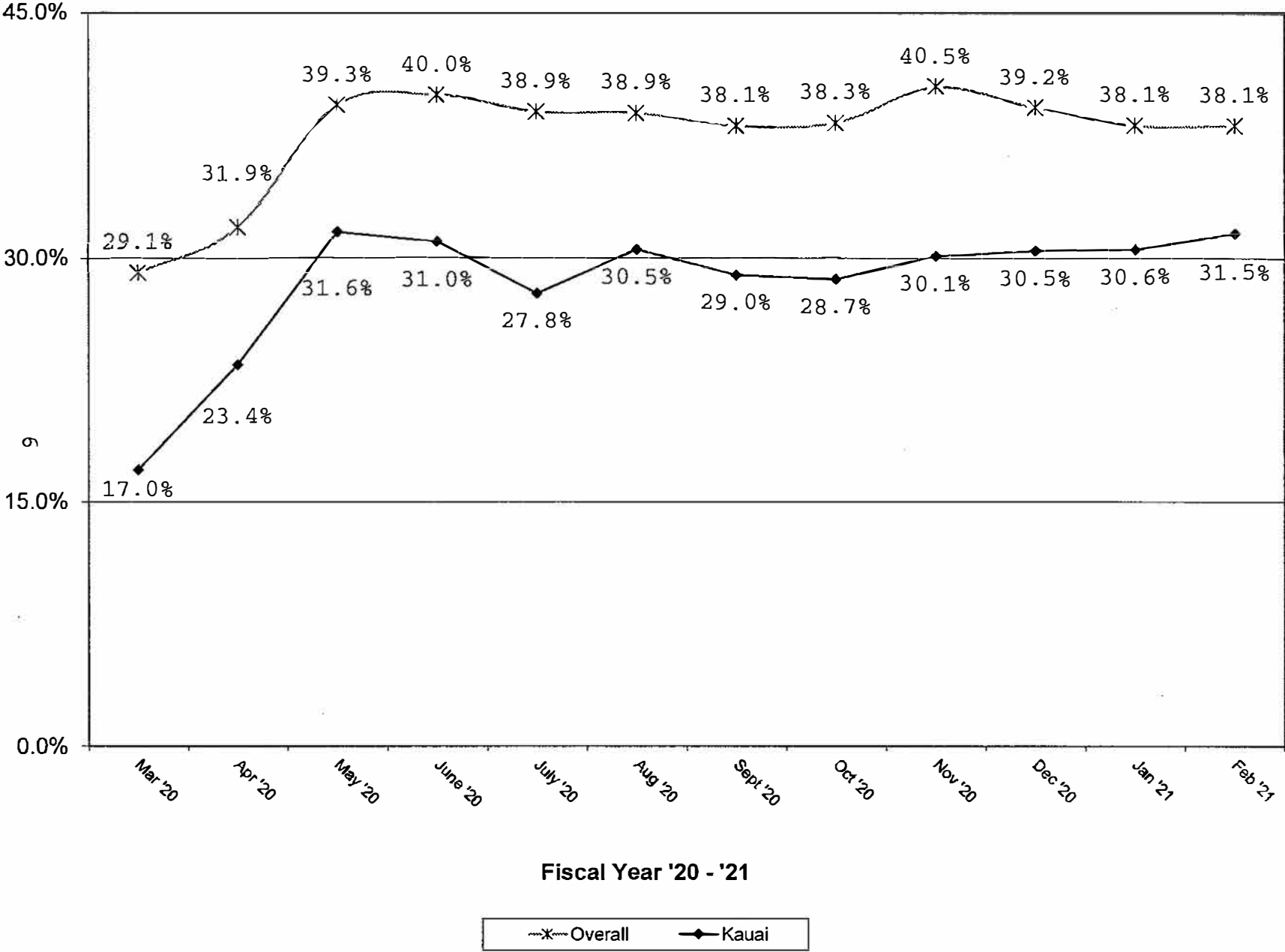
WEST HAWAII Direct Loans Delinquency Ratio Report



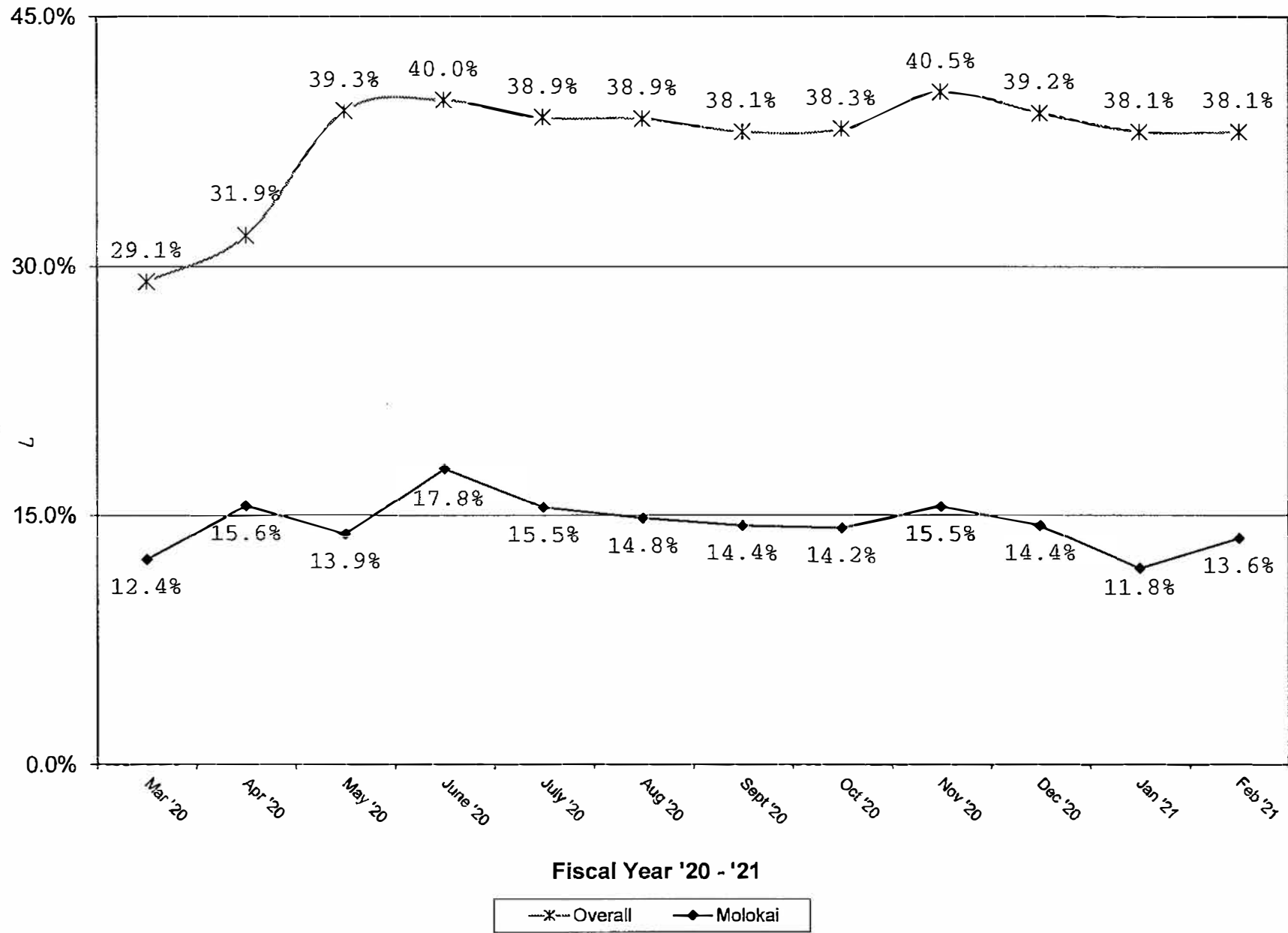
MAUI Direct Loans Delinquency Ratio Report



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



MOLOKAI
Direct Loans
Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2020

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division

FROM: Dean Oshiro, Loan Services Manager

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>			
Kaupea Lease No. 11421 TMK: 1-9-1-139:069	AKIONA, Albert, III (Streamline)VA	Department of Veterans Affairs	\$ 216,529
Kanehili Lease No. 12627 TMK: 1-9-1-152:065	KAAHANUI, Keith A. K. (Streamline)FHA	Siwell Inc., dba Capital Mortgage Services of Texas	\$ 440,000
Kauluokahai Lease No. 12954 TMK: 1-9-1-017:110	HOLT, Marivelena (1 Step Construction) FHA	HomeStreet Bank	\$ 360,525

OAHU

Lualualei Lease No. 5579 TMK: 1-8-6-023:113	NAWELI, Roberta K. (Rate & Term Refi) FHA	HighTechLen- ding Inc.	\$ 221,872
Kaupea Lease No. 12060 TMK: 1-9-1-140:076	PILILAAU, Cameron K. (Cash Out Refi) FHA	Guild Mortgage	\$ 471,000
Kaupea Lease No. 12061 TMK: 1-9-1-140:098	HARRIS, Barbett M. (Cash Out Refi) FHA	Guild Mortgage	\$ 450,000
Nanakuli Lease No. 1733 TMK: 1-8-9-005:032	DAMAS, Dawn U. (Rate & Term Refi) FHA	Guild Mortgage	\$ 160,000
Kaupea Lease No. 12737 TMK: 1-9-1-139:107	KEOSTER, Glenn E., Jr. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 420,000
Kanehili Lease No. 11871 TMK: 1-9-1-153:092	LOPERFIDO, Desiree S. (Cash Out Refi) FHA	Freedom Mortgage Corp.	\$ 422,000
Nanakuli Lease No. 9985 TMK: 1-8-9-002:038	WILLIAMS, Logan J., IV & WILLIAMS, Starla K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 357,000
Kewalo Lease No. 2217 TMK: 1-2-5-021:031	MONTEILH-ZOLLER, Mahealani K. (Cash Out Refi) FHA	Mason McDuffie Mortgage Corp.	\$ 417,000

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OAHU

Kauluokahai Lease No. 12842 TMK: 1-9-1-017:110	HANOHANO, Robert (Streamline) HUD 184A	HomeStreet Bank	\$ 350,470
Kaupea Lease No. 12127 TMK: 1-9-1-140:053	KOMETANI, Lorna M. H. & KOMETANI, James Kolea (Cash Out Refi) FHA	HomeStreet Bank	\$ 186,840
Kanehili Lease No. 11866 TMK: 1-9-1-153:051	PLACE-AJALA, Christy C. L. (Rate & Term Refi) FHA	Guild Mortgage	\$ 230,000
Waimanalo Lease No. 5886 TMK: 1-4-1-037:073	KAMANU, Kirk K. (Cash Out Refi) FHA	Freedom Mortgage Corp.	\$ 511,000
Nanakuli Lease No. 8565 TMK: 1-8-9-012:054	CAVACO, Darrell W. (Rate & Term Refi) FHA	HighTechLen- ding Inc.	\$ 428,175
Kalawahine Lease No. 9629 TMK: 1-2-4-043:018	DEPERALTA, Laurel K. (Streamline)FHA	HighTechLen- ding Inc.	\$ 241,854
Kauluokahai Lease No. 12488 TMK: 1-9-1-017:110	HAINA, Wallace, Jr. (Cash Out Refi) FHA	Bank of Hawaii	\$ 354,000
Kakaina Lease No. 11256 TMK: 1-4-1-041:001	LENCHANKO, Rosalie A. L. (Rate & Term Refi) FHA	Mann Mortgage LLC.	\$ 290,000
Kanehili Lease No. 12655 TMK: 1-9-1-151:022	NOA, Charles P., Jr. (Purchase)FHA	Mann Mortgage LLC.	\$ 424,000

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OAHU

Papakolea Lease No. 656 TMK: 1-2-2-015:017	KAPANUI, John S. K. (Rate & Term Refi) HUD 184A	Bank of Hawaii	\$ 141,000
Kauluokahai Lease No. 12936 TMK: 1-9-1-017:110	VARES, Stanette (Purchase)FHA	Bank of Hawaii	\$ 396,000
Kauluokahai Lease No. 12929 TMK: 1-9-1-017:088	DANIELSON, Melody & DANIELSON, Kanani (Purchase)FHA	Bank of Hawaii	\$ 421,385
Waianae Lease No. 5274 TMK: 1-8-5-032:023	DE LIMA, Mohala T. G. (Purchase)FHA	HomeStreet Bank	\$ 401,000
Nanakuli Lease No. 2932Z TMK: 1-8-9-003:008	BALLENTI, Jolyn (Cash Out Refi) FHA	HomeStreet Bank	\$ 155,700
Waianae Lease No. 4589 TMK: 1-8-5-030:059	BRANCO, May L. K. (Cash Out Refi) FHA	HighTechLen- ding Inc.	\$ 337,350
Kauluokahai Lease No. 12932 TMK: 1-9-1-017:110	KEALOHA, Florence (Purchase)FHA	Celebrity Home Loans	\$ 424,156
Kaupea Lease No. 11435 TMK: 1-9-1-139:067	ONTAI, Susanna L. (Rate & Term Refi) HUD 184A	Bank of Hawaii	\$ 189,000

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OAHU

Kaupea Lease No. 11409 TMK: 1-9-1-139:126	INOVEJAS, Frances L. K. (Rate & Term Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 419,150
Waimanalo Lease No. 7766 TMK: 1-4-1-036:005	AKAU, Kalaninuipoaimaku S. J. (Rate & Term Refi) FHA	Mid America Mortgage Inc.	\$ 322,000
Kauluokahai Lease No. 12419 TMK: 1-9-1-017:088	MONTEZ, Dylan-Keanu D. K. N. (Purchase)FHA	Mid America Mortgage Inc.	\$ 723,000
Kaupea Lease No. 11980 TMK: 1-9-1-139:012	YOSHINAGA, Lawrence G. (Cash Out Refi) FHA	Freedom Mortgage Corp.	\$ 162,000
Kauluokahai Lease No. 12829 TMK: 1-9-1-017:110	WAN, William A. (Cash Out Refi) FHA	Freedom Mortgage Corp.	\$ 382,000
Nanakuli Lease No. 7360 TMK: 1-8-9-016:075	HATCHER, Barbie M. K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 594,384
Kauluokahai Lease No. 12464 TMK: 1-9-1-017:088	LOPES-SHANE, Carolyn L. (Rate & Term Refi) HUD 184A	HomeStreet Bank	\$ 370,000
Kaupea Lease No. 12104 TMK: 1-9-1-140:040	KAHUE, Heston R. (Rate & Term Refi) FHA	HomeStreet Bank	\$ 390,000

ITEM NO. D-2

OAHU

Kanehili Lease No. 11880 TMK: 1-9-1-153:101	LEWIS, Joseph R. K. (Cash Out Refi) FHA	Freedom Mortgage Corp.	\$ 452,000
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Kanehili Lease No. 11673 TMK: 1-9-1-153:158	MYERS, James A. K. K. (Purchase) FHA	Bank of Hawaii	\$ 461,000
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MOLOKAI

Kalamaula Lease No. 10619 TMK: 2-5-2-032:007	CRIVELLO, Warren K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 193,000
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MAUI

Waiohuli Lease No. 7694 TMK: 2-2-2-028:159	WALLACE, Donald A., Jr. (Purchase) FHA	HomeBridge Financial Services, Inc.	\$ 400,668
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Waiohuli Lease No. 7650 TMK: 2-2-2-027:139	ARRIETA, Leeann L. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 376,000
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Waiohuli Lease No. 7656 TMK: 2-2-2-028:028	AYAU, Kimo (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 716,220
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Waiohuli Lease No. 7697 TMK: 2-2-2-028:153	CHANDLER, Conrad (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 233,550
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Waiohuli Lease No. 10304 TMK: 2-2-2-033:070	KAILILAAU, Sherri Ann U. (Cash Out Refi) HUD 184A	HomeBridge Financial Services, Inc.	\$ 296,940
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ITEM NO. D-2

MAUI

Leialii Lease No. 11478 TMK: 2-4-5-036:011	WATSON, David K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 283,000
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KAUAI

Kekaha Lease No. 11343 TMK: 4-1-2-017:050	KANAHELE, Alohanamakanalani I. M. (Purchase)FHA	SecurityNat- ional Mortgage Co.	\$ 403,000
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KAUAI

Anahola Lease No. 11154 TMK: 4-4-8-022:076	HARAGUCHI, Randall T. N. (Rate & Term Refi) HUD 184A	Bank of Hawaii	\$ 302,000
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HAWAII

Keaukaha Lease No. 10009 TMK: 3-2-1-024:016	KALEO, Tanya I. (Purchase)FHA	HomeBridge Financial Services, Inc.	\$ 325,542
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Panaewa Lease No. 5100 TMK: 3-2-1-025:051	BALES, Bridgit M. L. (Streamline)VA	Department of Veterans Affairs	\$ 229,035
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Keaukaha Lease No. 1855A TMK: 3-2-1-023:168	KAUPU, Raymond K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 255,000
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Keaukaha Lease No. 10107 TMK: 3-2-1-020:104	KAIDE, Catherine L. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 147,000
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Panaewa Lease No. 6247 TMK: 3-2-1-025:185	NAPEAHI, Terri L. (Permanent take-out loan) FHA	Mid America Mortgage Inc.	\$ 220,000
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ITEM NO. D-2

HAWAII

Kawaihae
Lease No. 9667
TMK: 3-6-1-008:012

ALEJO,
Lenora L.
(Purchase) FHA

HomeBridge \$ 300,501
Financial
Services,
Inc.

Waiakea
Lease No. 6819
TMK: 3-2-2-063:004

WAGNER,
Gregory M., Jr.
(Purchase) FHA

HomeBridge \$ 92,804
Financial
Services,
Inc.

RECAPFHA
AMOUNTVA
AMOUNT

	<u>NO.</u>		<u>NO.</u>
FY Ending 6/30/20	295	\$ 94,516,967	18 \$ 7,261,256
Prior Months	389	\$ 125,659,336	11 \$ 3,808,732
This Month	44	15,352,526	2 445,564
Total FY '20-'21	433	\$ 141,011,862	13 \$ 4,254,296

HUD 184A
AMOUNTUSDA-RD
AMOUNT


FY Ending 6/30/20	61	\$ 18,080,394	12 \$ 3,322,000
Prior Months	40	\$ 12,520,229	10 \$ 4,196,000
This Month	9	2,864,560	0 0
Total FY '20-'21	49	\$ 15,384,789	10 \$ 4,196,000


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, HSD Administrator 
Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: **Approval of Refinance of Loans**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

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

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

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



<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Spencer, Mark C.	10207, Waianae	NTE \$321,300, @4.375% interest per annum, payment NTE \$1,605 monthly, repayable over 30 years.

Loan Purpose: Refinance Contract of Loan No. 19563.
Original loan amount of \$275,433 at
4.375% per annum, \$1,375 monthly,
payable over 30 years. A Contested
Case Hearing was held on August 22,
2019 for this account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THRU: Juanito Garcia, HSD Administrator 
FROM: Dean Oshiro, Loan Services Branch Manager 
SUBJECT: Approval To Extend Postponement of Mortgage Payments

RECOMMENDED MOTION/ACTION

- 1) To approve the continuance of postponement of mortgage loan payments for all Department of Hawaiian Home Lands ("DHHL") direct loans and loans assigned to DHHL for an additional three (3) month period, effective with the April 2021 payment.
- 2) Delegate authority to the Chairman to further postpone mortgage loan payments for an additional three (3) months, if needed.

DISCUSSION

On March 24, 2020, The Hawaiian Homes Commission approved the postponement of mortgage loan payments for all DHHL direct loans and loans assigned to DHHL for a period of six (6) months, effective with the April 2020 payment. It also approved that lessees/borrowers that may need an additional six (6) months postponement can request relief from the department and will be evaluated on a case-by case basis.

On September 22, 2020, the HHC approved an action to allow the continuance of postponement of mortgage loan payments for all DHHL direct loans and loans assigned to DHHL for an additional three (3) month period, effective with the October 2020 payment. In addition, authority for further postponements of an additional three (3) months, if needed, was delegated to the Chairman.

On December 2, 2020, the Chairman of the HHC, as delegated by the HHC on September 22, 2020, authorized the extension of postponement of mortgage payments for an additional three (3) months to March 31, 2021. Contracted payments are now set to resume in April of 2021.

A report for the period ended February 19, 2021 (DHHL "cycles" its' payments on the 19th of each month) prepared by DHHL's Fiscal Division, reflected that roughly 84.2% (128 of 152) of the loans reassigned by HUD/FHA took advantage of postponing one or more payments since April. In contrast, only 48.3% (465 of 962) of the accounts in the direct loan portfolio will have one or more payments being postponed.

On February 16, 2021, President Biden issued an executive action to extend a ban on home foreclosures on federally back mortgages by three months amid the COVID-19 pandemic which allows borrowers to pause or reduce mortgage payments until June 30, 2021. Federal housing regulators estimate approximately 70% of single-family homes will be covered by the foreclosure relief program. DHHL's average portfolio in comparison is currently at 53.2%.

As stated in previous action items, payments postponed shall be deferred to the maturity date of the loan. If the contract does not specify a maturity date, once the postponement period ends, the contracted loan payments shall continue until the loan is paid in full.



If a lessee/borrower decides to continue making payments or makes a payment during this period, DHHL will process the payment as in the normal course of business.

By request of Honolulu Mayor Blangiardi and approval by Governor Ige, Oahu moved to tier 3 of the reopening strategy effective February 25, 2021. Hopefully, this will assist in further stimulating Hawaii's economy, however, HSD still believes based President Biden's executive action, approval of this submittal is warranted. We humbly request approval of this item as submitted.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juanito Garcia, HSD Administrator 
FROM: Dean Oshiro, Loan Services Branch Manager 
SUBJECT: Approval of Loan Interest Rate Policy

RECOMMENDED MOTION/ACTION

To amend the November 19, 2012 interest rate policy established for the Hawaiian Home General Loan Fund (HHGLF) to reset the floor interest rate of not less than 4.5% to not less than 4%.

DISCUSSION

On November 19, 2012, the Hawaiian Homes Commission (HHC) approved an action (see exhibit A):

1) To amend the February 28, 1995 interest rate policy established for the Hawaiian Home General Loan Fund (HHGLF) from 1% below the annual interest rate set by Rural Economic and Community Development (RECD) to a floor of not less than 4.5%.

2) To replace RECD with the United States Department of Agriculture - Rural Development (RD), and the annual rate shall be adjusted as of the first working day of each calendar year.

Previous to the approval granted on November 19, 2012, the Department of Hawaiian Homes Lands (DHHL) staff relied on a February, 28, 1995, submittal approved by the HHC in which the interest rate policy that tied the department's HHGLF interest rate to RECD'S prevailing rate with a floor of 6%. At the time, the RECD rate was 8-3/4% and declining. The action was taken to assist beneficiaries with more affordable payments but did not allow the rate to drop below 6%.

On August 19, 2013, the HHC approved a streamline refinance product to assist borrowers to lower their interest rate provided that they met the requirements to refinance. This product was only to reduce the interest rate and possibly re-amortize the loan. Since then, the Loan Services Branch has refinanced approximately 180 direct loans with this product. DHHL's interest income from its direct loans have decreased from \$3.7 million in fiscal year 2012 to \$3 million in the fiscal year ended June 30, 2020. It is anticipated that this amount will be further reduced to an estimate of \$2.2 million for the fiscal year ending June 30, 2021. However, part of the decrease can be attributed to the "Postponement of Payment" action instituted by the HHC in March of 2020.

Of the 1,356 loans and advances currently being serviced by DHHL as of January 31, 2021, the majority of accounts (762) have interest rates that ranges between 3.5% to 6%. Ranges for all DHHL serviced loans are between a low of 0% (NAHASDA) to 10% (Real Property Tax delinquent accounts).

Mortgage interest rates have dropped to around 3% for a thirty (30) year fixed rate loan. This rate is primarily applicable to those borrowers that are willing to pay the higher loan fees (commonly known as "buying down the rate" or "points"), while rates are .25%-.5% higher for those that want to pay lesser loan fees.

As of July 1, 2020, the interest rate as set by RD for their "Single Family Housing Direct Loan Program" was set at 2.5%. It has never been DHHL's intent to compete with the private market lenders in interest rate.

Pursuant to Section 10-3-46(5) of the Hawaii Administrative Rules:

- (5) If the loan applicant is found by the department to have sufficient resources or credit to secure financing from non-departmental sources to undertake the purpose for which the loan is sought, no departmental loan shall be made.

As such, DHHL purposely positions itself as the lender of last resort. DHHL also does not charge any fees other than those assessed for credit reports which range from \$34 to \$60 depending on the type of report and whether it's for a single individual or for joint borrowers. Currently, if a lessee is to obtain a loan for a FHA 247 loan in the amount of \$300,000, the fees incurred to obtain the loan would approximate in the neighborhood of \$25,000 to \$35,000 or more, contingent upon whether the loan purpose is to cash out refinance or purchase improvements.

While we are able to assist beneficiaries who are unable to secure outside financing, a growing loan portfolio that offers rates equivalent or below current market rates may negatively impact and increase the risk taken on by the trust.

We humbly request that this action be approved as submitted.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

NOVEMBER 19, 2012

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Dean Oshiro, Acting HSD Administrator
Homestead Services Division

SUBJECT: Loan Interest Rate Policy

RECOMMENDED MOTION/ACTION

1) To amend the February 28, 1995 interest rate policy established for the Hawaiian Home General Loan Fund (HHGLF) from 1% below the annual interest rate set by Rural Economic and Community Development (RECD) to a floor of not less than 4.5%.

2) To replace RECD with the United States Department of Agriculture - Rural Development (RD), and the annual rate shall be adjusted as of the first working day of each calendar year.

DISCUSSION

On February, 28, 1995, the Hawaiian Homes Commission approved an interest rate policy that tied the department's HHGLF interest rate to RECD'S prevailing rate with a floor of 6%. At the time, the RECD rate was 8-3/4% and declining. The action was taken to assist beneficiaries with more affordable payments but did not allow the rate to drop below 6%.

Section 10-3-47(d), Hawaii Administrative Rules (HAR), states:

Loan interest rates shall be determined based on the availability and source of funds as well as the current interest rate for such loans in the private sector.

Section 10-3-42, HAR, states:

The department may make loans from any loan fund to lessees, and where applicable, to any cooperative

ITEM NO. D-7

ITEM NO. D-5
EXHIBIT A

association all of whose members are lessees. Such loans may be made for the following purposes:

- (1) The repair, maintenance, purchase, or erection of dwellings on Hawaiian home lands, and the undertaking of other permanent improvements thereon;
- (2) The purchase of livestock, swine, poultry, fowl, and farm equipment; and
- (3) Otherwise assisting in the development of tracts, and farm and ranch operations;
- (4) The cost of:
 - (A) Breaking up, planting, and cultivating land and harvesting crops;
 - (B) Purchase of seeds, fertilizers, feeds, insecticides, medicines, and chemicals for disease and pest control for animals and crops, and related supplies required for farm and ranch operations;
 - (C) The erection of fences and other permanent improvements for farm or ranch purposes; and
 - (D) Marketing farm or ranch products; and
- (5) To assist lessees in the operation or erection of theaters, garages, service stations, markets, stores, and other mercantile establishments, all of which shall be owned by lessees of the department or by organizations formed and controlled by lessees.

The Honolulu Board of Realtors rate survey as of October 31, 2012, shows the average interest rate from Hawaii's largest financial institutions at 3.25% for a 30 year fixed rate mortgage with points ranging from 1% to 2.125%. These rates are primarily applicable to tier "A" customers or those whom the financial institutions consider their best customers and those with the lowest default risk.

The recommended rate change amends the "floor" that can be assessed on a DHHL direct loan. This policy can be advantageous for qualified lessees while offering DHHL the ability to protect the portfolio from additional risk.

Below is a cost comparison for a Department loan to a FHA 247 loan.

Cost Comparison:

Costs (\$200,000 loan)	DHHL	FHA 247
Loan Origination Fee (1%)	\$0	\$2,000
Loan Discount (2%)	\$0	\$4,000
Appraisal Fee	\$0	\$600
Underwriting/Document Fee	\$0	\$800
Flood Determination Fees	\$0	\$22
Attorney's Mortgage Preparation Doc. Fee	\$0	\$100
Notary Fee	\$0	\$5
Prepaid Interest (15 days)	\$0	\$273
Homeowners Insurance	\$0	\$1,200
Escrow Fees	\$0	\$550
Lien Check	\$0	\$100
Credit Report	\$25	\$25
Subtotal of fees	\$25	\$9,675
Down Payment Requirement	\$0	\$7,000 (3.5%)
Mortgage Insurance Premium	\$0	\$7,600 (3.8%)*
Total Cash Required	\$25	\$24,275

*MIP can be financed in the loan which would increase the loan amount from \$193,000 to \$200,600, and the cash required would decrease from \$24,275 to \$16,675.

Section 10-3-46 (5), HAR, states:

- (5) If the loan applicant is found by the department to have sufficient resources or credit to secure financing from non-departmental sources to undertake the purpose for which the loan is sought, no departmental loan shall be made.

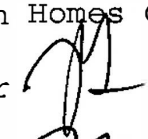
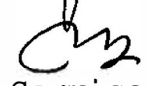
As such, DHHL purposely positions itself as the lender of last resort. While we are able to assist beneficiaries who are unable to secure outside financing, a growing loan portfolio that offers rates equivalent or below current market rates may negatively impact and increase risk taken by the trust.

We request the commission grant its approval of the recommended action to lower the "floor" rate of DHHL direct loans to 4.5%.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juan Garcia, HSD Administrator 
FROM: Nicole F. Bell, Specialist V 
Application Branch, Homestead Services Division
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

KANOA, Lawrence A.	04/03/2003	HAWAII	AGR	11/25/2020
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KANOA, Lawrence A.	04/03/2003	HAWAII	RES	11/25/2020
KAUPIKO, Kaimi N.	12/07/2007	HAWAII	RES	11/24/2020
MOKU, David Kulani V.	03/30/2006	HAWAII	RES	12/22/2020

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

ASHLEY, Bradfrey G.	03/28/2018	OAHU	AGR	12/02/2020
KAHALEHOE, Tiffany M.W.	09/21/2000	MAUI	PAS	11/30/2020
VIERNES, Jennifer L.	02/13/1986	OAHU	AGR	11/17/2020

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

ASHLEY, Bradfrey G.	03/28/2018	OAHU	RES	12/02/2020
VIERNES, Jennifer L.	07/15/2008	OAHU	RES	11/17/2020
WATSON, Jesse K., Jr.	08/19/2014	LANAI	RES	11/30/2020

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

MCCOMBER, Ella M.K.	01/10/2002	OAHU	RES	12/18/2020
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KAUAI ISLANDWIDE PASTORAL LEASE LIST

MOKU, David Kulani V.	03/30/2006	HAWAII	PAS	12/22/2020
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2. Deceased Applicants

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

APAKA, Gaymond H.	PN 11/2017	10/01/1987
KAHUMOKU, Randolph K.	PN 11/2017	08/04/1986

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAIMIKAU, Kevin R.K.	Assigned Residential Lease #11570, Lot 18513 in Kanehili, Oahu dated 11/29/2018. Remove application dated 07/14/2017.
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

FEITEIRA, Mary Ann D.P.	Assigned Residential Lease #10101, Lot 109 in Waiehu Kou III, Maui dated 03/20/2020. Remove application dated 03/19/2019.
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KALELE, Janelle K.

Assigned Residential Lease #9304,
Lot 91 in Kaniohale, Hawaii dated
12/30/2020. Remove application
dated 01/02/2004.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

AH YOU, Priscilla I.K.

Succeeded to Oahu Islandwide
Agricultural application of
sibling, Virginia P. Bobbitt,
dated 03/11/2010. Remove
application dated 05/16/2012.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ANNINO-LUAT, Naomi N.

Succeeded to Waimanalo Area / Oahu
Islandwide Residential application
of parent, Althea Iona, dated
04/19/1972. Remove application
dated 01/09/2012.

MAUNAKEA, Regina K.

Succeeded to Oahu Islandwide
Residential application of
sibling, Darlene K. Maunakea,
dated 11/07/1996. Remove
application dated 04/16/1999.

YAMAMOTO, Candice H.

Succeeded to Oahu Islandwide
Residential application of parent,
Amy Kahumoku, dated 12/12/1984.
Remove application dated
05/31/2016.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KAAIHUE, Kapiolani B.

Succeeded to Maui Islandwide
Agricultural application of
parent, Bedford J.K. Kaaihue,
dated 03/19/1993. Remove
application dated 10/02/2007.

KUIA, Daniel K.

Succeeded to Maui Islandwide
Agricultural application of
parent, Gordon B. Kuia, dated
12/23/1985. Remove application
dated 09/27/2002.

WASHINGTON, Charmaine P.

Succeeded to Maui Islandwide
Agricultural application of
parent, Smiley Kaiwi, dated
05/30/1986. Remove application
dated 04/25/2005.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KAAIHUE, Kapiolani B.

Succeeded to Maui Islandwide
Residential application of parent,
Bedford J.K. Kaaihue, dated
03/19/1993. Remove application
dated 10/02/2007.

VARES, Joann A.

Succeeded to Maui Islandwide
Residential application of
sibling, Benny S. Constantino,
dated 07/14/1987. Remove
application dated 02/14/2007.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

CHARTRAND, Kahealani H.	Succeeded to Hawaii Islandwide Agricultural application of parent, Myra N.K. Chartrand, dated 10/10/1985. Remove application dated 11/08/1985.
LUM HO, John J.A.	Succeeded to Hawaii Islandwide Agricultural application of sibling, Samuel A. Lum Ho, dated 03/18/1986. Remove application dated 04/25/1986.
REEVES, Steward G.	Succeeded to Hawaii Islandwide Pastoral application of parent, Rhona E. Reeves dated 07/05/1991. Remove application dated 09/17/1999.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

BALLIO, Mary Jane U.	Succeeded to Hawaii Islandwide Residential application of sibling, John K. Kalani, dated 03/07/2006. Remove application dated 11/30/2017.
KAHAWAIOLOAA, Kipling K.S.	Succeeded to Hawaii Islandwide Residential application of parent, Raynette Kahawaiolaa, dated 03/13/1986. Remove application dated 07/20/1987.
LUM HO, John J.A.	Succeeded to Hawaii Islandwide Residential application of sibling, Samuel A. Lum Ho, dated 03/18/1986. Remove application dated 05/12/1988.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

HOOKANO, Lizatte Kylie	Succeeded to Kauai Islandwide Residential application of Aunt, Celia M. Hookano, dated 04/14/2005. Remove application dated 05/14/2013.
KANAHELE, Lucky	Succeeded to Kauai Islandwide Residential application of Uncle, Malaki K. Kanahele, Jr., dated 05/20/1994. Remove application dated 12/05/2014.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments


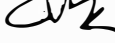
NONE FOR SUBMITTAL

Last Month's Transaction Total	30
Last Month's Cumulative FY 2020-2021 Transaction Total	293
Transfers from Island to Island	12
Deceased	2
Cancellations:	
Awards of Leases	3
NHQ	0
Voluntary Cancellations	0
Successorship	17
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	34
This Month's Cumulative FY 2020-2021 Transaction Total	327

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juan Garcia, HSD Administrator 
FROM: Nicole F. Bell, Specialist V 
Application Branch, Homestead Services Division
SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2013, 2014, 2015, 2016, 2017, 2018, & 2019**

RECOMMENDED MOTION/ACTION

To designate the following individuals as successors to the application rights of deceased applicants who did not name a qualified successor.

DISCUSSION

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

1. Deceased Applicant:	Virginia P. Bobbitt
Date of death:	July 24, 2011
Successor to app rights:	Priscilla I.K. Ah You
Relationship to decedent:	Sibling
Island:	Oahu

Type:	Islandwide Agricultural
Date of Application:	March 11, 2010
Date of Public Notice:	November, 2013
2. Deceased Applicant:	Althea Iona
Date of death:	May 25, 2007
Successor to app rights:	Naomi N. Annino-Luat
Relationship to decedent:	Child
Island:	Waimanalo Area / Oahu
Type:	Islandwide Residential
Date of Application:	April 19, 1972
Date of Public Notice:	November, 2018
3. Deceased Applicant:	Amy Kahumoku
Date of death:	February 26, 2008
Successor to app rights:	Candice H. Yamamoto
Relationship to decedent:	Child
Island:	Oahu
Type:	Islandwide Residential
Date of Application:	December 12, 1984
Date of Public Notice:	November, 2016
4. Deceased Applicant:	Joseph J.K. Kamalamalama
Date of death:	May 25, 2016
Successor to app rights:	George K. Kamalamalama
Relationship to decedent:	Sibling
Island:	Oahu
Type:	Islandwide Residential
Date of Application:	April 18, 1985
Date of Public Notice:	November, 2017
5a. Deceased Applicant:	Darlene K. Maunakea
Date of death:	July 31, 2017
Successor to app rights:	Regina K. Maunakea
Relationship to decedent:	Sibling
Island:	Oahu
Type:	Islandwide Agricultural
Date of Application:	November 7, 1996
Date of Public Notice:	November, 2018
5b. Island:	Oahu
Type:	Islandwide Residential
Date of Application:	November 7, 1996

6a. Deceased Applicant:	Anthony Young, Jr.
Date of death:	April 27, 2013
Successor to app rights:	Antoinette U. Young
Relationship to decedent:	Child
Island:	Oahu
Type:	Islandwide Agricultural
Date of Application:	October 7, 1987
Date of Public Notice:	November, 2013
6b. Island:	Waimanalo Area / Oahu
Type:	Islandwide Residential
Date of Application:	October 2, 1972
7a. Deceased Applicant:	Albert K. Brown, Sr.
Date of death:	September 1, 2017
Successor to app rights:	Pauline L. Brown
Relationship to decedent:	Child
Island:	Maui
Type:	Islandwide Agricultural
Date of Application:	July 23, 1987
Date of Public Notice:	November, 2014
7b. Island:	Maui
Type:	Islandwide Residential
Date of Application:	July 23, 1987
8a. Deceased Applicant:	Bedford J.K. Kaaihue
Date of death:	April 20, 2015
Successor to app rights:	Kapiolani B. Kaaihue
Relationship to decedent:	Child
Island:	Maui
Type:	Islandwide Agricultural
Date of Application:	March 19, 1993
Date of Public Notice:	November, 2017
8b. Island:	Maui
Type:	Islandwide Residential
Date of Application:	March 19, 1993
9. Deceased Applicant:	Smiley Kaiwi
Date of death:	October 26, 2016
Successor to app rights:	Charmaine P. Washington
Relationship to decedent:	Child
Island:	Maui
Type:	Islandwide Agricultural
Date of Application:	May 30, 1986
Date of Public Notice:	November, 2017

10. Deceased Applicant: Pearl K. Kamaunu
Date of death: October 25, 2011
Successor to app rights: Marciann K. Colvin
Relationship to decedent: Child
Island: Maui
Type: Islandwide Agricultural
Date of Application: February 11, 1992
Date of Public Notice: November, 2013
11. Deceased Applicant: Gordon B. Kuia
Date of death: October 22, 2014
Successor to app rights: Daniel K. Kuia
Relationship to decedent: Child
Island: Maui
Type: Islandwide Agricultural
Date of Application: December 23, 1985
Date of Public Notice: November, 2015
12. Deceased Applicant: Benny S. Constantino
Date of death: December 7, 2010
Successor to app rights: Joann A. Vares
Relationship to decedent: Sibling
Island: Maui
Type: Islandwide Residential
Date of Application: July 14, 1987
Date of Public Notice: November, 2017
13. Deceased Applicant: Myra N.K. Chartrand
Date of death: May 7, 2005
Successor to app rights: Kahealani H. Chartrand
Relationship to decedent: Child
Island: Hawaii
Type: Islandwide Agricultural
Date of Application: October 10, 1985
Date of Public Notice: November, 2017
- 14a. Deceased Applicant: Philip M. Kealoha
Date of death: June 15, 2015
Successor to app rights: Christopher A. Snow
Relationship to decedent: Child
Island: Hawaii
Type: Islandwide Agricultural
Date of Application: October 4, 1989
Date of Public Notice: November, 2017

14b. Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	October 4, 1989
15a. Deceased Applicant:	Samuel A. Lum Ho
Date of death:	June 20, 2014
Successor to app rights:	John J.A. Lum Ho
Relationship to decedent:	Sibling
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	March 18, 1986
Date of Public Notice:	November, 2018
15b. Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	March 18, 1986
16. Deceased Applicant:	Thomasine M. Tomaselli
Date of death:	April 11, 2007
Successor to app rights:	Ezekiel-Ethan K. Tomaselli
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	January 26, 1988
Date of Public Notice:	November, 2017
17. Deceased Applicant:	Rhona E. Reeves
Date of death:	May 24, 2019
Successor to app rights:	Steward G. Reeves
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Pastoral
Date of Application:	July 5, 1991
Date of Public Notice:	November, 2019
18. Deceased Applicant:	Raynette Kahawaiolaa
Date of death:	October 19, 2015
Successor to app rights:	Kipling K.S. Kahawaiolaa
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	March 13, 1986
Date of Public Notice:	November, 2017

19. Deceased Applicant: John K. Kalani
 Date of death: March 25, 2016
 Successor to app rights: Mary Jane U. Ballio
 Relationship to decedent: Sibling
 Island: Hawaii
 Type: Islandwide Residential
 Date of Application: March 7, 2006
 Date of Public Notice: November, 2017
20. Deceased Applicant: Celia M. Hookano
 Date of death: September 4, 2007
 Successor to app rights: Lizatte Kylie Hookano
 Relationship to decedent: Niece
 Island: Kauai
 Type: Islandwide Residential
 Date of Application: April 14, 2005
 Date of Public Notice: November, 2016
21. Deceased Applicant: Malaki K. Kanahale, Jr.
 Date of death: May 25, 2012
 Successor to app rights: Lucky Kanahale
 Relationship to decedent: Nephew
 Island: Kauai
 Type: Islandwide Residential
 Date of Application: May 20, 1994
 Date of Public Notice: November, 2014


Previous Cumulative Total for Current FY	74
Current Month's Total	27
Fiscal Year Total: July 2020-June 2021	101


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

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

RECOMMENDED MOTION/ACTION

To approve the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended.

*See attached list of Lessee.

Leasehold Interest:

Ratified for March 2021	9
Previous FY 2020 - 2021	51
FY 2020 - 2021 Total to Date	60

Ratified for FY '19 - '20	92
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Net Proceeds

Ratified for March 2021	0
Previous FY 2020- 2021	0
FY 2020 - 2021 Total to Date	0

Ratified for FY '19- '20	0
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**LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR
LEASEHOLD INTEREST
FOR MONTH OF MARCH 2021**

<u>Deceased Lessee</u>	<u>Designated Successor</u>
1. Oseas K. Baloyot Lot No.: 80 Area: Lualualei, Oahu Lease No. 5612	<u>PRIMARY:</u> Roseline Allport, Sister <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> Malia O. Baloyot, Daughter
2. Howard Doctorello Lot No.: 2 Area: Waimanalo, Oahu Lease No. 7777	<u>PRIMARY: Joint Tenants</u> June Doctorello, Wife Howard N. Doctorello, Jr., Son <u>ALTERNATE:</u> N/A <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A
3. Hannah Kamai Lot No.: 31 Area: Paukukalo, Maui Lease No. 3484	<u>PRIMARY:</u> Lynn K. Kamai, Daughter <u>ALTERNATE:</u> Nikki K. Kamai, Granddaughter <u>DESIGNEE TO RECEIVE NET PROCEEDS:</u> N/A

4. Annie K. Kanahale
Lot No.: 48
Area: Kekaha, Kauai
Lease No. 4677

PRIMARY:

Kay K. Kanahale, Daughter

ALTERNATE: Joint Tenants

Kelmar H. Kanahale, Son
Ida K. Kaaumoana, Daughter
Annie K. Kanahale, Daughter
Diane H. Kanahale, Daughter

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

5. Donna D. Lii
Lot No.: 243
Area: Kewalo, Oahu
Lease No. 3696

PRIMARY: Joint Tenants

Dora K. Doroha, Daughter
Joleen K. Lii-Davis, Daughter
Mary M. Lii-Moetului, Daughter
Arthur H. Lii, Son

ALTERNATE:

Florine M. Paaluhi, Daughter

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

6. Carolyn L. Lono
Lot No.: 111
Area: Waimanalo, Oahu
Lease No. 2657

PRIMARY:

Derek K. Lono, Son

ALTERNATE:

N/A

DESIGNEE TO RECEIVE NET

PROCEEDS:

N/A

7. Kawehilani F. Mahi
Lot No.: 7
Area: Anahola, Kauai
Lease No. 8700

PRIMARY:
He'uionalani C. Mahi-Higa,
Niece

ALTERNATE: Joint Tenants
Kehaulani Kekua, Sister*
Dustin K. Mahi, Nephew*
*Omit due to lack of
genealogy documents to
determine eligibility to
successorship.

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

8. Gordon J. Mattos
Lot No.: 1
Area: Waimanalo, Oahu
Lease No. 8765

PRIMARY:
Gordon A. Mattos, Son

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

9. Victoria Whitworth
Lot No.: 33B
Area: Panaewa, Hawaii
Lease No. 6243

PRIMARY:
Cathy L. Kuamoo, Daughter

ALTERNATE:
N/A

DESIGNEE TO RECEIVE NET
PROCEEDS:
N/A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO 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

Eighteen (18) assignments of lease.

1. Lessee Name: Brenette I. Baker
Res. Lease No. 3421, Lot No. 83-A
Lease Date: 6/15/1962
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Brian K. Baker
Relationship: Brother
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/9/2002

Reason for Transfer: "Giving lease to relative."

2. Lessee Name: Alexianne Blake
Res. Lease No. 2699, Lot No. 77
Lease Date: 10/1/1952
Area: Kuhio Village, Hawaii
Property Sold & Amount: Yes, \$74,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Denise P. Murphy
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 5/3/2013

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

3. Lessee Name: Lawrence E. Bushe, Jr.
Res. Lease No. 11673, Lot No. 18439
Lease Date: 2/12/2011
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$450,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Ramona L. Kahele
Relationship: Aunty
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 8/19/2004

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

4. Lessee Name: Ramona L. Kahele
Res. Lease No. 11673, Lot No. 18439
Lease Date: 2/12/2011
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$450,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: James A. K. K. Myers
Relationship: Son
Loan Assumption: No
Applicant: No

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

5. Lessee Name: Hal N. Chartrand
Res. Lease No. 11312, Lot No. 10
Lease Date: 5/30/2008
Area: Kaumana, Hawaii
Property Sold & Amount: Yes, \$108,000.00
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Halton N. Chartrand
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to my son." Special
Conditions: Existing loan must be paid off.

6. Lessee Name: Melody K. Danielson
Res. Lease No. 12929, Lot No. 110
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$425,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Melody K. Danielson & Kanani P. Danielson
Relationship: Lessee & Daughter
Loan Assumption: No
Applicant: No

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

7. Lessee Name: John Thomas K. Kahaloa
Res. Lease No. 12924, Lot No. 159
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$500,000.00
Improvements: 5 bedroom, 3 bath dwelling

Transferee Name: Clarisa Ann K. Miguel
Relationship: Daughter
Loan Assumption: No
Applicant: No

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

8. Lessee Name: Alice L. Kala
Res. Lease No. 7537, Lot No. 130
Lease Date: 2/7/2002
Area: Waiohuli, Maui
Property Sold & Amount: Yes, \$400,000.00
Improvements: 2 bedroom, 2-1/2 bath dwelling
- Transferee Name: Everest K. M. Naki
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 1/11/2001
- Reason for Transfer: "I want to start over from my husband's passing." Special Condition: Transferee to obtain funds to pay purchase price.
9. Lessee Name: Edward H. Kama, Jr.
Res. Lease No. 12927, Lot No. 156
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$407,600.00
Improvements: 4 bedroom, 3 bath dwelling
- Transferee Name: Cherish K. K. C. S. Powell
Relationship: Daughter
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.
10. Lessee Name: Mitchell K. Keawe
Res. Lease No. 12925, Lot No. 158
Lease Date: To be determined
Area: Kauluokahai, Oahu
Property Sold & Amount: Yes, \$450,000.00
Improvements: 5 bedroom, 3 bath dwelling
- Transferee Name: Mitchell K. Keawe, Jr.
Relationship: Son
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 10/28/2011
- Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

11. Lessee Name: Edwin N. Lindsey, Jr.
Res. Lease No. 3713, Lot No. 23
Lease Date: 7/28/1967
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom , 2 bath dwelling
- Transferee Name: Edwin N. Lindsey, Jr & Cindy Lee M. Lewis
Relationship: Lessee & Friend
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 4/4/2003
- Reason for Transfer: "Adding girlfriend to lease."
12. Lessee Name: Rachael K. Mervyn
Res. Lease No. 3760, Lot No. 84-A-2
Lease Date: 9/20/1968
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 2 bath dwelling
- Transferee Name: Rachael K. Mervyn & Jessica L. F. Brown
Relationship: Lessee & Sister
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/1/2019
- Reason for Transfer: "Adding relative to lease."
13. Lessee Name: Justin W. Souza
Res. Lease No. 2978, Lot No. 198
Lease Date: 11/10/1955
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1-1/2 bath dwelling
- Transferee Name: Wesley L. K. Souza
Relationship: Nephew
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 10/27/2020
- Reason for Transfer: "Giving lease to relative."

14. Lessee Name: Cynthia K. Vierra
Res. Lease No. 2410, Lot No. 89
Lease Date: 11/13/1950
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 4 bedroom, 1-1/2 bath dwelling

Transferee Name: Cynthia K. Vierra & Robert A. Vierra
Relationship: Lessee & Husband
Loan Assumption: No
Applicant: No

Reason for Transfer: "Adding relative to Lease."

15. Lessee Name: Denise K. K. Miller
Res. Lease No. 10388, Lot No. UNDV091
Lease Date: 6/18/2005
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Jonah P. K. Miller
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

16. Lessee Name: Michele T. L. Namahoe
Agr. Lease No. 5112, Lot No. 23B-1-A
Lease Date: 1/6/1983
Area: Panaewa, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Mamane M. L. L. Namahoe
Relationship: Son
Loan Assumption: No
Applicant: Yes, Hawaii IW Ag., 9/6/2019

Reason for Transfer: "Giving to relative."

17. Lessee Name: Aubrey J. P. Romias
Pas. Lease No. 9157, Lot No. 59
Lease Date: 5/29/1999
Area: Kahikinui, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Aubrey J. P. Romias & Travis J. K. Koomoa
Relationship: Lessee & Brother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Adding relative to lease."

18. Lessee Name: Jerome Schweitzer
Agr. Lease No. 6402, Lot No. 94
Lease Date: 11/1/1985
Area: Makuu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Shawn A. K. Schweitzer
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving to relative." Special
Condition: Real Property Tax to be cleared.


Assignments for the Month of March `21	18
Previous FY '20 - '21 balance	<u>122</u>
FY '20 - '21 total to date	140
Assignments for FY '19- '20	176


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor 
Homestead Services Division

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

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Thirteen (13) amendments of lease.

1. Lessee: Brenette I. Baker
Res. Lease No.: 3421
Lot No., Area, Island: 83-A, Nanakuli, Oahu
Amendment: To extend the lease term to an aggregate term of 199 years.

2. Lessee: Alexianne Blake
Res. Lease No.: 2699
Lot No., Area, Island: 77, Kuhio Village, Hawaii
Amendment: To amend the property description and to extend the lease term to an aggregate term of 199 years.

3. Lessee: Mercy H. Garcia-Kealoha
Res. Lease No.: 6304
Lot No., Area, Island: 50-A, Keaukaha, Hawaii
Amendment: To amend the commencement date.
4. Lessee: William H. Gramberg
Res. Lease No.: 11248
Lot No., Area, Island: UNDV050, Waimanalo, Oahu
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
5. Lessee: Lisa L. Kaaihue
Res. Lease No.: 11116
Lot No., Area, Island: UNDV115, Anahola, Kauai
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
6. Lessee: Hannah Kamai
Res. Lease No.: 3484
Lot No., Area, Island: 31, Paukukalo, Maui
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions to the lease.
7. Lessee: Donna K. Leong
Res. Lease No.: 1878
Lot No., Area, Island: 90-B, Keaukaha, Hawaii
Amendment: To amend the Lessor's name and lease title, to incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.

8. Lessee: Carolyn L. Lono
Res. Lease No.: 2657
Lot No., Area, Island: 111, Waimanalo, Oahu
Amendment: To incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.
9. Lessee: Rachael K. Mervyn
Res. Lease No.: 3760
Lot No., Area, Island: 84-A-2, Waimanalo, Oahu
Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions to the lease.
10. Lessee: Davilyn K. K. Neilson & Patrick E. K. Neilson
Res. Lease No.: 12341
Lot No., Area, Island: UNDV022, Kapolei, Oahu
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
11. Lessee: Elizabeth L. Ramos
Res. Lease No.: 4288
Lot No., Area, Island: 105, Kewalo, Oahu
Amendment: To amend the lease to incorporate the new 10 ft. wide sewer easement.
12. Lessee: Doreen K. K. Saito
Res. Lease No.: 2214
Lot No., Area, Island: 188, Kewalo, Oahu
Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants, and conditions to the lease, and to extend the lease term to an aggregate term of 199 years.

13. Lessee: Justin W. Souza
Res. Lease No.: 2978
Lot No., Area, Island: 198, Nanakuli, Oahu
Amendment: To extend the lease term to an
aggregate term of 199 years.


Amendments for the Month of March '21	13
Previous FY '20 - '21 balance	<u>74</u>
FY '20 - '21 total to date	87
 Amendments for FY '19 - '20	 138


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO 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 license.

DISCUSSION

Seven (7) non-exclusive licenses.

1. Lessee: Naylene L. Aki
Res. Lease No.: 11148
Lot No., Area, Island: 45, Anahola, Kauai
Permittee: Sunrun, Inc.

2. Lessee: Kahikina W. Burns
Res. Lease No.: 306A
Lot No., Area, Island: 104A 1, Nanakuli, Oahu
Permittee: Vivint Solar, LLC

3. Lessee: Charles C. K. Kuahine
 Res. Lease No.: 5214
 Lot No., Area, Island: 83, Nanakuli, Oahu
 Permittee: Sunrun, Inc.

4. Lessee: Russell H. Lopes
 Res. Lease No.: 8644
 Lot No., Area, Island: 47, Nanakuli, Oahu
 Permittee: Sunrun, Inc.

5. Lessee: James A. K. K. Meyers
 Res. Lease No.: 11673
 Lot No., Area, Island: 18439, Kanehili, Oahu
 Permittee: Sunrun, Inc.

6. Lessee: Wanda M. Neves
 Res. Lease No.: 4053A
 Lot No., Area, Island: 61A, Keaukaha, Hawaii
 Permittee: Sunrun, Inc.

7. Lessee: Renee M. Young
 Res. Lease No.: 5358
 Lot No., Area, Island: 107, Waianae, Oahu
 Permittee: Sunrun, Inc.


Non-Exclusive License for March '21	7
Previous FY '20 - '21 balance	<u>42</u>
FY '20 - '21 total to date	49
Non-Exclusive License for FY '19 - '20	53


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Juan Garcia, Administrator 
Homestead Services Division

THRU: Ross Kapeliela, Acting ODO Supervisor 
Homestead Services Division

SUBJECT: **Cancellation of Lease - Oseas K. Baloyot
Residential Lease No. 5612, Lot No. 80,
Lualualei, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the cancellation of Lease No. 5612, Lot No. 80, Lualualei, Oahu, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest.

2. To approve the payment of Net Proceeds (appraised value of improvements less any outstanding debts attached to the lease) if applicable, to Oseas's daughter, Malia Olena Baloyot (Malia).

DISCUSSION

Oseas K. Baloyot (Decedent), received Department of Hawaiian Home Lands (DHHL) Residential Lot Lease No. 5612, Lot No. 80, Lualualei, Oahu, by way of a Transfer Through Successorship, dated May 6, 1991.

On December 2, 2010, Decedent designated his sister, Roseline Allport (Roseline), as the successor to the Lease. In the event the named successor elects not to succeed to the lease, the decedent named his daughter, Malia Olena Baloyot, to receive the net proceeds.

On November 12, 2017, the Decedent passed away.

On December 15, 2017, DHHL received a signed statement from Roseline rescinding her successorship interest in the Lease.

As there were no longer any named individuals with successorship interest, in accordance with Section 10-3-63 of the *Hawaii Administrative Rules*, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii Today, and The Maui News on December 7, 14, 21, and 28, 2020, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

The Department received no successorship claims in response to the published legal notices.

Where there are no qualified relatives to succeed to the Lease, Section 209 of the *Hawaiian Homes Commission Act, 1920*, as amended (Act), states in part, "the land subject to the lease shall resume its status as unleased Hawaiian Home Lands and the Department is authorized to lease to another qualified native Hawaiian as provided in the Act."

Improvements to the homestead lot consist of a 4 bedroom and 2 bath, single family dwelling, which was constructed in 1989.


There is an outstanding mortgage loan with Loan Care in the amount of \$148,434.00. The Lease rent and the real property tax is current.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Juan Garcia, Administrator 
Homestead Services Division

THRU: James W. Du Pont, WHDO District Supervisor
Homestead Services Division

SUBJECT: **Commission Designation of Successor - LARRY E. MEHAU,
Pastoral Lease No. 3391, Lot No. 10, Kamoku, Hawaii**

RECOMMENDED MOTION/ACTION

1. To approve the selection of Dana I. Mehau Vericella (Dana) to succeed to the interest of Larry E. Mehau to Pastoral Lease No. 3391, Lot No. 10, Kamoku, Hawaii (Lease) for the remaining term of the Lease;
2. To stipulate that Dana's right and interest in the Lease does not vest until Dana has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Dana does not sign all such documents on or before May 31, 2021 (the Deadline) that the Commission's selection of Dana as a successor is automatically revoked;
3. To authorize the Department to extend the Deadline up to 30 days for good cause; and
4. To declare that if Dana's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act.";
5. To amend the Lease document to reflect the new lease title and Lessor's name, to extend the current lease term to an aggregate term of 199 years, and to incorporate the currently used conditions, covenants and terms.

DISCUSSION

Larry E. Mehau (Decedent) was awarded the Lease, commencing on March 16, 1962. On May 18, 1962, the Decedent designated his wife, Beverly Rogers Mehau, as his successor to the Lease.

On August 25, 2016, the department received notification that Mr. Mehau had passed away on December 22, 2015.

Mrs. Mehau was notified about the Transfer through Successorship process. The department requested documentation to establish that she was qualified as a spouse to succeed to the lease at twenty-five percent (25%) Hawaiian.

For the next two years the department met and communicated with Mrs. Mehau and other family members to determine her qualifications. Unfortunately, she was unable to provide the necessary information to support her successorship.

Mrs. Mehau submitted a statement renouncing her successorship rights on November 23, 2018.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island newspapers on June 6, 12, 16, 26, 2020 to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's daughter, Dana, who has been determined to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

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

1. Husband or wife; or
2. If there is no husband or wife, then the children; or

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

Improvements to the homestead lot consist of 4-bedroom, 1- $\frac{1}{2}$ bath residence, a barn and a photovoltaic system.

There are no outstanding loans with the Department and lease rent and real property taxes are paid current.

The Department requests approval of its recommendation.


**HAWAIIAN HOMES COMMISSION
MARCH 15 & 16, 2021
TELECONFERENCE
9:30 A.M.**

**F – ITEMS
LAND MANAGEMENT DIVISION**

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15-16, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Kahana Albinio, Acting Administrator
Land Management Division 

Subject: Approval to Extension of Lease Term, General Lease No. 102, Big Island Energy Co., LLC, Panaewa, Hawaii, TMK No. (3)2-2-047:059

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission grant its consent to the following:

A TEN (10) year extension of lease term and modified fixed rental period for **General Lease No. 102**, as authorized under Chapter 171-36(b)(c), Hawaii Revised Statutes (HRS), as amended, so that the aggregate of the original fifty-five 55-year term and the extended term span a total of sixty-five (65) years and shall now expire on March 1, 2031, subject to the following terms and conditions:

1. Upon approval of the extended term, the department shall immediately hire an independent appraiser in the same manner as provided for in the lease agreement to determine NOW the prospective lease rental as of and for the TEN (10)-year period beginning March 2, 2021, and March 1, 2031, and subject to the review and approval of the Chairman;
2. Notwithstanding anything to the contrary contained in the lease agreement or hereafter amended by Chapter 171, HRS, as amended, the lease rental for proposed rental reopening period shall not be less than the rental for the preceding rental period;
3. The current base annual lease rent of \$15,682.08 / base monthly lease rent of \$1,306.84 shall remain in effect through June 30, 2021, at which time the prospective lease rental as determined by the independent appraiser shall be established accordingly. LESSEE shall pay LESSOR the difference between the current base monthly lease rent of \$1,306.84 and the established stepped-up lease rent by or before June 30, 2021;
4. As soon as the above referenced stepped-up base annual lease rental is established, a one-time TWENTY (20%) non-refundable lease extension premium fee will be assessed. The premium fee shall be 20% of the established stepped-up base annual lease rental and shall be due and payable within THIRTY (30) days of the stepped-up base annual lease rental being determined.
5. The Amendment document for the Extension of Lease Term and Modification of Rental Period document shall be subject to the review and approval of the Department of the Attorney general;

ITEM NO. F-1

6. The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises; and
7. Except as otherwise modified herein, all other terms and conditions of General Lease No. 102 shall continue and remain in full force and effect.

DISCUSSION

General Lease No. 102 was originally awarded to Canadian Pacific Corporation, a Hawaii corporation for a term of forty (40) years commencing on March 2, 1966, which lease, through mesne assignments, was assigned to Big Island Energy Co., LLC, a Hawaii corporation approved by the Chairman of Hawaiian Homes Commission August 4, 2009, ratified by the Hawaiian Homes Commission on September 22, 2009, and executed by the Chairman of the Hawaiian Homes Commission on November 8, 2009. A fifteen (15) year extension to the original forty (40) year term was executed and approved by Hawaiian Homes Commission at its meeting on April 26, 2005 hereby declaring the expiration of said lease effective March 1, 2021.

The following are pertinent information on GL No. 102:

General Lessee:	Akana Petroleum Inc., a Hawaii corporation
Location:	50 Kukila Street, Panaewa, South Hilo, Hawaii
Tax Map Key No.:	(3) 2-2-47:59, Lot 5-A-2 (See Exhibit "A")
Land Area:	1.742 Acres or 75,882/sq ft
Term:	55 years; 03/02/1966 – 03/01/2021
Annual Rental:	\$15,682.08
Character of Use:	General Industrial District (MG-1A)
Site Improvements:	The improvements include a modular office building structure, three (3) older open but canopy covered industrial warehouse building structures all of which are constructed with steel framing and service station facility that consists of fuel dispensing tanks and a well maintained asphalt/concrete driveway for fuel truck access. Chain link fencing surrounds the perimeter of the parcel. The improvements appear to be in moderate condition and deferred maintenance appears to be minimal.
Mortgagee:	NONE

Extension of Lease Term

The leased premises demising the subject property identified as Tax Map Key No. (3) 2-2-047:059, Lot 38, General Lease No. 102 is improved which includes a modular office building structure, three (3) older open but canopy covered industrial warehouse building structures all of which are constructed with steel framing and service station facility that consists of fuel dispensing tanks and a well maintained asphalt/concrete driveway for fuel truck access. Chain link fencing surrounds the perimeter of the parcel. The improvements appear to be in moderate condition and deferred maintenance appears to be minimal. The present industrial use of the subject property is legally permitted under the current zoning of the property. Further, the lessee has been a productive tenant and is current on all lease obligations.

Since the current lease recently expired as of March 1, 2021, the lessee did indicate its desire to extend the lease on several occasions via electronic mail, and teleconference meetings prior to the lease expiration date. Since this is a first case scenario whereby a lease term extension beyond the standard fifty-five (55) year term is being considered the lease extension as requested would provide for the lessee to maintain its existing business operation, subject to DHHL's review and approval. Therefore, as authorized under Chapter 171, Hawaii Revised Statutes, as amended, an extension of the current fifty-five (55)-year term to a maximum sixty-five (65)-year term is requested.

AUTHORIZATION

Act 114, enacted into law by the 1994 Hawaii Legislature, amends Section 171-36, Hawaii Revised Statutes, relating to Lease restrictions; generally. §171-36(b)(c), HRS, allows for extensions to a lease term .

RECOMMENDATION

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

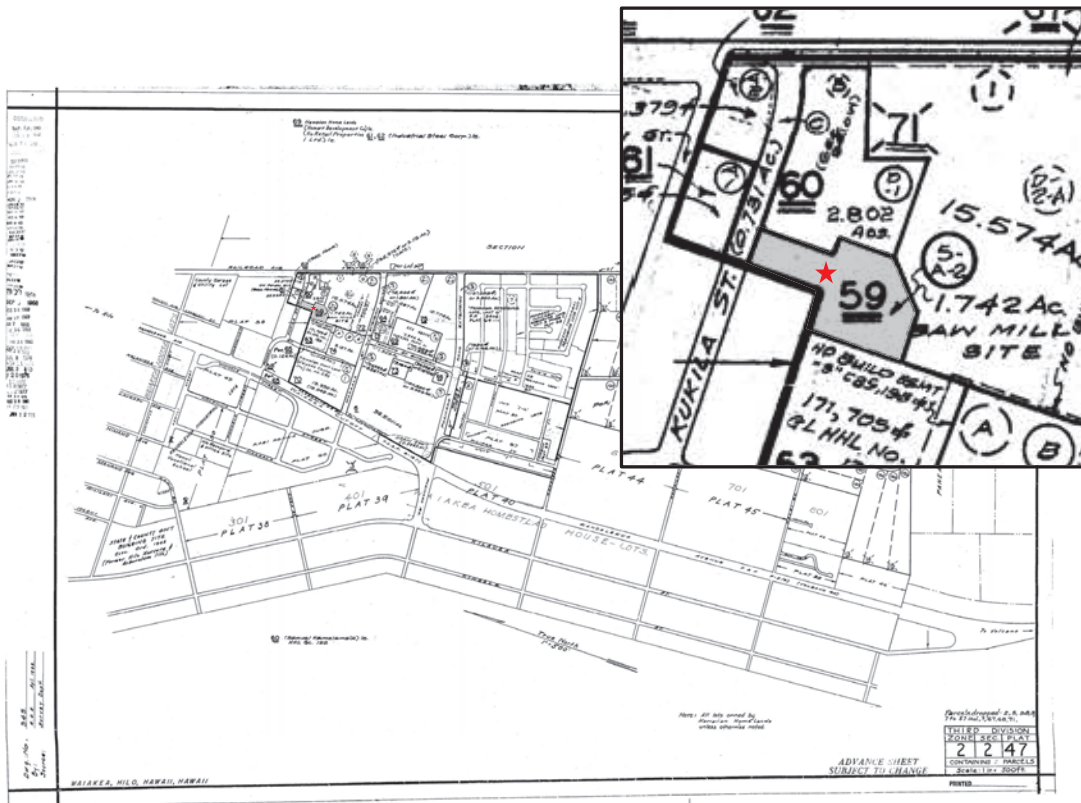
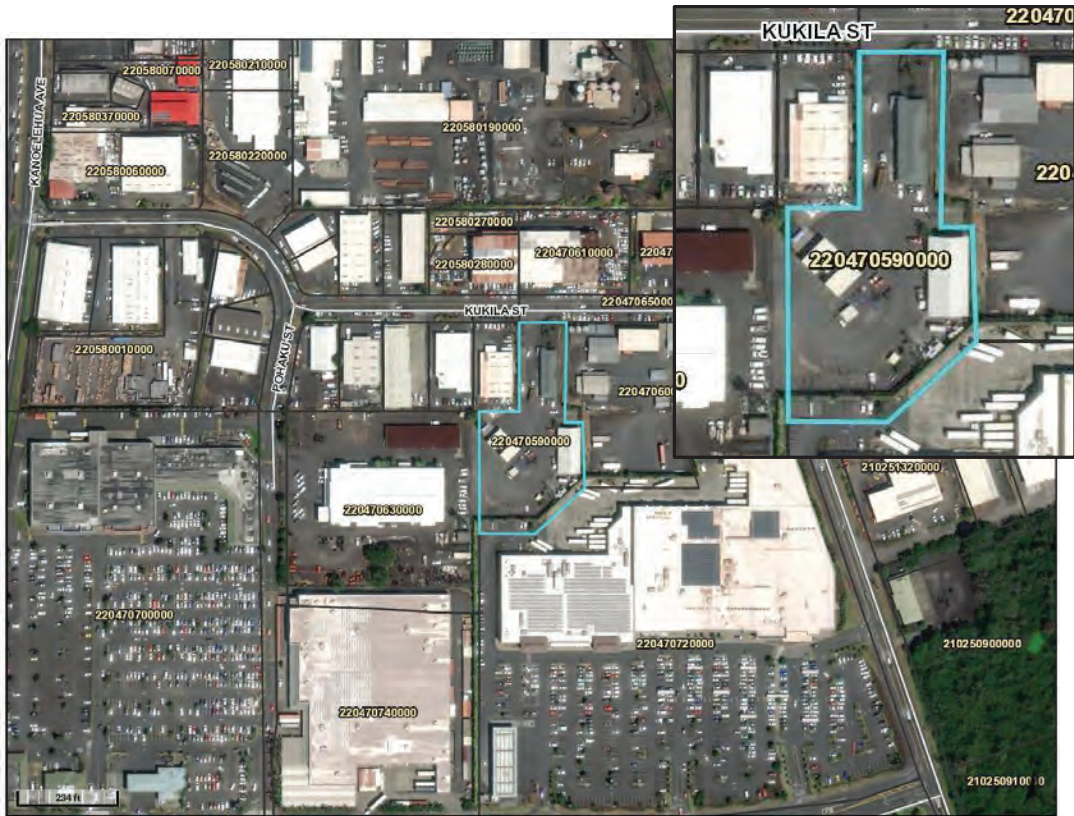





EXHIBIT "A"
Item No. F-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15-16, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

From: Allen G. Yanos, Property Development Agent
Land Management Division 
Julie-Ann Cachola, Planner
Planning Office

Subject: FOR INFORMATION ONLY
DHHL 2020 RENEWABLE ENERGY PROJECTS SOLICITATION
STATUS REPORT

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The purpose of this informational briefing to the Hawaiian Homes Commission ("HHC") is:

- 1) To provide a status report of the solicitation for renewable energy projects that the HHC approved at its August 2020 meeting; and
- 2) To inform the HHC of DHHL's plans to conduct beneficiary consultation meetings for the selected applicants.

Background and Progress to Date:

At its regularly scheduled meeting in Kapolei, Oahu, on August 18, 2020, the HHC approved DHHL's request to issue a solicitation for renewable energy projects covering certain lands on Oahu, Molokai, and Hawaii Island. Based on a prioritization of DHHL lands in terms of the availability of a renewable energy resource and proximity to existing electric transmission lines, and in consideration of limited staff resources to manage a solicitation, DHHL solicited

renewable energy project applications for four (4) parcels of land which were in Nanakuli, Oahu; Hoolehua, Molokai; and Kawaihae and Kalaoa, on Hawaii Island.

The solicitation was issued on August 31, 2020 and the deadline for applications was October 16, 2020. As HECO's RFP release date was pushed further back, we eventually extended the deadline for applications to December 18, 2020. DHHL received eight (8) applications in response to the solicitation for renewable energy projects which are presented in Table 1. All applications included Community Based Renewable Energy (also known as "community solar") projects.

Table 1: Summary of Applications Received

Location	No. of Applications Received	No. of Applications Evaluated	Type of Project
Nanakuli	1	1	Solar + Storage
Hoolehua	1	0	
Kawaihae	3	2	Solar + Storage
Kalaoa	3	3	Solar + Storage

One application for the Kawaihae site did not comply with the submission requirements so it was withdrawn. We received one application for the Hoolehua site, but it was also withdrawn prior to the submission deadline for evaluation. Staff research and inquiries with Molokai contacts revealed that interested renewable energy producers may not have submitted proposals to DHHL due to one or more of the following intervening factors:

- In November 2020, HECO announced that its own "self-build team" would be submitting a competitive proposal to develop a community project on Molokai. The "self-build team" was already conducting community outreach meetings before the announcement was made. Since the selection of projects will be determined by HECO's RFP team, other potential renewable energy producers noted that HECO would likely select their project over another bidder's project. Complaints were filed with the PUC that the Molokai's RFP process was a fundamentally unfair competition.
- One community solar project on Molokai proposed an array of solar panels that would include an agricultural component on the land, below the solar panels; however, the Molokai parcel in DHHL's solicitation were marginal agricultural lands.
- 7.2 acres of HECO-owned land on Molokai, adjacent to its Pala'au power plant, was offered at nominal cost to any bidder.

Evaluation of the applications and the selection of projects to move forward to the leasing process were completed by January 22, 2021. Preliminary negotiations and the Chairman's approval of the selected applicants recommended by the Evaluation Committee were completed by February 10, 2021. The selected applicants to proceed with the leasing process for the three parcels are as follows:

Table 2: Applicants Selected to Proceed to the Leasing Process

Location	Selected Applicant	Subscription Type¹	Project Size²	Acreage²
Nanakuli	The International Center for Appropriate and Sustainable Technology (“ICAST”)	LMI	15 MW	80-90 acres
Kawaihae	Nexamp Solar, LLC (“Nexamp”)	LMI	3 MW	20.4 acres
Kalaoa	Nexamp Solar, LLC	LMI	6 MW	40 acres

¹The applicant’s proposed market for subscribers to the community solar project will be those in the lower-to-middle income (“LMI”) range.

²Proposed project size and acreage are tentative and subject to change following site studies and other factors.

ICAST is a national 501(c)(3) nonprofit (www.icastusa.org) with a history of designing and launching programs that meaningfully impact communities by delivering economic, environmental, and social benefits. ICAST has partnered with local utilities and governments to deliver clean energy, affordable housing, and workforce training programs nationally. ICAST is currently developing solar farms for LMI communities nationally. The primary purpose of its solar farms is to bring the benefits of solar power, including a reduction in utility bills, to members of the community, if they choose to participate. ICAST programs also provide energy efficiency and solar installation training to unemployed or under-employed community members.

Nexamp (www.nexamp.com) is clean energy company that has grown from a small residential solar installer to a fully integrated solar development company that develops, owns, and operates over 200 projects in nearly a dozen states. Of those projects, over half are community solar projects, delivering real savings to thousands of households. The growth and success of Nexamp’s program can be attributed to its fair and equitable community solar subscription platform which allows all people to support clean energy regardless of income or credit history. Nexamp is committed to bringing forward solar solutions that directly benefit Hawaiian communities and are compatible with each site’s unique landscape and history.

Beneficiary Consultation Meetings:

It is the policy of the HHC and DHHL to consult with beneficiaries on any proposed long-term commitments of land. DHHL’s solicitation to develop renewable energy projects at Nanakuli, Hoolehua, Kawaihae, and Kalaoa will result in a long-term commitment of land. As a result, the Planning Office conducted initial Beneficiary Consultation meetings in Nanakuli, Molokai and Kawaihae on October 14, 2020, October 29, 2020, and December 8, 2020, respectively. The purpose of this initial consultation was to:

- Provide information about the renewable energy solicitation
- Explain the concept of community solar

- Explain why DHHL had selected the parcel for renewable energy development.
- Explain why DHHL was soliciting renewable energy projects at this time
- Explain the potential benefits of a community solar project
- Explain the process, should a project be selected
- Solicit input on community benefits.

The Planning Office did not conduct a Beneficiary Consultation meeting for the Kalaoa site because the 2020 Kealahou Regional Plan had identified a solar renewable energy project as a priority project. Through the regional planning process, many proposed projects were vetted and discussed. The fact that a renewable energy project was identified as a Priority Project indicated beneficiary support for the project.

Now that DHHL has selected applicants for the Nanakuli, Kalaoa, and Kawaihae sites, the Planning Office will schedule a second round of Beneficiary Consultation meetings, tentatively in April and/or May 2021. The purpose of the second consultation meeting is to:

- Introduce the beneficiaries to the selected applicant
- Allow beneficiaries to hear directly from the selected applicant. They will learn more about the proposed project, the development timeframe, and the proposed compensation to DHHL and to the homestead community
- Beneficiaries will have the opportunity to raise questions, voice their concerns, discuss preferred community benefits, and they can provide additional information about the project site that the applicant should consider.

This consultation meeting is an important part of the process because it establishes a good foundation for a long-lasting and productive relationship between the potential developer and the affected homestead community. Input from the meeting will be considered in the negotiation of lease terms.

After the second round of Beneficiary Consultation meetings, staff will publish public hearing notices and will work with the selected applicants and the HHC staff to conduct two (2) public hearings on the island where the project is being proposed. After the completion of the two public hearings, the HHC would render its decision on the Right-of-Entry permit for due diligence purposes which would be converted to a General Lease when all conditions, including securing a Power Purchase Agreement with HECO, are satisfied.

Closing Note:

Aligning DHHL's process and schedule with HECO's RFP process and schedule has always been a challenge. In the past, HECO's RFP schedule required quick turn-around times which made it more difficult for DHHL to meet statutory requirements to lease Hawaiian home lands to renewable energy producers. In this RFP round, it is still difficult to sync up with HECO's RFP process simply because they have not released finalized information. However, HECO's delay has worked in our favor because it allows time for our selected applicants to do some initial site assessment work which enables better project proposals and a more accurate assessment of development costs. That, in turn, places our applicants in a better position to be selected by

March 2021

HECO for the short list and eventually for a final award. Since our process links up to key benchmarks in HECO's RFP process, we anticipate that our schedule will continue to change until HECO issues the final community solar RFPs.

RECOMMENDATION

None; for information only.


**HAWAIIAN HOMES COMMISSION
MARCH 15 & 16, 2021
TELECONFERENCE
9:30 A.M.**

**G – ITEMS
PLANNING OFFICE**

PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Andrew H. Choy, Acting Planning Program Manager 

FROM: Pearlyn Fukuba, Planner

SUBJECT: Accept Beneficiary Consultation Report for Proposed
Limited Gaming Legislation

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the legislative proposal to authorize limited gaming.

DISCUSSION

Background

The purpose of this DHHL beneficiary consultation was to collect feedback and input on a legislative proposal to authorize limited casino gaming. The HHC approved the draft legislation on December 22, 2020, Agenda Item No. C-1 [Exhibit A]. The draft legislation was created to address historic funding shortfalls to the Department, which have been made worse by the economic impact from the COVID-19 pandemic. The draft legislation sought to:

- 1) Set up a Hawaii Gaming Commission, and
- 2) Provide limited gaming for one license for an integrated resort on DHHL land designated for commercial use.

The anticipated revenue from a limited casino gaming resort would help to address the DHHL waitlist, which currently has over 28,000 beneficiaries that have applied for homestead leases. It is estimated that six billion dollars are needed for infrastructure costs to meet the needs of the existing waitlist.

The approved legislative proposal received considerable media and public interest. The Hawaiian Homes Commission and beneficiaries strongly requested that the Department conduct Beneficiary Consultation (BC) meetings in order to provide beneficiaries with opportunities to obtain more information, ask questions, and express their opinions related to the proposed legislation.

The DHHL recognizes that meaningful, timely, and informative beneficiary consultation is necessary for the successful formulation and implementation of its policies, programs, and projects. In 2009, the HHC adopted a Beneficiary Consultation Policy (Policy). The purpose of the Policy is to ensure that appropriate beneficiary consultation processes and activities are incorporated into DHHL's planning and decision-making. The Policy requires BC for four types of proposals: 1) Statewide Policy Issues, 2) Amendments to Land Use Designations, 3) Development Proposals, and 4) Development of DHHL Plans.

Although the Policy does not explicitly identify proposed legislation as one of the four types of proposals that require BC, the Department recognized that the introduction of a legalized gaming casino may have major impacts (both positive and negative) and responded to the Hawaiian Homes Commission's and beneficiaries' requests by conducting three (3) BC in January 2021. As provided by Hawaii Administrative Rules 10-4-60, the DHHL conducted both Place-Based (geographically specific) and Comprehensive BCs (statewide policies and programs) on:

- 1) January 13, 2021, 7:00 pm- 9:00 pm: Place-Based BC for Kapolei because the proposed location of the casino is in Kapolei
- 2) January 18, 2021, 6:00 - 8:00 pm: Comprehensive Statewide BC
- 3) January 19, 2021, 12:00 pm - 2:00 pm: Comprehensive Statewide BC

Beneficiary Consultation Process

The proposed draft legislation went through the following steps prior to the BC to ensure that beneficiaries were informed about the opportunity to provide feedback on the legislative proposal.

STEP 1. THE PROPOSED ACTION IS DESCRIBED:

Information dissemination and discussion regarding a legislative proposal that would authorize limited casino gaming in the form of a single integrated resort property in Kapolei, Island of O'ahu, on DHHL property that is designated for commercial use.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT

Due to health and safety precautions from the COVID-19 pandemic, the Department conducted three (3) virtual BC meetings, via the online communications platform Microsoft Teams/Live Event.

1. Approximately 2,000 postcards were mailed to all Kapolei lessees and applicant to announce the January 13, 2021 meeting. [Exhibit B]
2. Approximately 28,000 postcards were mailed to all lessees and applicants to announce the January 18 and 19, 2021 meetings.

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK:

DHHL created a webpage to disseminate information and provide easy access to multiple communication pieces, including:

1. Media releases [Exhibit C]
2. BC Presentation PowerPoint Deck [Exhibit D]
3. Weblinks to the BC meetings and recordings
4. Gaming studies and reports
5. Weblinks to DHHL beneficiary surveys and comment submittals

STEP 4. COMMENTS ARE COMPILED INTO MEETING REPORTS:

The following table and data below captures the level of participation and engagement at the three (3) BC meetings:

Table 1: Summary of Proposed Limited Gaming Legislation

Beneficiary Consultation Meeting	Estimated Attendance	No. Self-ID as DHHL Beneficiaries	No. of Questions and/or Comments
January 13, 2021 (Kapolei)	83	Unknown	29
January 18, 2021 (Statewide)	85	Unknown	48
January 19, 2021 (Statewide)	65	Unknown	21
Subtotal	233	Unknown	98
Written Comments Submitted during the 30-Day Comment Period	119	20	119
Casino Survey	85	79	85
Additional Feedback	--	--	56
Subtotal	204	99	260
TOTAL	437	99	358

BC attendees did not sign a physical sign-in sheet due to their participation via a virtual online platform. Therefore it is difficult to determine how many participants were DHHL beneficiaries and how many participants were from the general public.

As reflected in Table 1, there was significant interest in the legislative proposal. The three (3) BC meetings attracted 233 participants (beneficiaries and the general public). Another 204 people submitted

written opinions during the 30-day Comment Period and through the online survey. 99 of the 437 participants (23%) self-identified themselves as DHHL beneficiaries or were identified by cross-checking the names in the Department's lessee and applicant database.

DHHL also received 358 questions, comments and/or opinions during the BC process.

The following exhibits reflect BC meeting notes, participant opinions and/or comments:

1. Exhibit E - January 13, 18, and 19, 2021:
BC Meeting Notes, Questions and Answers, and Comments
2. Exhibit F - January 19 - February 19, 2021:
Correspondence submitted during the 30-day Comment Period
3. Exhibit G - January 13 - January 29, 2021:
Casino Survey and additional feedback and thoughts

Summary of Beneficiary Comments:

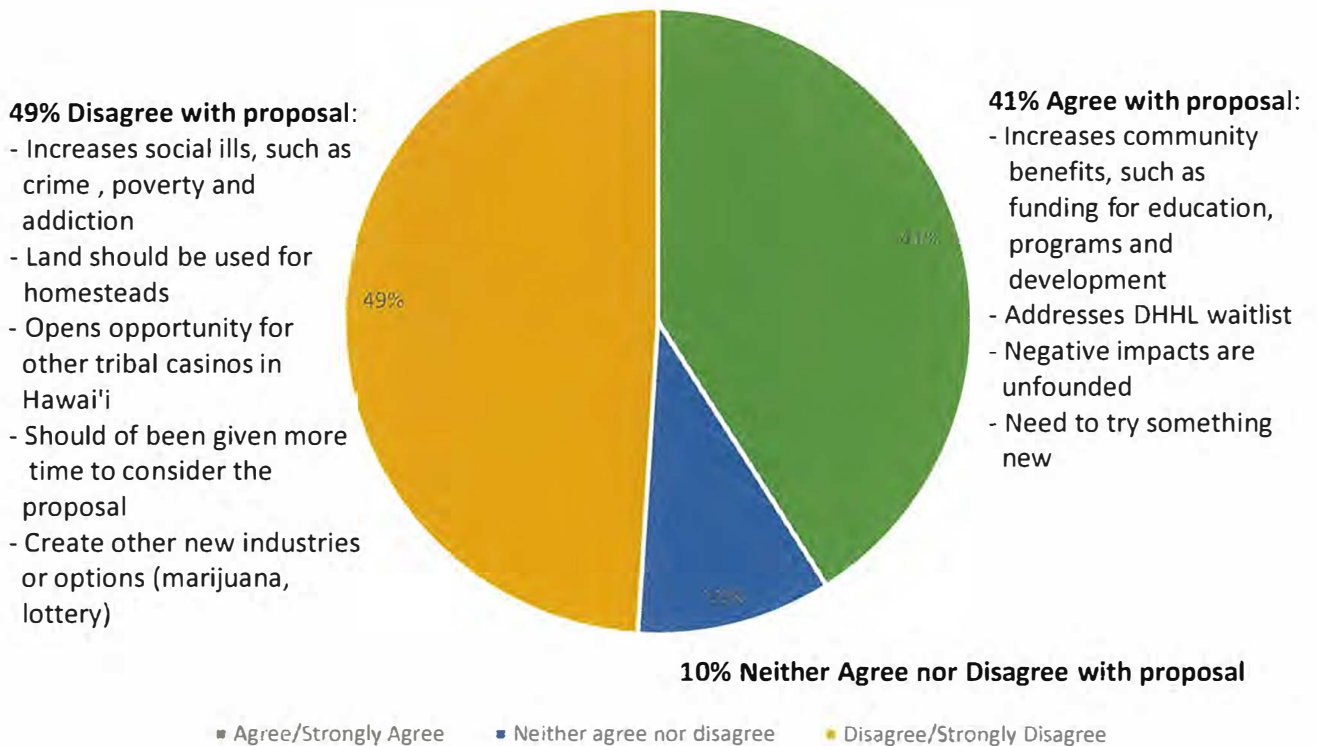
Table 2: Summary of Beneficiary Response

	Agree/ Strongly Agree	Neither agree nor disagree/ Provided comments	Disagree/ Strongly Disagree with Proposal	Total No. of Beneficiary Responses Received
30-Day Comment Period	10	0	10	20
Casino Survey	33	11	41	85
RESPONSE TOTAL	43	11	51	105
PERCENTAGE	41%	10%	49%	100%

As shown in Table 2, 105 self-identified beneficiary responses were submitted to the Department through email correspondence and the online survey. The results do not show a

significant beneficiary consensus either in favor or against the legislative proposal.

Beneficiary Consultation Results



The following is a brief summary of beneficiary comments that were received during the beneficiary consultation process. The comments are organized into main themes related to reasons beneficiaries have stated that they oppose or support the proposed legislation.

Beneficiaries OPPOSE the draft legislation for the following reasons:

- Increases social ills, such as crime, poverty and addition:

"Could you imagine all our Hawaiian people gambling their livelihood away and you DHHL will not be available to support them ... know that our people may not gamble responsibly."

"A casino would cause a lot of problems. Alcohol & drug addiction & financial debt for people who cannot affordable to [afford to be] gambling."

- DHHL beneficiaries will not benefit from a casino:

"As a beneficiary, I oppose the idea of having a casino built due to the fact that I as a beneficiary, as well as my ohana, will not benefit from it."

- DHHL should create other opportunities instead of a casino:

"I would rather use our agricultural homestead land to grow Cannabidiol. This agricultural enterprise will make use of our agricultural lands, produce revenue for all homesteaders ad the State (not one developer) and give us homestead beneficiaries an opportunity to own our farm business."

"Why not a lottery? The expense to build, operate & maintain a Casino would cost a lot more than running a lottery."

- Disrespects Hawaiian Homes Commission Act/Prince Kuhio's legacy

"Your efforts for this casino is unacceptable. It does not support Prince Kuhio's legacy. Once you open this casino it will start more casinos to follow."

- Land should be used for homesteads

"It's not about making money, do what's right and put kanaka back on the land. In Hilo, get Walmart, Target and Home Depot out, kanaka can use those prime land."

Beneficiaries SUPPORT the draft legislation for the following reasons:

- Addresses DHHL waitlist:

"I am a DHHL beneficiary on the waiting list ... my application date is August 11, 2009. I am in support of this proposal and believe that it has been well researched and addresses all of the concerns about this type of endeavor in a very thorough and thoughtful way. I think it is timely and provides hope for all of us still waiting on the list for an award."

- Funds will support community benefits

"I happily welcome this idea. However, my hope is that the majority of income will be divided amongst those that are focused on the continuation and implementation of Hawaiian programs and developments."

"Yes, we should have a casino for Hawaii. It will help in many ways, education, repairs. And me."

- Support multiple industries that will improve the quality of life:

"The casino is a great idea, also lottery tickets. Everybody could have a change with lottery tickets, chance to pay off bills, get off Government help, chance to live a better life."

Recommendation

Staff respectfully requests that the Hawaiian Homes Commission accepts the Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the proposed legislation that would authorize limited casino gaming in the form of a single integrated resort property in Kapolei, Island of O'ahu.

State of Hawaii

Department of Hawaiian Home Lands

March 15 – 16, 2021

To: Chair and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Acting Planning Program Manager

From: Gigi O. Cairel, Grants Specialist

Subject: For Information Only – Homesteads with Declarations of Covenants, Conditions and Restrictions (DCCRs)

RECOMMENDED MOTION/ACTION

None. For information only.

BACKGROUND

The purpose of this submittal is to provide the Hawaiian Homes Commission (HHC) an update on the Department's plan to rollout the new Hawaii Administrative Rules (HAR) Chapter 10-7 related to Planned Communities. HAR Chapter 10-7 became effective August 17, 2019.

DISCUSSION

At the July 2020 regularly scheduled HHC meeting, the Department of Hawaiian Home Lands (DHHL) conducted an overview (See Exhibit A) on the basics of homesteads with Declarations of Covenants, Conditions and Restrictions (DCCRs). These are "Planned Communities" defined and governed by Hawaii Revised Statutes (HRS) Chapter 421J and Chapter 414D.

In summary, there are a total of eighteen (18) DCCR Homesteads located statewide, with the exception of Molokai. Twelve (12) were created by DHHL and six (6) homesteads came with DCCRs already on the land when DHHL acquired the properties. All are residential homesteads,

with the exception of two (2): Waiāhole, O‘ahu has both residential and agriculture homesteads; and Kahikinui, Maui is a pastoral homestead.

Lessees in DCCR homesteads face the same challenges as those on fee simple land:

- Board members may not always be aligned with the general membership
- Member apathy to participate in the association
- Enforcing the DCCRs, neighbor-to-neighbor, including collection of dues
- Limited awareness by lessees of association business, including the association budget and what the dues pay for

And, there are significant differences between DCCR communities located on Hawaiian Home Lands and those on fee simple land. The primary difference is that DHHL maintains a long-term relationship with the individual lessees and the homestead associations, whereas in fee simple properties, the developer exits the project and the homeowners and the association are left to manage the property.

There are three areas for DHHL to address in order to implement the new rules – Policy Level, Department Level and Community Outreach. The immediate task is Community Outreach. HAR 10-7-2(b) applies to every existing DCCR homestead. This rule allows the homestead to choose whether to opt-in to the new rules or not. Per HAR 10-7-2(b), a simple majority vote of the homestead is needed.

DHHL’s primary objective is to assist each homestead with taking this vote. In order to do this, outreach meetings will be scheduled to raise awareness of the new rules and to assist lessees with making an informed decision on whether to opt-in or not. Next steps are as follows.

- Research and compile homestead governing documents
- Conduct initial kickoff meetings with each homestead to explain the “opt-in” choice
- Conduct outreach meetings to review the new rules
- Assist homestead to take a vote whether to “opt-in”

We plan to start with the DCCR homesteads on O‘ahu. Priority homesteads will be those where DHHL placed the DCCRs on the land. These are: Kānehili, Kaupuni, Kumuhau-Kaka‘ina, Princess Kahanu. Neighbor islands are: Kahikinui, Waiehu Kou 2, 3, 4; Lāna‘i; Pi‘ilani Mai Ke Kai; and Lālāmilo on Hawai‘i island.

RECOMMENDATION

None. For information only.

Exhibit A

PROPOSED LIMITED GAMING LEGISLATION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 21-22, 2020

To: Chairman and Members, Hawaiian Homes Commission

From: Lehua Kinilau-Cano, HHL Legislative Analyst *Lehua Kinilau-Cano*

Subject: Approval of Legislative Proposal to Authorize Limited Casino Gaming in the Form of a Single Integrated Resort Property in Kapolei, Island of O'ahu, on Hawaiian Home Lands Designated for Commercial Use

RECOMMENDED ACTION:

That the Hawaiian Homes Commission approve the legislative proposal to authorize limited casino gaming in the form of a single integrated resort property in Kapolei, Island of O'ahu, on Hawaiian Home Lands designated for commercial use.

DISCUSSION

The Department of Hawaiian Home Lands has prepared a draft legislative proposal to be recommended for inclusion in the next Administration's legislative package. The draft legislative proposal, upon submission, will be under review by the Department of the Attorney General, the Department of Budget & Finance, and the Governor. The proposal is pending final approval and no proposal is considered part of the package until final approval is granted. In this phase of the review process, the department may amend or withdraw the measure.

PROPOSAL SUMMARY

Proposal HHL-16(21)
RELATING TO GAMING.

This proposal authorizes limited casino gaming in the form of a single integrated resort property in Kapolei on Hawaiian Home Lands designated for commercial use in order to address historic funding shortfalls to the Department made worse by the economic shutdown from the global pandemic. The limited authorization of casino gaming would address the dire financial state of the Department by ensuring that the Department is the primary beneficiary of the gaming operation through a lease

agreement with the licensee and through direct collection of state tax payments on gross gaming revenue.

The proposal establishes the Hawaii Gaming Commission and details the gaming license application, fee, and criteria for award of the gaming license and additional requirements. The proposal also imposes a wagering tax on gross gaming revenue, creates the State gaming fund, and appropriates funds.

RECOMMENDED ACTION/MOTION:

Staff respectfully requests approval of the motion as recommended.

____.B. NO.____

A BILL FOR AN ACT

RELATING TO GAMING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that article XII, section
2 2 of the state constitution states in part that "The State and
3 its people do further agree and declare that the spirit of the
4 Hawaiian Homes Commission Act looking to the continuance of the
5 Hawaiian homes projects for the further rehabilitation of the
6 Hawaiian race shall be faithfully carried out."

7 Over twenty-eight thousand native Hawaiians are awaiting
8 homestead leases while the department of Hawaiian home lands
9 struggles to develop land and lots. Current costs for
10 infrastructure development, borne by the department, are in
11 excess of \$150,000 per lot. In order to fulfill the needs of
12 the current waitlist, the department requires over six billion
13 dollars for infrastructure costs alone to serve its
14 beneficiaries. This significant sum is separate and apart from
15 costs for maintenance of existing lessee communities housing
16 nearly ten thousand beneficiaries, upkeep of several utility
17 systems, and other costs. Over the last decade, the legislature
18 has funded the department at levels higher than in years past,

____.B. NO. ____

1 which has provided increased opportunity for the department of
2 Hawaiian home lands to increase its reach. However, by
3 conservative estimates, it will take the department at least
4 another hundred years to meet the needs of its beneficiaries at
5 current funding levels.

6 In the face of an unprecedented and historic budget
7 shortfall as a result of the ongoing COVID-19 pandemic, the
8 department of Hawaiian home lands must seek alternative means of
9 revenue. One alternative is the development of an integrated
10 resort that includes limited casino gaming in Kapolei on
11 Hawaiian home lands designated for commercial use in order to
12 address the staggering budget shortfall sometime this century
13 through increased revenue for both beneficiaries and the
14 department of Hawaiian home lands.

15 The downstream economic and social benefits of integrated
16 resort development have been demonstrated globally in diverse
17 locations such as Macau, Singapore, the Bahamas as well as
18 across many states in the United States. In addition to
19 enhancing existing tourism and infrastructure, the integrated
20 resort that includes limited casino gaming increases state
21 revenue from a new wagering tax along with traditional sources
22 like the general excise tax and the transient accommodation tax.

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1 Evidence from over two hundred individual gaming facilities on
2 federal trust lands in twenty-nine states demonstrates
3 significant economic activity through expenditures by casinos
4 and their suppliers; job creation at the integrated resort and
5 new businesses stimulated by increases in tourism, in State
6 government, in education, and at suppliers to the integrated
7 resort; wages paid to employees of the integrated resort and all
8 impacted businesses; taxes on all taxable economic activity; and
9 direct gaming-related payments to the State and local
10 governments.

11 As a global tourism destination, Hawaii would realize
12 similar economic and social benefits through operation and
13 licensing of a single integrated resort that includes limited
14 casino gaming in Kapolei on Hawaiian home lands designated for
15 commercial use. For example, 2015 estimates for travel spending
16 for the state of Hawaii were \$21.7 billion dollars. By
17 comparison, 2015 estimates for travel spending for the state of
18 North Carolina were \$22.8 billion dollars. In 2014, North
19 Carolina, a state with only two tribally-operated gaming
20 facilities realized: \$1.33 billion dollars in sales tied to
21 gaming; 11,730 jobs directly related to gaming; \$530 million in
22 salaries, wages, bonuses, tips and benefits from those jobs; and

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1 \$205 million in tax revenue and direct payments from tribal
2 governments to federal, state, and local government. Impacts
3 from integrated resort development, particularly on tribal
4 lands, depend on several factors and market conditions.
5 However, the opportunity and potential for increased revenue to
6 the department of Hawaiian home lands and the state will
7 directly address the unprecedented economic shock that threatens
8 to gut legislative funding for the foreseeable future.

9 The purpose of this Act is to authorize limited casino
10 gaming in the form of a single integrated resort property in
11 Kapolei on Hawaiian home lands designated for commercial use in
12 order to address historic funding shortfalls to the department
13 of Hawaiian home lands made worse by the economic shutdown from
14 the global pandemic. The limited authorization of casino gaming
15 would address the dire financial state of the department of
16 Hawaiian home lands by ensuring that the department is the
17 primary beneficiary of the gaming operation through a lease
18 agreement with the licensee and through direct collection of
19 eighty percent of the state tax payments on gross gaming
20 revenue.

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1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 CASINO GAMING

6 § -1 Limited casino gaming authorized. Casino gaming
7 and a system of wagering incorporated therein, as defined in
8 this chapter, are authorized only to the extent that casino
9 gaming and wagering are conducted in accordance with this
10 chapter. In case of any conflict between this chapter and any
11 other law regarding casino gaming, this chapter shall prevail.
12 This chapter and the rules adopted by the commission shall apply
13 to all persons who are licensed or otherwise participate in
14 gaming as permitted under this chapter.

15 § -2 Definitions. As used in this chapter, unless the
16 context clearly requires otherwise:

17 "Agent" means any person who is employed by any agency of
18 the State other than the commission, who is assigned to perform
19 full-time services on behalf of or for the benefit of the
20 commission regardless of the title or position held by that
21 person.

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1 "Applicant" means any person who applies for a license
2 under this chapter.

3 "Casino gaming" or "limited casino gaming", as the context
4 may require, means the operation of games conducted pursuant to
5 this chapter as part of an integrated resort with a gaming
6 license authorized by the commission.

7 "Chairperson" means the chairperson of the Hawaii gaming
8 commission.

9 "Commission" means the Hawaii gaming commission.

10 "Conflict of interest" means a situation in which the
11 private interest of a member, employee, or agent of the
12 commission may influence the judgment of the member, employee,
13 or agent in the performance of the member's, employee's, or
14 agent's public duty under this chapter. A conflict of interest
15 includes but is not limited to the following:

16 (1) Any conduct that would lead a reasonable person,
17 knowing all of the circumstances, to conclude that the
18 member, employee, or agent of the commission is biased
19 against or in favor of an applicant;

20 (2) Acceptance of any form of compensation other than from
21 the commission for any services rendered as part of

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1 the official duties of the member, employee, or agent
2 for the commission; or

3 (3) Participation in any business being transacted with or
4 before the commission in which the member, employee,
5 or agent of the commission or the member's,
6 employee's, or agent's parent, spouse, or child has a
7 financial interest.

8 "Department" means the department of Hawaiian home lands.

9 "Executive director" means the executive director of the
10 commission.

11 "Financial interest" or "financially interested" means any
12 interest in investments, awarding of contracts, grants, loans,
13 purchases, leases, sales, or similar matters under consideration
14 or consummated by the commission or holding a one per cent or
15 more ownership interest in an applicant or a licensee. For
16 purposes of this definition, a member, employee, or agent of the
17 commission shall be considered to have a financial interest in a
18 matter under consideration if any of the following circumstances
19 exist:

20 (1) The individual owns one per cent or more of any class
21 of outstanding securities that are issued by a party

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1 to the matter under consideration or consummated by
2 the commission; or

3 (2) The individual is employed by or is an independent
4 contractor for a party to the matter under
5 consideration by the commission.

6 "Gambling" means the playing of a game by a patron of a
7 gaming establishment.

8 "Game" means a banking or percentage game played with
9 cards, dice, tiles, dominoes or an electronic, electrical or
10 mechanical device or machine played for money, property, checks
11 or any other representative of value which has been approved by
12 the commission.

13 "Gaming" means dealing, operating, carrying on, conducting,
14 maintaining or exposing any game for pay.

15 "Gaming device" or "gaming equipment" means an electronic,
16 electrical or mechanical machine used in connection with gaming
17 or a game.

18 "Gaming license" means a license issued by the commission
19 that permits the licensee to operate casino gaming.

20 "Gaming licensee" means a person or entity who holds a
21 gaming license from the Hawaii gaming commission.

22 "Gross gaming revenue" means the total of:

____.B. NO. ____

1 (1) Cash received or retained as winnings by a licensee;
2 and

3 (2) Compensation received for conducting any game in which
4 a licensee is not party to a wager.

5 "Individual" means a natural person.

6 "Integrated resort" means a destination resort property
7 that offers a wide variety of leisure and entertainment products
8 besides casino gaming, ranging from restaurants, convention
9 services, golf or other outdoor activities, pools and spas,
10 retail, aquariums, theme parks, movie and live theaters, museums
11 and sporting events.

12 "Managerial employee" means a person who holds a policy
13 making position with the commission or any licensee under this
14 chapter.

15 "Occupational license" means a license issued by the
16 commission to a person or entity to perform an occupation
17 relating to casino gaming in the State that the commission has
18 identified as an occupation that requires a license.

19 "Person" means an individual, association, partnership,
20 estate, trust, corporation, limited liability company, or other
21 legal entity.

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1 "Supplier" means a person that the commission has
2 identified under rules adopted by the commission as requiring a
3 license to provide goods or services regarding the realty,
4 construction, maintenance, or business of a proposed or existing
5 integrated resort on a regular or continuing basis, including
6 security businesses, manufacturers, distributors, persons who
7 service gaming devices or equipment, garbage haulers,
8 maintenance companies, food purveyors, and construction
9 companies.

10 "Supplier's license" means a license that authorizes a
11 supplier to furnish any equipment, devices, supplies, or
12 services to a licensed integrated resort permitted under this
13 chapter.

14 "Wagerer" means a person who plays a gambling game
15 authorized under this chapter.

16 § -3 Hawaii gaming commission. (a) There is established
17 the Hawaii gaming commission, which shall be a body corporate
18 and a public instrumentality of the State for the purpose of
19 implementing this chapter. The commission shall be placed
20 within the department of Hawaiian home lands for administrative
21 purposes only. The department shall not direct or exert
22 authority over the day-to-day operations or functions of the

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1 commission. The commission shall consist of five members to be
2 appointed by the governor with the advice and consent of the
3 senate under section 26-34. At least one of the members shall
4 be native Hawaiian as defined in the Hawaiian Homes Commission
5 Act; one member shall have experience in corporate finance and
6 securities; one member shall have experience in criminal
7 investigations and law enforcement; one member shall have
8 experience in legal and policy issues related to gaming; and one
9 member may have professional experience in gaming regulatory
10 administration or gaming industry management. The governor
11 shall designate a member to be chairperson of the commission.
12 The chairperson shall serve in that capacity throughout the term
13 of appointment and until a successor shall be appointed.
14 Appointments of initial commission members and assignment of the
15 chairperson shall be made within one year of the effective date
16 of this Act.

17 (b) No person shall be appointed as a member of the
18 commission or continue to be a member of the commission if the
19 person:

- 20 (1) Is an elected state official;
- 21 (2) Is licensed by the commission pursuant to this
- 22 chapter, or is an official of, has a financial

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1 interest in, or has a financial relationship with, any
2 gaming operation subject to the jurisdiction of this
3 commission pursuant to this chapter;

4 (3) Is related to any person within the second degree of
5 consanguinity or affinity who is licensed by the
6 commission pursuant to this chapter; or

7 (4) Has been under indictment, convicted, plead guilty or
8 nolo contendere, or forfeited bail for a felony or a
9 misdemeanor involving gambling or fraud under the laws
10 of this State, any other state, or the United States
11 within the ten years prior to appointment, or a local
12 ordinance in a state involving gambling or fraud that
13 substantially corresponds to a misdemeanor in that
14 state within the ten years prior to appointment.

15 (c) The term of office of a commission member shall be
16 four years or until a successor is appointed and shall be
17 eligible for reappointment; provided, however, that no
18 commission member shall serve more than eight years. Vacancies
19 in the commission shall be filled for the unexpired term in like
20 manner as the original appointments; provided that the governor
21 shall have ninety days following the occurrence of a vacancy to
22 appoint a successor member to the commission. A person

____.B. NO.____

1 appointed to fill a vacancy in the office of a commission member
2 shall serve for only the unexpired term of such commission
3 member. The governor may remove a commission member if the
4 commission member:

5 (1) Is guilty of malfeasance in office;

6 (2) Substantially neglects the duties of a commission
7 member;

8 (3) Is unable to discharge the powers and duties of the
9 commission member's office;

10 (4) Commits gross misconduct; or

11 (5) Is convicted of a felony.

12 (d) Members of the commission shall be a resident of the
13 state of Hawaii and, while serving on the commission, shall not:

14 (1) Hold, or be a candidate for, federal, state or local
15 elected office;

16 (2) Hold an appointed office in a federal, state, or local
17 government; or

18 (3) Serve as an official in a political party.

19 (e) The commission, subject to chapter 92, shall hold at
20 least one meeting in each quarter of the State's fiscal year.

21 The commission shall hold its initial meeting within one year of
22 the effective date of this Act. Special meetings may be called

____.B. NO.____

1 by the chairperson or any three members upon seventy-two hours
2 written notice to each member. Three members shall constitute a
3 quorum, and a majority vote of the five members present shall be
4 required for any final determination by the commission. The
5 commission shall keep a complete and accurate record of all its
6 meetings.

7 (f) The chairperson of the commission shall serve on a
8 full-time basis. The other four members shall serve on a part-
9 time basis. The chairperson of the commission shall be paid a
10 salary set at eighty-seven per cent of the salary of the
11 chairman of the Hawaiian Homes Commission. The compensation of
12 the part-time members shall be eighty per cent of the hourly
13 wage paid the chairperson. For each hour engaged in the
14 official duties of the commission, each part-time member of the
15 commission shall be paid an hourly wage at the percentage rate
16 specified in this section based on the hourly wage paid the
17 chairperson; provided that compensation shall not exceed eighty
18 per cent of the total regular working hours in a month; provided
19 further that part-time members shall not be entitled to any
20 vacation, sick leave, or other benefits except as provided in
21 this section. All commissioners shall receive their necessary

____.B. NO.____

1 expenses for travel and incidentals that shall be paid from
2 appropriations provided the commission for such purposes.

3 (g) Before assuming the duties of office, each member of
4 the commission shall take an oath that the member shall
5 faithfully execute the duties of office according to the laws of
6 the State.

7 (h) The commission shall appoint a person to serve as the
8 executive director of the commission and who shall be subject to
9 the commission's supervision. The commission shall appoint an
10 interim executive director within ten days of the commission's
11 initial meeting who shall be exempt from paragraphs (3) and (4)
12 such that the interim executive director may be a current public
13 employee or regulator official from a similar body in another
14 state who temporarily undertakes the role of interim executive
15 director. The executive director shall:

- 16 (1) Hold office at the will of the commission;
17 (2) Be exempt from chapters 76 and 89;
18 (3) Devote full time to the duties of the office;
19 (4) Not hold any other office or employment;
20 (5) Perform any and all duties that the commission
21 assigns; and

____.B. NO.____

1 (6) Receive an annual salary at an amount set by the
2 commission, and shall be reimbursed for expenses
3 actually and necessarily incurred in the performance
4 of the executive director's duties.

5 (i) Except as otherwise provided by law, the executive
6 director may:

7 (1) Hire assistants, other officers, and employees, who
8 shall be exempt from chapters 76 and 89 and who shall
9 serve at the will of the executive director; and

10 (2) Appoint committees and consultants necessary for the
11 efficient operation of casino gaming; provided that no
12 person shall be hired or appointed under this
13 subsection who:

14 (A) Is an elected state official;

15 (B) Is licensed by the commission pursuant to this
16 chapter or is an official of, has a financial
17 interest in, or has a financial relationship
18 with, any gaming operation subject to the
19 jurisdiction of this commission pursuant to this
20 chapter;

____.B. NO._____

1 (C) Is related to any person within the second degree
2 of consanguinity or affinity who is licensed by
3 the commission pursuant to this chapter; or

4 (D) Has been under indictment, convicted, pled guilty
5 or nolo contendere, or forfeited bail for a
6 felony or misdemeanor concerning gambling or
7 fraud under the laws of this State, any other
8 state, or the United States within the last ten
9 years, or a local ordinance in any state
10 involving gambling or fraud that substantially
11 corresponds to a misdemeanor in that state within
12 the ten years prior to employment.

13 (j) The salaries of employees hired pursuant to subsection
14 (i) shall be set by the executive director.

15 (k) The commission shall adopt rules in accordance with
16 chapter 91 establishing a code of ethics for its employees that
17 shall include restrictions on which employees are prohibited
18 from participating in or wagering on any casino game or casino
19 gaming operation subject to the jurisdiction of the commission.
20 The code of ethics shall be separate from and in addition to any
21 standards of conduct set forth pursuant to chapter 84.

____.B. NO.____

1 § -4 **Staff.** (a) The executive director shall keep
2 records of all proceedings of the commission and shall preserve
3 all records, books, documents, and other papers belonging to the
4 commission or entrusted to its care relating to casino gaming.

5 (b) In addition to persons hired under section -3(i),
6 the commission may employ any personnel that may be necessary to
7 carry out its duties related to casino gaming.

8 § -5 **Powers of the commission.** (a) The commission
9 shall have all powers necessary to fully and effectively
10 supervise all casino gaming operations, including the power to:

11 (1) Administer, regulate, and enforce the system of casino
12 gaming established by this chapter. The commission's
13 jurisdiction shall extend to every person,
14 association, corporation, partnership, trust, and any
15 other entity with a financial interest in or holding a
16 license under this chapter, or required under this
17 chapter to hold a license in casino gaming operations
18 in the city and county of Honolulu;

19 (2) Issue a twenty-year gaming license to operate an
20 integrated resort pursuant to this chapter;

____.B. NO.____

- 1 (3) Determine the types and numbers of occupational and
2 supplier's licenses to be permitted under this
3 chapter;
- 4 (4) Adopt standards for the licensing of all persons under
5 this chapter subject to the qualification and
6 standards set forth herein, to issue licenses, and to
7 establish and collect fees for these licenses;
- 8 (5) Provide for the collection of all taxes imposed
9 pursuant to this chapter, and to collect, receive,
10 expend, and account for all revenues, including lease
11 payments, derived from casino gaming;
- 12 (6) Enter at any time without a warrant and without notice
13 to a gaming licensee, the premises, offices,
14 integrated resort, or other places of business of a
15 gaming licensee, or supplier licensee, where evidence
16 of the compliance or noncompliance with this chapter
17 or rules is likely to be found. Entry is authorized
18 to:
- 19 (A) Inspect and examine all premises wherein casino
20 gaming or the business of gaming or the business
21 of a supplier is conducted, or where any records
22 of the activities are prepared;

____.B. NO.____

- 1 (8) Be present, through its inspectors and agents, any
2 time gaming operations are conducted in an integrated
3 resort for the purpose of certifying the gaming
4 licensee's revenue, receiving complaints from the
5 public, and conducting other investigations into the
6 conduct of the casino gaming and the maintenance of
7 the equipment as from time to time the commission may
8 deem necessary and proper;
- 9 (9) Adopt appropriate standards for an integrated resort
10 as well as for electronic or mechanical gaming
11 devices;
- 12 (10) Require that records including financial or other
13 statements of a gaming licensee under this chapter be
14 kept in the manner prescribed by the commission and
15 that a licensee involved in the ownership or
16 management of casino gaming operations submit to the
17 commission an annual balance sheet and profit and loss
18 statement, a list of the stockholders or other persons
19 having a five per cent or greater beneficial interest
20 in the gaming activities of the licensee, and any
21 other information the commission deems necessary to
22 effectively administer this chapter;

____.B. NO.____

1 (11) Conduct hearings, issue subpoenas for the attendance
2 of witnesses and subpoenas duces tecum for the
3 production of books, records, and other pertinent
4 documents, and to administer oaths and affirmations to
5 the witnesses, when, in the judgment of the
6 commission, it is necessary to administer or enforce
7 this chapter. The executive director or the executive
8 director's designee may issue subpoenas and administer
9 oaths and affirmations to witnesses;

10 (12) Eject or exclude, or authorize the ejection or
11 exclusion of, any person from an integrated resort
12 where the person is in violation of this chapter or
13 where the person's conduct or reputation is such that
14 the person's presence within the integrated resort, in
15 the opinion of the commission, may call into question
16 the honesty and integrity of the gaming operation or
17 interfere with the orderly conduct thereof or any
18 other action that, in the opinion of the commission,
19 is a detriment or impediment to the gaming operations;
20 provided that the property of that ejection or
21 exclusion shall be subject to subsequent hearing and
22 determination by the commission;

____.B. NO. ____

1 (13) Permit a gaming licensee of casino gaming operations
2 to use a wagering system whereby wagerers' money may
3 be converted to tokens, electronic cards, or chips,
4 which shall be used only for wagering within the
5 integrated resort;

6 (14) Suspend, revoke, or restrict licenses, to require the
7 removal of a licensee or an employee of a licensee for
8 a violation of this chapter or a commission rule, or
9 for engaging in a fraudulent practice;

10 (15) Impose and collect fines against a licensee for each
11 violation of this chapter, any rules adopted by the
12 commission, or for any other action which, in the
13 commission's discretion, is a detriment or impediment
14 to casino gaming operations;

15 (16) Establish minimum levels of insurance to be maintained
16 by a licensee;

17 (17) Delegate the execution of any of its powers for the
18 purpose of administering and enforcing this chapter;
19 and

20 (18) Adopt rules pursuant to chapter 91 to implement this
21 chapter.

____.B. NO.____

(b) Rules adopted under this chapter shall not be arbitrary, capricious, or contradictory to the provisions of chapter 91. Rules may include but need not be limited to rules that:

(1) Govern, restrict, approve, or regulate the casino gaming authorized in this chapter;

(2) Promote the safety, security, and integrity of casino gaming authorized in this chapter;

(3) License and regulate, consistent with the qualifications and standards set forth in this chapter, persons participating in or involved with casino gaming authorized in this chapter; and

(4) Authorize any other action that may be reasonable or appropriate to enforce this chapter and rules adopted under this chapter.

This section is not intended to limit warrantless inspections except in accordance with constitutional requirements.

§ -6 Member, employee, or agent of commission; conduct generally. (a) By January 31 of each year, each member of the commission shall prepare and file with the commission a disclosure form in which the member shall:

____.B. NO.____

1 (1) Affirm that the member or the member's spouse, parent,
2 child, or child's spouse is not a member of the board
3 of directors of, financially interested in, or
4 employed by a licensee or applicant;

5 (2) Affirm that the member continues to meet all other
6 criteria for commission membership under this chapter
7 or the rules adopted by the commission;

8 (3) Disclose any legal or beneficial interest in any real
9 property that is or may be directly or indirectly
10 involved with gaming operations authorized by this
11 chapter; and

12 (4) Disclose any other information that may be required to
13 ensure that the integrity of the commission and its
14 work is maintained.

15 (b) By January 31 of each year, the executive director
16 shall prepare and file with the commission a disclosure form in
17 which the employee shall:

18 (1) Affirm the absence of financial interests prohibited
19 by this chapter;

20 (2) Disclose any legal or beneficial interest in any real
21 property that is or may be directly or indirectly

____.B. NO.____

1 involved with gaming or gaming operations authorized
2 by this chapter;

3 (3) Disclose whether the employee or the employee's
4 spouse, parent, child, or child's spouse is
5 financially interested in or employed by a supplier
6 licensee, or an applicant for a supplier's license,
7 under this chapter; and

8 (4) Disclose any other information that may be required to
9 ensure that the integrity of the commission and its
10 work is maintained.

11 (c) A new or current employee or agent of the commission
12 shall obtain written permission from the executive director
13 before continuing outside employment held at the time the
14 employee begins to work for the commission. Permission shall be
15 denied, or permission previously granted shall be revoked, if
16 the nature of the work is considered to, or does create, a
17 possible conflict of interest or otherwise interferes with the
18 duties of the employee or agent for the commission.

19 (d) An employee or agent of the commission granted
20 permission for outside employment shall not conduct any business
21 or perform any activities, including solicitation, related to

____.B. NO.____

1 outside employment on premises used by the commission or during
2 the employee's working hours for the commission.

3 (e) As used in this section:

4 "Outside employment" includes the following:

5 (1) Operation of a proprietorship;

6 (2) Participation in a partnership or group business
7 enterprise; or

8 (3) Performance as a director or corporate officer of any
9 for-profit corporation, or banking or credit
10 institution.

11 § -7 Authorization of limited gaming. Casino gaming
12 shall only be permitted in one integrated resort in Kapolei on
13 Hawaiian home lands designated for commercial use. Any
14 application for a gaming license to operate the integrated
15 resort shall include a development plan for the integrated
16 resort.

17 § -8 Gaming license; application; fee. (a) The
18 application for a gaming license under this chapter shall be
19 made under oath on forms required by this chapter and shall
20 include all of the following:

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- 1 (1) The name, business address, telephone number, social
2 security number and, where applicable, the federal tax
3 identification number of the applicant;
- 4 (2) The identity of any business, including, if
5 applicable, the state of incorporation or
6 registration, in which the applicant has an equity
7 interest of more than five per cent. If the applicant
8 is a corporation, partnership or other business
9 entity, the applicant shall identify any other
10 corporation, partnership, or other business entity in
11 which it has an equity interest of more than five per
12 cent, including, if applicable, the state of
13 incorporation or registration;
- 14 (3) An explanation whether the applicant has developed and
15 opened a new land-based casino within a jurisdiction
16 in the United States that previously did not allow
17 gaming, including a description of the casino, the
18 casino's gross revenue, and the amount of revenue the
19 casino has generated for state and local governments
20 within that jurisdiction;
- 21 (4) A statement whether the applicant has been indicted,
22 convicted, pled guilty or nolo contendere, or

____.B. NO.____

1 forfeited bail for any felony or for a misdemeanor
2 involving gambling, theft or fraud. The statement
3 shall include the date, the name and location of the
4 court, arresting agency, prosecuting agency, the case
5 caption, the docket number, the offense, the
6 disposition, and the location and length of
7 incarceration;

8 (5) A statement whether the applicant has ever been
9 granted any license or certificate issued by a
10 licensing authority in the State, or any other
11 jurisdiction that has been restricted, revoked, or not
12 renewed. The statement shall describe the facts and
13 circumstances concerning that restriction, revocation,
14 or nonrenewal, including the licensing authority, the
15 date each action was taken, and the reason for each
16 action;

17 (6) A statement whether the applicant, within the last ten
18 years, has filed or had filed against it a civil or
19 administrative action or proceeding in bankruptcy;

20 (7) A statement whether the applicant, within the last
21 five tax years, has been adjudicated by a court or
22 tribunal to have failed to pay any final amount of any

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1 income, sales, or gross receipts tax due and payable
2 under federal, state, or local law, after exhaustion
3 of all inter-agency appeals processes. This statement
4 shall identify the amount of the tax, type of tax,
5 time periods involved, and resolution;

6 (8) A statement listing the names and titles of all public
7 officials or officers of any unit of state government
8 or county government in the jurisdiction in which the
9 integrated resort is to be located, and the spouses,
10 parents, and children of those public officials or
11 officers who, directly or indirectly, own any
12 financial interest in, have any beneficial interest
13 in, are the creditors of or hold any debt instrument
14 issued by, or hold or have an interest in any
15 contractual or service relationship with, the
16 applicant. As used in this paragraph, "public
17 official" or "officer" does not include a person who
18 would be listed solely because of the person's state
19 or federal military service;

20 (9) The name and business telephone number of any
21 attorney, counsel, or any other person representing an
22 applicant in matters before the commission;

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1 (10) A description of the applicant's history of, or plan
2 for, community involvement or investment in the area
3 where the integrated resort will be located,
4 particularly noting any experience working with native
5 or indigenous communities; and

6 (11) A description of any proposed or approved integrated
7 resort, including the economic benefit to the
8 community, especially native or indigenous
9 communities, anticipated or actual number of
10 employees, any statement from an applicant regarding
11 compliance with federal and state affirmative action
12 guidelines, projected or actual admissions, projected
13 or actual gross receipts, and scientific market
14 research, if any.

15 (12) A clarification of the legal operation of casino games
16 of chance or games of other forms.

17 (13) The integrated resort license shall not include the
18 following gaming activities:

19 (A) Online or mobile gaming; and

20 (B) Games of chance or any other gaming, betting or
21 gambling activities on ships or planes.

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1 (b) Information provided on the application shall be used
2 as the basis for a thorough background investigation that the
3 commission shall conduct with respect to each applicant, but any
4 financial information submitted by each applicant shall be kept
5 confidential by the commission. An incomplete application shall
6 be cause for denial of consideration by the commission and
7 forfeiture of the non-refundable deposit.

8 (c) Applicants shall submit with their application a plan
9 for training native Hawaiians as defined in the Hawaiian Homes
10 Commission Act for jobs that are available at the integrated
11 resort. The plan shall take into consideration the need to
12 provide training to low-income persons to enable those persons
13 to qualify for jobs that will be created in the integrated
14 resort.

15 (d) A nonrefundable application fee of one million dollars
16 shall be paid to the commission by an applicant at the time of
17 filing to defray the costs associated with an applicant's
18 background investigation conducted by the commission. If the
19 costs of the investigation exceed one million dollars, the
20 applicant shall pay the additional amount to the commission.

21 § -9 Criteria for award of the gaming license; transfer
22 of license prohibited. (a) The commission shall issue one

____.B. NO.____

1 gaming license to operate an integrated resort to the applicant
2 that has paid the application fee required under section -8,
3 is eligible and suitable to receive a gaming license under this
4 chapter and the rules adopted by the commission, and best
5 satisfies all of the following criteria:

6 (1) The applicant has submitted a development plan for the
7 integrated resort that provides the greatest
8 likelihood that the applicant's facility will provide
9 the maximum revenue to the department of Hawaiian home
10 lands to develop and deliver lands, generate jobs, and
11 provide an economic benefit to native Hawaiians as
12 defined in the Hawaiian Homes Commission Act;

13 (2) The applicant has a history of, or a bona fide plan
14 for, community involvement or investment in the area
15 where the integrated resort will be located,
16 particularly noting any experience working with native
17 or indigenous communities;

18 (3) The applicant has the financial ability to purchase
19 and maintain adequate liability and casualty insurance
20 and to provide an adequate surety bond;

21 (4) The applicant has provided data identifying the
22 applicant's sources of capital and demonstrating that

____.B. NO.____

1 the applicant has adequate capital to develop,
2 construct, operate, and maintain the proposed
3 integrated resort;

4 (5) The applicant has adequate capitalization to develop,
5 construct, operate, and maintain for the duration of
6 the license, the proposed integrated resort in
7 accordance with the requirements of this chapter and
8 rules adopted by the commission and to responsibly pay
9 off its secured and unsecured debts in accordance with
10 its financing agreement and other contractual
11 obligations;

12 (6) The applicant has not been indicted, convicted, pled
13 guilty or nolo contendere, or forfeited bail for any
14 felony or for a misdemeanor involving gambling, theft,
15 or fraud;

16 (7) The applicant has not filed or had filed against them
17 a proceeding for bankruptcy within the last ten years;

18 (8) The extent to which an applicant has, within the last
19 five tax years, been, adjudicated by a court or
20 tribunal to have failed to pay any final amount of
21 income, sales, or gross receipts tax due and payable

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1 under federal, state, or local law, after exhaustion

2 of all inter-agency appeals processes;

3 (9) The extent to which the applicant meets other

4 standards for the issuance of a gaming license that

5 the commission may have adopted by rule;

6 (10) To ensure the continued integrity of Hawaii collegiate

7 athletics, neither the applicant, nor any parent or

8 subsidiary of the applicant permits wagering on Hawaii

9 collegiate athletics in any other jurisdiction where

10 they hold a license;

11 (11) The adequacy of the applicant's plan for creating

12 partnerships with the University of Hawaii and

13 existing educational institutions for training native

14 Hawaiians as defined in the Hawaiian Homes Commission

15 Act for jobs, including management positions, that are

16 available at the integrated resort and the extent to

17 which the plan considers the need to provide training

18 to low-income persons to enable those persons to

19 qualify for jobs that will be created in the

20 integrated resort; and

21 (12) The caliber of the proposed integrated resort,

22 including the proposed integrated resort's aesthetic

____.B. NO.____

1 appearance, amount of economic benefit to the
2 community, especially native or indigenous
3 communities, anticipated or actual number of
4 employees, compliance with federal and state
5 affirmative action guidelines, and projected or actual
6 gross receipts.

7 (b) An applicant shall be ineligible to receive a gaming
8 license if the applicant or any employee:

9 (1) Has been convicted of a felony under the laws of this
10 State, any other state, or the United States;

11 (2) Has been convicted of any violation under part III of
12 chapter 712, or substantially similar laws of another
13 jurisdiction;

14 (3) Knowingly submitted an application for a license under
15 this chapter that contains false information;

16 (4) Is a member or employee of the commission; or

17 (5) Has had revoked a license to own or operate gaming
18 facilities in this State or any other jurisdiction.

19 (c) To demonstrate financial ability, the applicant may
20 include the economic resources available directly or indirectly
21 to the gaming license applicant.

____.B. NO.____

1 (d) Simultaneous with an applicant's submission of an
2 application, each applicant that is a natural person shall
3 submit to the commission on fingerprint cards issued by the
4 Federal Bureau of Investigation or in digital format two sets of
5 fingerprints for each applicant.

6 (e) The commission shall establish a process to facilitate
7 and expedite the approval of the necessary licenses and permits
8 for the integrated resort. The commission may establish its own
9 procedures for the issuance of liquor licenses for any holder of
10 a gaming license under this chapter and the holder of a gaming
11 license shall not be subject to any requirement of the Honolulu
12 liquor commission as to the approval of forms of
13 live/professional music, dancing, and entertainment; provided
14 that all other state laws and county ordinances relating to
15 liquor are met. The commission shall be the receiving agency
16 for any environmental assessment required under chapter 343.

17 (f) Once issued, the gaming license issued pursuant to
18 this chapter shall be nontransferable and shall be valid only
19 for the person or entity in whose name it was issued and for the
20 operation of the integrated resort in Kapolei on Hawaiian home
21 lands designated for commercial use.

____.B. NO.____

1 § -10 **Purpose of the gaming license.** The gaming

2 licensee shall have the following obligations:

3 (a) Ensure the proper operation and conduct of casino
4 games of chance or games of other forms;

5 (b) Manage and conduct gaming activities that are licensed
6 by the commission;

7 (c) Operate and conduct casino games of chance or games of
8 other forms in a fair and honest manner without criminal
9 influence;

10 (d) Employ staff that have the appropriate qualifications;

11 (e) Safeguard and ensure the department of Hawaiian home
12 lands and the State of Hawaii's interests in land lease and tax
13 revenue from the operation of the integrated resort.

14 § -11 **Applicability of Hawaii law.** (a) The integrated
15 resort property and licensee shall be exclusively governed by
16 the laws of the state of Hawaii.

17 (b) The integrated resort with the gaming license
18 recognizes and accepts the exclusive jurisdiction of the court
19 of the state of Hawaii in case of any potential dispute or
20 conflict of interests.

21 (c) The integrated resort with the gaming license must
22 comply with applicable laws of the state of Hawaii and waives

____.B. NO.____

1 the right to apply regulations of a place other than Hawaii
2 which exempt the licensee from performing obligations or acts
3 that must be performed or are imposed.

4 § -12 Participation in the operation of gambling in
5 other jurisdictions. (a) The integrated resort with the gaming
6 license must inform the commission of its participation in the
7 operation of casino games of chance or games of other forms in
8 any other jurisdictions, including participation in the
9 operation through a management contract, or of such intent. If
10 the licensee is aware that any of its directors or controlling
11 shareholders, or any shareholder that directly or indirectly
12 holds the equivalent of five per cent or more of its share
13 capital has the intent to participate in the operation of casino
14 games or games or other forms in any other jurisdictions, the
15 licensee must inform the commission immediately.

16 (b) For the purpose of this section, the licensee must
17 submit to the commission or procure to obtain and submit to the
18 commission, as the case may be, any documents, information or
19 materials that may be requested, except those which are
20 considered as confidential by law.

21 § -13 Supplier's licenses. (a) No person shall furnish
22 equipment, devices, or supplies to the licensed integrated

____.B. NO.____

1 resort under this chapter unless the person has first obtained a
2 supplier's license pursuant to this section. The commission may
3 issue a supplier's license to any person, firm, or corporation
4 who pays a nonrefundable application fee as set by the
5 commission upon a determination by the commission that the
6 applicant is eligible for a supplier's license and upon payment
7 by the applicant of a license fee, the amount to be set by the
8 commission and adjusted to market conditions from time to time.
9 Supplier's licenses shall be renewable annually upon payment of
10 the annual license fee and a determination by the commission
11 that the licensee continues to meet all of the requirements of
12 this chapter.

13 (b) The holder of a supplier's license may sell or lease,
14 or contract to sell or lease, gaming equipment and supplies to
15 any licensee involved in the ownership or management of casino
16 gaming operations.

17 (c) Casino gaming supplies and equipment shall not be
18 distributed unless supplies and equipment conform to standards
19 adopted by rules of the commission.

20 (d) A person, firm, or corporation shall be ineligible to
21 receive a supplier's license if:

____.B. NO. ____

- 1 (1) The person has been convicted of a felony under the
- 2 laws of this State, any other state, or the United
- 3 States;
- 4 (2) The person has been convicted of any violation under
- 5 part III, chapter 712, or substantially similar laws
- 6 of another jurisdiction;
- 7 (3) The person has knowingly submitted an application for
- 8 a license under this chapter that contains false
- 9 information;
- 10 (4) The person is a member of the commission;
- 11 (5) The firm or corporation is one in which a person
- 12 defined in paragraph (1), (2), (3), or (4) is an
- 13 officer, director, or managerial employee;
- 14 (6) The firm or corporation employs a person, defined in
- 15 paragraph (1), (2), (3), or (4), that participates in
- 16 the management or operation of casino gaming
- 17 authorized under this chapter; or
- 18 (7) The license of the person, firm, or corporation issued
- 19 under this chapter, or a license to own or operate
- 20 casino gaming facilities in any other jurisdiction,
- 21 has been revoked.
- 22 (e) A supplier shall:

____.B. NO. ____

- 1 (1) Furnish to the commission a list of all equipment,
2 devices, and supplies offered for sale or lease in
3 connection with games authorized under this chapter;
- 4 (2) Keep books and records for the furnishing of
5 equipment, devices, and supplies to casino gaming
6 operations separate and distinct from any other
7 business that the supplier might operate;
- 8 (3) File quarterly returns with the commission listing all
9 sales and leases;
- 10 (4) Permanently affix its name to all its equipment,
11 devices, and supplies, used for casino gaming
12 operations; and
- 13 (5) File an annual report listing its inventories of
14 casino gaming equipment, devices, and supplies.
- 15 (f) Any person who knowingly makes a false statement on an
16 application is guilty of a petty misdemeanor.

17 § -14 Occupational license. (a) The commission may
18 issue an occupational license to an applicant upon:

- 19 (1) The payment of a nonrefundable application fee set by
20 the commission;
- 21 (2) A determination by the commission that the applicant
22 is eligible for an occupational license; and

____.B. NO.____

1 (3) Payment of an annual license fee in an amount set by
2 the commission.

3 (b) To be eligible for an occupational license, an
4 applicant shall:

5 (1) Be at least twenty-one years of age if the applicant
6 performs any function involved in casino gaming by
7 patrons. Any applicant seeking an occupational
8 license for a non-gaming function shall be at least
9 eighteen years of age;

10 (2) Not have been convicted of a felony offense in any
11 jurisdiction or a crime involving dishonestly or moral
12 turpitude; and

13 (3) Have met standards for the holding of an occupational
14 license as provided in rules adopted by the
15 commission, including background inquiries and other
16 requirements.

17 (c) Each application for an occupational license shall be
18 on forms prescribed by the commission and shall contain all
19 information required by the commission. The applicant shall set
20 forth in the application whether the applicant:

21 (1) Has been issued prior gaming-related licenses in any
22 jurisdiction;

____.B. NO.____

1 (2) Has been licensed in any other jurisdiction under any
2 other name, and if so, the name and the applicant's
3 age at the time; and

4 (3) Has had a permit or license issued from any other
5 jurisdiction suspended, restricted, or revoked, and if
6 so, for what period of time.

7 (d) Each applicant shall submit with the application two
8 sets of the applicant's fingerprints. The commission shall
9 charge each applicant a fee to defray the costs associated with
10 the search and classification of fingerprints obtained by the
11 commission with respect to the application.

12 (e) The commission may refuse to grant an occupational
13 license to any person:

14 (1) Who is unqualified to perform the duties required of
15 the applicant;

16 (2) Who fails to disclose or states falsely any
17 information called for in the application;

18 (3) Who has been found guilty of a violation of this
19 chapter or whose prior casino gaming related license
20 or application has been suspended, restricted,
21 revoked, or denied for just cause in any other
22 jurisdiction; or

____.B. NO.____

1 (4) For any other just cause.

2 (f) The commission may suspend, revoke, or restrict any
3 occupational licensee:

4 (1) For any violation of this chapter;

5 (2) For any violation of the rules of the commission;

6 (3) For any cause which, if known to the commission, would
7 have disqualified the applicant from receiving a
8 license;

9 (4) For default in the payment of any obligation or debt
10 due to the State or the county; or

11 (5) For any other just cause.

12 (g) A person who knowingly makes a false statement on an
13 application is guilty of a petty misdemeanor.

14 (h) Any license issued pursuant to this section shall be
15 valid for a period of one year from the date of issuance and
16 shall be renewable annually upon payment of the annual license
17 fee and a determination by the commission that the licensee
18 continues to meet all of the requirements of this chapter.

19 § -15 Temporary supplier and occupational licenses. (a)
20 Upon written request of a person applying for a supplier or
21 occupational license under this chapter, the executive director
22 shall issue a temporary license to the applicant and permit the

____.B. NO.____

1 applicant to undertake employment with, conduct business
2 transactions with, and provide goods and services to licensees,
3 gaming license applicants, and holders of certificates of
4 suitability; provided that all of the following provisions are
5 met.

6 (1) The applicant has submitted to the commission a
7 completed application, an application fee, and all
8 required disclosure forms and other required written
9 documentation and materials;

10 (2) Preliminary review of the application and a criminal
11 history check by the executive director and the
12 commission staff does not reveal that the applicant or
13 the applicant's key persons, local and regional
14 managerial employees or sales and service
15 representatives, or substantial owners have been
16 convicted of a felony or misdemeanor that would
17 require denial of the application or may otherwise be
18 ineligible, unqualified, or unsuitable to permit
19 licensure under this chapter; and

20 (3) There is no other apparent deficiency in the
21 application that may require denial of the
22 application.

____.B. NO.____

1 (b) A temporary license issued under this section shall be
2 valid for not more than one hundred and eight days, but may be
3 renewed upon expiration by the executive director.

4 (c) An applicant who receives a temporary license under
5 this section may undertake employment with or supply a gaming
6 licensee, gaming license applicants, and holders of certificates
7 of suitability with goods and services subject to this chapter
8 until a license is issued by the commission pursuant to the
9 applicant's application or until the temporary license expires
10 or is suspended or revoked. During the period of the temporary
11 license, the applicant shall comply with this chapter and rules
12 adopted by the commission.

13 (d) If the temporary license expires, is not renewed, or
14 is suspended or revoked, the executive director shall
15 immediately forward the applicant's application to the
16 commission for action after first providing a reasonable time
17 for the applicant to correct any apparent deficiency in its
18 application.

19 § -16 Annual report. The commission shall submit a
20 written annual report to the governor, the legislature, and the
21 Hawaiian homes commission at least sixty days prior to the close
22 of each fiscal year and shall submit any additional reports that

____.B. NO.____

1 the governor, the legislature or the Hawaiian homes commission
2 requests. The annual report shall include:

3 (1) A statement of receipts and disbursements related to
4 the integrated resort pursuant to this chapter;

5 (2) Actions taken by the commission; and

6 (3) Any additional information and recommendations that
7 the commission may deem valuable or which the
8 governor, the legislature, or the Hawaiian homes
9 commission may request.

10 § -17 **Hearings by the commission.** (a) Upon order of
11 the commission, one of the commission members or a hearings
12 officer designated by the commission may conduct any hearing
13 provided for under this chapter related to casino gaming or by
14 commission rule, and may recommend findings and decisions to the
15 commission. The record made at the time of the hearing shall be
16 reviewed by the commission, or a majority thereof, and the
17 findings and decisions of the majority of the commission shall
18 constitute the order of the commission in that case.

19 (b) Any party aggrieved by an action of the commission
20 denying, suspending, revoking, restricting, or refusing to renew
21 a license under this chapter may request in writing a hearing
22 before the commission within five days after service of notice

____.B. NO. ____

1 of the action of the commission. Notice of the actions of the
2 commission shall be served either by personal delivery or by
3 certified mail, postage prepaid, to the aggrieved party. Notice
4 served by certified mail shall be deemed complete on the
5 business day following the date of the mailing. The commission
6 shall conduct all requested hearings promptly and in reasonable
7 order.

8 § -18 **Conduct of casino gaming.** Casino gaming may be
9 conducted by the holder of a gaming license, subject to the
10 following:

11 (1) The site of the integrated resort shall be restricted
12 to Kapolei on Hawaiian home lands designated for
13 commercial use;

14 (2) The term of the gaming license shall be twenty years
15 and shall be renewable for additional twenty-year
16 terms; provided that:

17 (A) The integrated resort met or exceeded its
18 commitment to provide lease payments and revenue
19 to the department of Hawaiian home lands to
20 develop and deliver lands, generate jobs, and
21 provide an economic benefit to native Hawaiians
22 as defined in the Hawaiian Homes Commission Act;

____.B. NO.____

1 (B) The gaming licensee's actions have not caused the
2 gaming license under this chapter to be suspended
3 or revoked; and

4 (C) The applicant remains eligible and suitable for a
5 gaming license;

6 (3) The integrated resort may operate twenty-four hours
7 per day, each and every day of the year, subject to
8 market conditions;

9 (4) Minimum and maximum wagers on games shall be set by
10 the gaming licensee with guidance and oversight
11 through regulations by the commission;

12 (5) The commission's agents may enter and inspect the
13 integrated resort at any time for the purpose of
14 determining whether the gaming licensee is in
15 compliance with this chapter;

16 (6) Commission employees shall have the right to be
17 present in an integrated resort under the control of
18 the gaming licensee;

19 (7) Gaming equipment and supplies customarily used in
20 conducting casino gaming shall be purchased or leased
21 only from suppliers licensed under this chapter;

____.B. NO.____

1 (8) Persons licensed under this chapter shall permit no
2 form of wagering on games except as permitted by this
3 chapter;

4 (9) Wagers may be received only from a person present in
5 an integrated resort. No person present in an
6 integrated resort shall place or attempt to place a
7 wager on behalf of another person who is not present
8 in the integrated resort;

9 (10) No person under age twenty-one shall be permitted in
10 an area of the integrated resort where casino gaming
11 is being conducted, except for a person at least
12 eighteen years of age who is an employee of the
13 integrated resort. No employee under age twenty-one
14 shall perform any function involved in casino gaming
15 by patrons. No person under age twenty-one shall be
16 permitted to make a wager under this chapter;

17 (11) All tokens, chips, or electronic cards used to make
18 wagers shall only be purchased from the gaming
19 licensee within the integrated resort. The tokens,
20 chips, or electronic cards shall be used while within
21 the integrated resort only for the purpose of making
22 wagers on authorized games;

____.B. NO. ____

- 1 (12) Prior to commencing gaming operations at the
2 integrated resort, the gaming licensee shall enter
3 into a development agreement with the department of
4 Hawaiian home lands, which will include at least the
5 following terms:
- 6 (A) The selected licensee agrees to invest at least
7 \$50,000,000 to develop and construct an
8 integrated resort on the site selected by the
9 department of Hawaiian home lands;
- 10 (B) The selected licensee agrees to create
11 partnerships with local educational institutions
12 to train native Hawaiians as defined in the
13 Hawaiian Homes Commission Act for jobs that are
14 available in the integrated resort;
- 15 (C) The gaming licensee agrees that neither the
16 gaming licensee, nor any parent or subsidiary of
17 the gaming licensee, will permit wagering on
18 Hawaii collegiate athletics regardless of its
19 legality in other jurisdictions where the
20 licensee operates;

____.B. NO.____

1 (D) All revenue under the development agreement,
2 shall be deposited into the department of
3 Hawaiian home administration account;

4 (E) The gaming licensee and the State agree that,
5 other than the one integrated resort licensed
6 under this chapter, the State shall not authorize
7 any additional gaming in the State during the
8 initial 20-year license period; and

9 (13) In addition to the above, casino gaming shall be
10 conducted in accordance with all rules adopted by the
11 commission.

12 § -19 Prohibition on credit agreements. Notwithstanding
13 any other law to the contrary, the gaming licensee will not be
14 permitted to offer credit to a wagerer.

15 § -20 Wagering tax; rate; disposition. A wagering tax
16 shall be imposed on the gross gaming revenues of the licensee at
17 the rate of forty-five per cent. Tax revenues collected under
18 this section shall be divided in the following way: seventy-five
19 per cent directed to the Hawaiian home operating fund; five per
20 cent directed to the Native Hawaiian rehabilitation fund;
21 fifteen per cent deposited into the state general fund; five per
22 cent deposited into the state gaming fund.

____.B. NO. _____

1 **§ -21 State gaming fund; disposition of taxes collected.**

2 There is established within the state treasury the state gaming
3 fund to be administered by the Hawaii gaming commission into
4 which shall be deposited all fees, taxes, and fines collected
5 under this chapter. Moneys from the state gaming fund may be
6 used to fund:

7 (1) A compulsive gamblers program and for public security
8 at the integrated resort;

9 (2) Local educational institutions to train native
10 Hawaiians as defined in the Hawaiian Homes Commission
11 Act for jobs that are available in the integrated
12 resort;

13 (3) Road or other improvements to address any traffic
14 issues as a result of the integrated resort; and

15 (4) Administrative expenses of the commission.

16 **§ -22 Legislative oversight.** After the first full
17 fiscal year of operation, the auditor shall conduct a program
18 and financial audit of the Hawaii gaming commission.

19 Thereafter, the auditor shall conduct a program and financial
20 audit every four years after the initial audit is completed.

21 **§ -23 Disclosure of information.** The commission, upon
22 written request from any person, shall provide the following

____.B. NO.____

1 information concerning the applicant or licensee, the
2 applicant's or licensee's products, services or gambling
3 enterprises, and the applicant's or licensee's business holdings
4 if the commission has the information in its possession:

5 (1) The name, business address, and business telephone
6 number;

7 (2) An identification of any applicant or licensee
8 including, if an applicant or licensee is not an
9 individual, its state of incorporation or
10 registration, and its corporate officers;

11 (3) The name and business telephone number of any
12 attorney, counsel, lobbyist, or any other person
13 representing an applicant or licensee in matters
14 before the commission; and

15 (4) A description of the product or service to be supplied
16 by, or occupation to be engaged in by, a licensee.

17 SECTION 3. Chapter 712, Hawaii Revised Statutes, is
18 amended by adding a new section to part III to be appropriately
19 designated and to read as follows:

20 "§712- Casino gaming; exempted. This part shall not
21 apply to casino gaming as authorized by chapter ."

____.B. NO.____

1 improvement district requirements regarding

2 redevelopment authorized by subsection (a);

3 ~~[(4)]~~ (5) The redevelopment of the Ala Wai boat harbor

4 shall be exempt from the assessment and any special

5 improvement district requirements authorized by

6 subsection (a); and

7 ~~[(5)]~~ (6) No other properties or owners shall be exempt

8 from the assessment unless the properties or owners

9 are expressly exempted in the ordinance establishing a

10 district adopted pursuant to this section or amending

11 the rate or method of assessment of an existing

12 district."

13 SECTION 5. There is appropriated out of the Hawaiian home

14 trust fund the sum of \$5,000,000 or so much thereof as may be

15 necessary for fiscal year 2022-2023 for the purpose of funding

16 the operations of the Hawaii gaming commission; provided that

17 the:

18 (1) Gaming licensee shall reimburse the amount

19 appropriated by remitting \$5,000,000 to the department

20 of Hawaiian home lands no later than the first day on

21 which the casino opens for operation; and

22 (2) Gaming licensee's application fee under section

____.B. NO.____

1 -8(e), Hawaii Revised Statutes, shall be applied
2 as a credit against the \$5,000,000 amount due under
3 this section.

4 The sum appropriated shall be expended by the department of
5 Hawaiian home lands for the purposes of this Act.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on July 1, 2021;
9 provided that section 5 shall take effect on July 1, 2022.

10

11

INTRODUCED BY: _____

12

BY REQUEST

____.B. NO.____

Report Title:

Limited Casino Gaming; Single Integrated Resort; Kapolei;
Appropriation

Description:

Grants 20-year gaming license for a single integrated resort property in Kapolei on Hawaiian home lands designated for commercial use. Establishes Hawaii Gaming Commission. Imposes wagering tax on gross gaming revenue. Creates State Gaming Fund. Appropriates funds. Effective 07/1/2021

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

Exhibit B and C

POSTCARD
and
MEDIA RELEASE



[Home](#) » [Department of Hawaiian Home Lands](#) » [Meetings](#) » [Statewide Beneficiary Consultation: Draft Legislative Proposal \(Limited Gaming\)](#)

STATEWIDE BENEFICIARY CONSULTATION: DRAFT LEGISLATIVE PROPOSAL (LIMITED GAMING)

Posted on Jan 13, 2021 in [Department of Hawaiian Home Lands](#), [Meetings](#)

Meeting Announcement Beneficiary Consultation

Draft legislative proposal to use
tax revenues from a limited casino
gaming operation to address DHHL's
underfunded lot development budget



DHHL.HAWAII.GOV/HHC/GOVERNMENT-RELATIONS

Statewide Beneficiary Consultation: Draft Legislative Proposal (Limited Gaming)

Purpose: The purpose of the meeting is to provide information to DHHL beneficiaries regarding the draft legislative proposal regarding gaming and provide an opportunity for beneficiaries to provide their mana`o on the proposal.

When: Monday, January 18 at 6 p.m. and Tuesday, January 19, 2021 at 12 p.m.

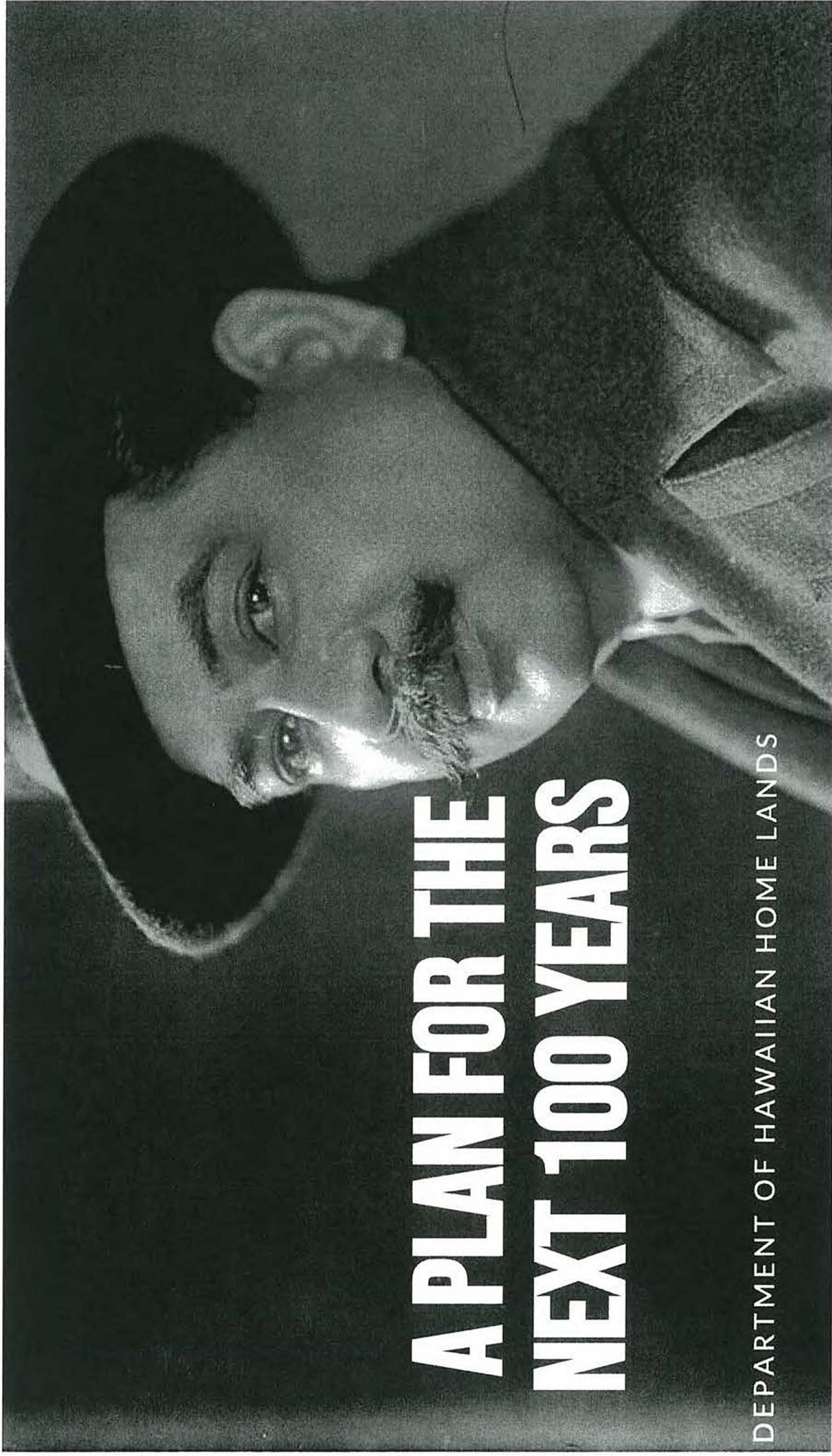
Where: [Click here](#) for information on the bill and instructions on how to join the virtual meeting.

SHARE:



Exhibit D

BENEFICIARY CONSULTATION PRESENTATION


A black and white portrait of a man with a mustache, wearing a dark military-style cap and a light-colored jacket. He is looking slightly to the right with a serious expression. The background is dark and textured.

A PLAN FOR THE NEXT 100 YEARS

DEPARTMENT OF HAWAIIAN HOME LANDS



1,699 apps
1,190 acres



10,870 apps
1,645 acres



838 apps
742 acres



75 apps



3,869 apps
1,544 acres



5,909 apps
4,387 acres

**RESIDENTIAL
DEMAND VS. SUPPLY**

182

YEARS

to meet demand at our current rate

1 1/2

MORE THAN

WAITLISTERS

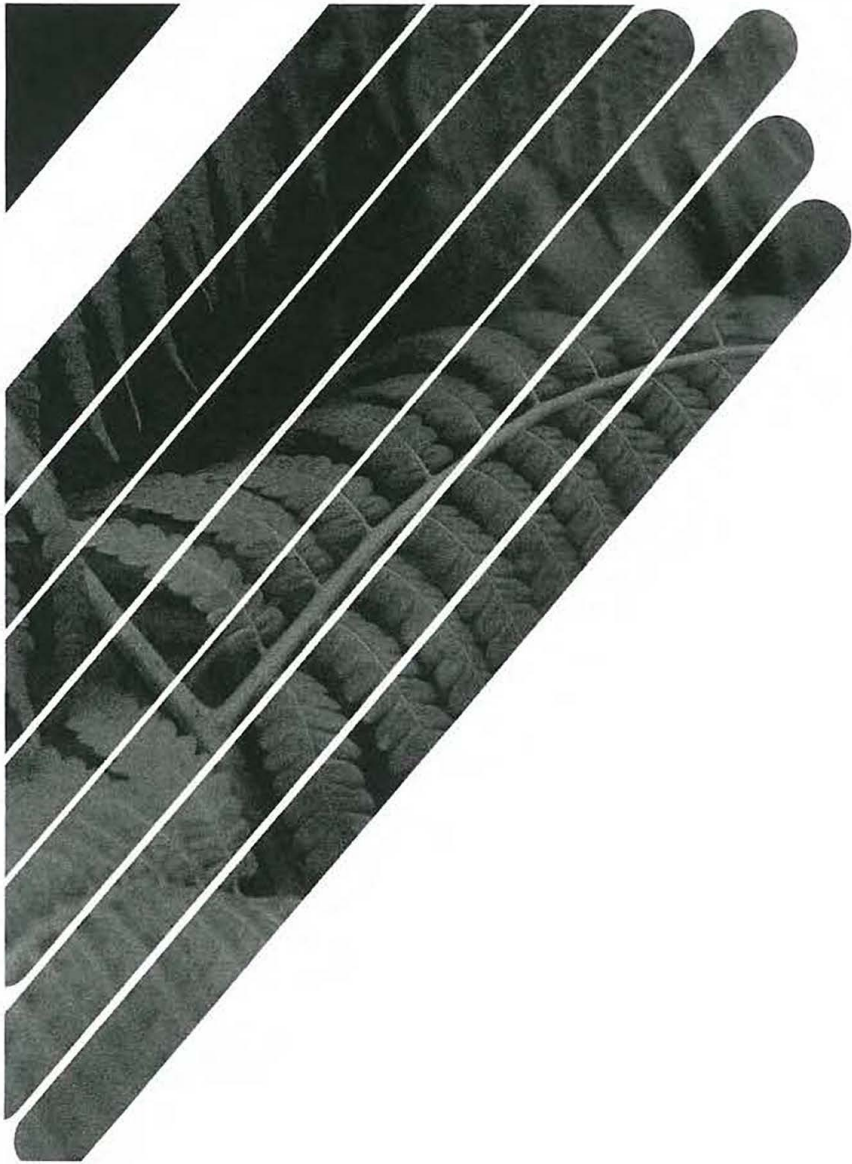
over the age of 60

2000

MORE THAN

NATIVE HAWAIIANS

have passed while on the waiting list

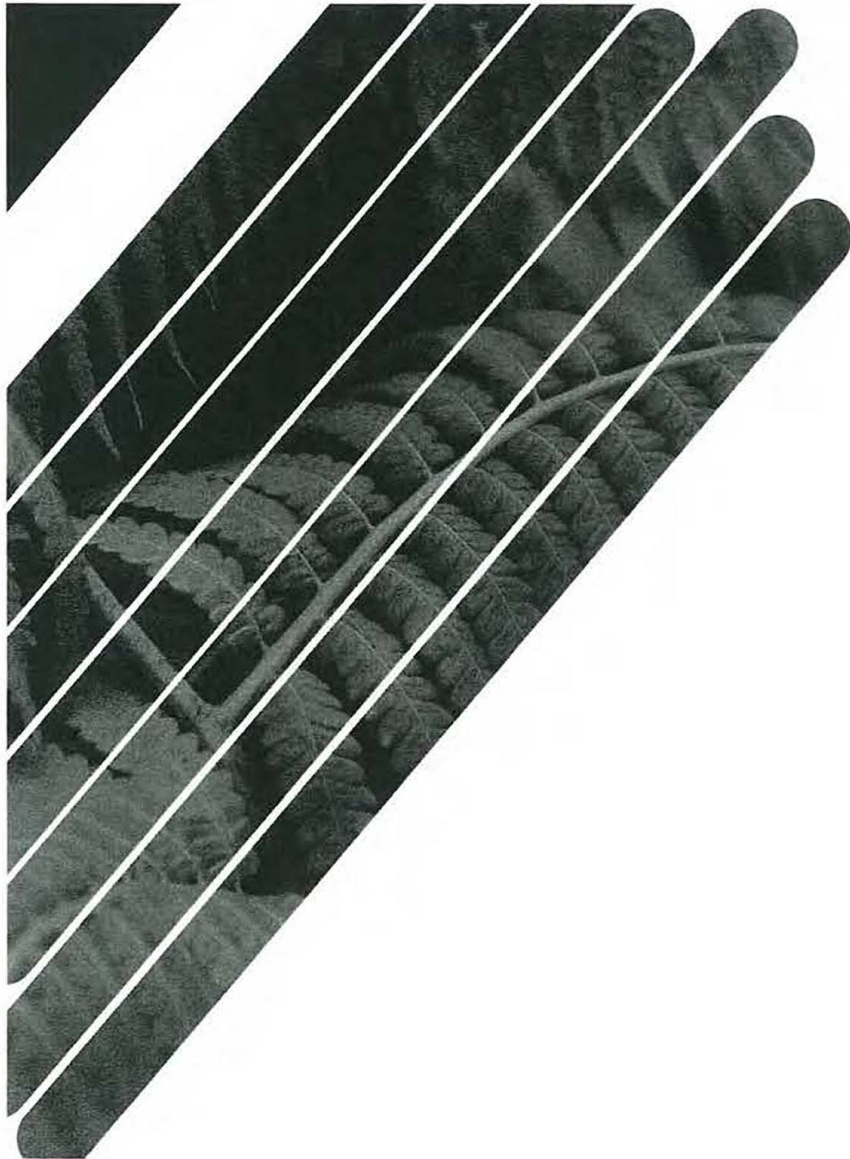


\$145.9 MILLION

FY '22-'23 BUDGET REQUEST

\$20 MILLION

FY '21 ACTUAL APPROPRIATION



\$4.5 BILLION

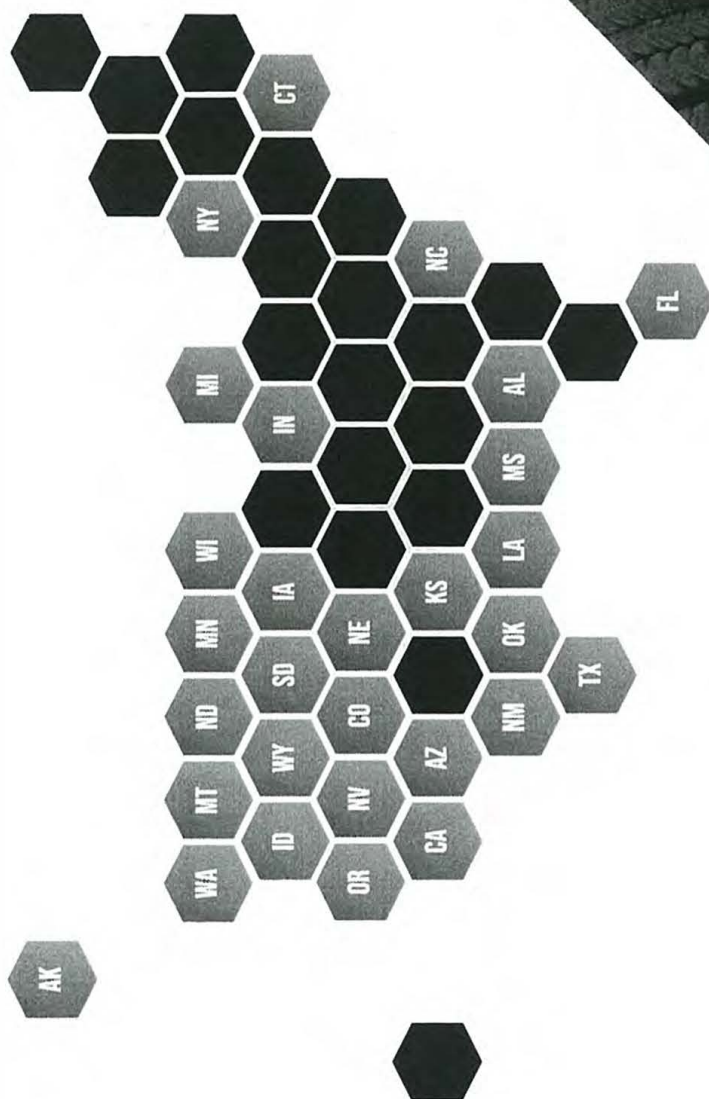
CONSERVATIVE ESTIMATE OF
INFRASTRUCTURE COSTS ALONE
TO DEVELOP 28,000 LOTS – NOT
ACCOUNTING FOR NEW LAND
ACQUISITION

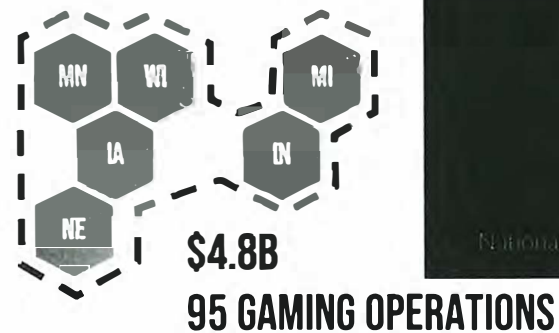
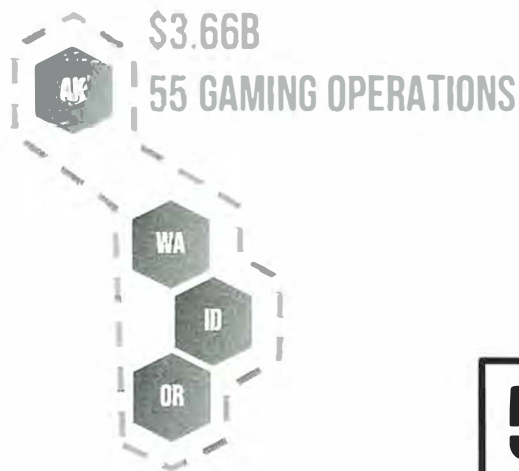
\$145.9 MILLION

FY '22-'23 BUDGET REQUEST

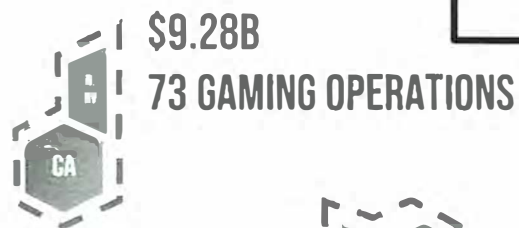
\$20 MILLION

FY '21 ACTUAL APPROPRIATION

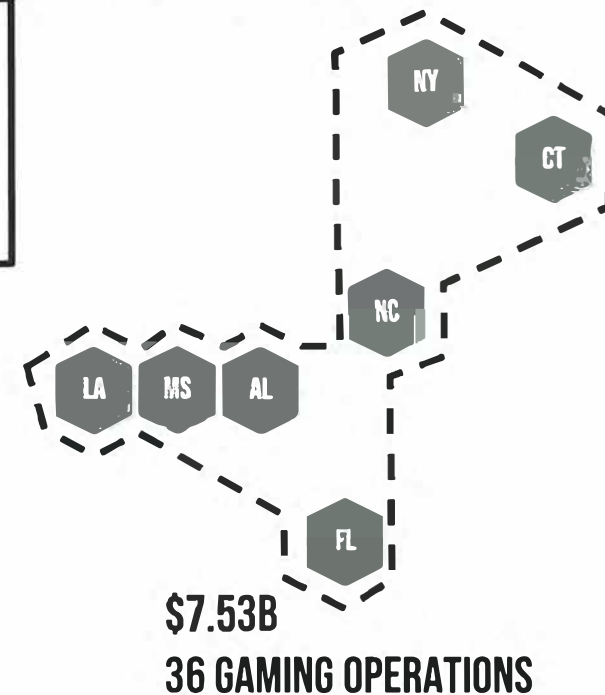




501 GAMING OPERATIONS
\$33.72B REVENUE



\$2.47B
73 GAMING OPERATIONS



AK WA OR ID CA AZ NV CO NO NM SD TX MN MT IA WI LA WY NE MS AL NC KS OK MI NY CT FL

WA

OR

CA

AZ

NM

MN

WI

LA

AL

NC

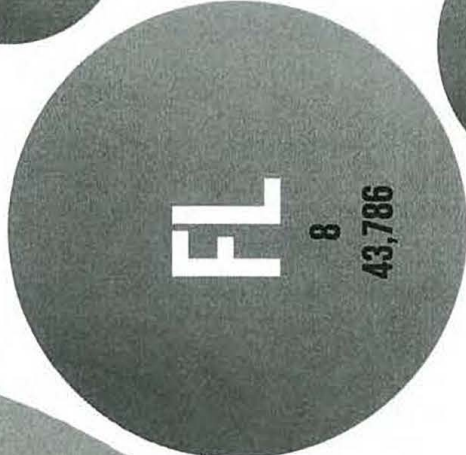
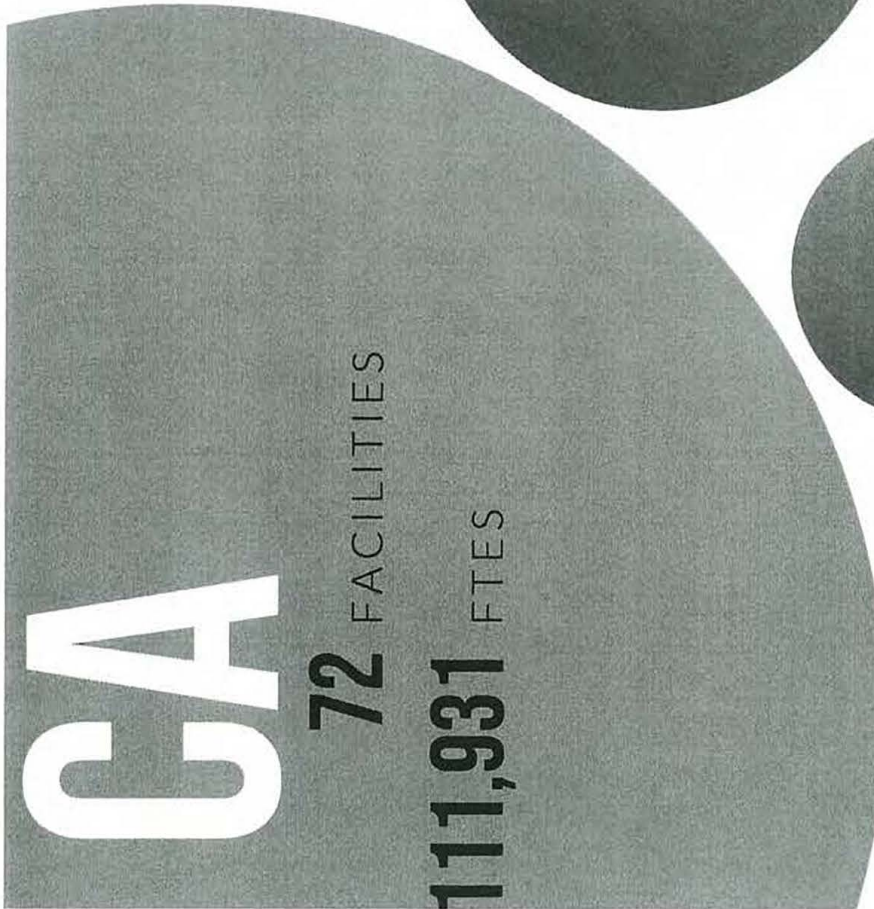
OK

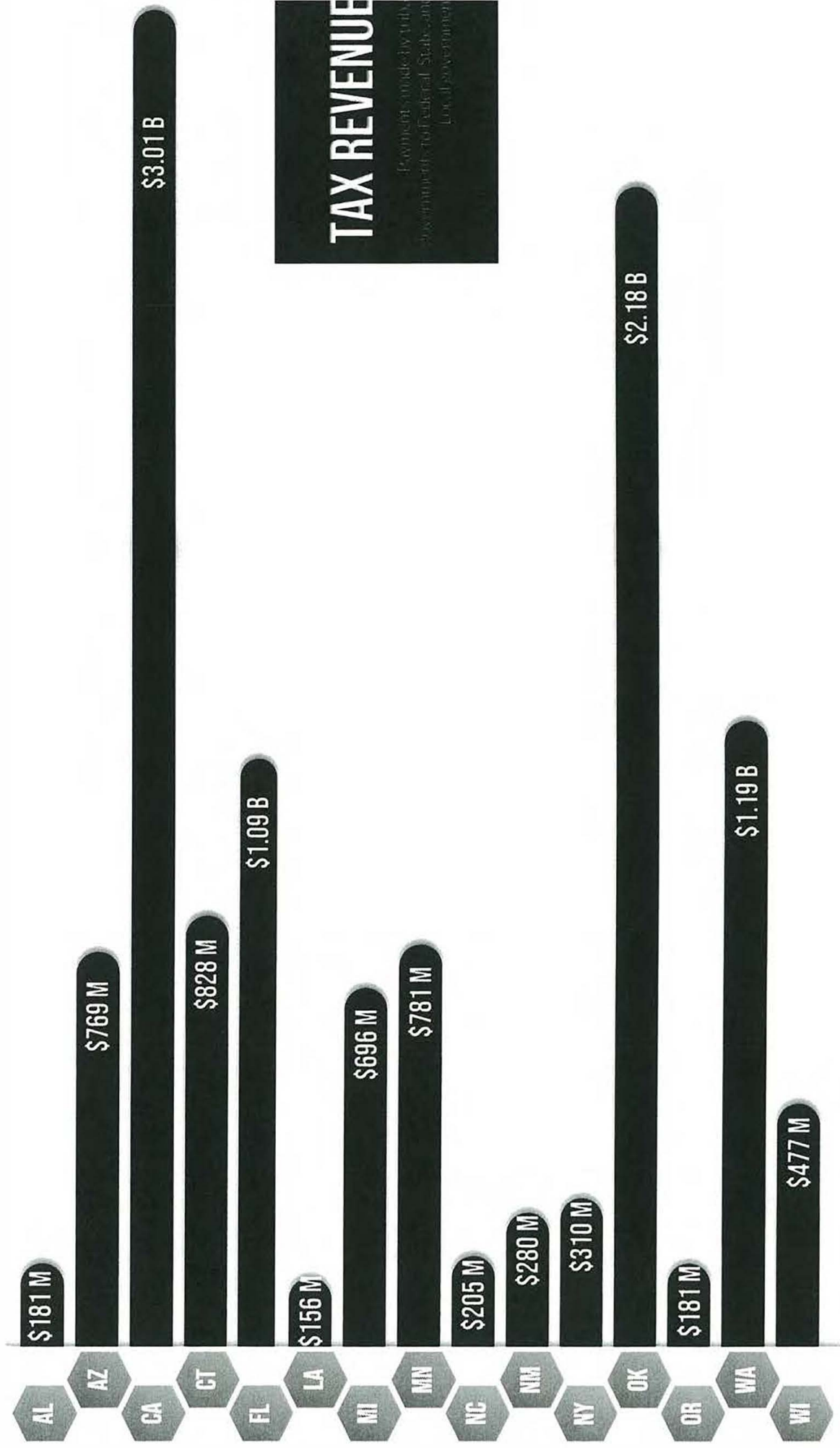
MI

NY

CT

FL





TAX REVENUE

Payments made by both
state and local governments to federal, state, and
local government

GOVERNOR

ADVISE &
CONSENT

Corporate
finance and
securities

Criminal
investigations
and law
enforcement

Legal and
policy issue
related to
gaming

Regulatory
administration
or industry
management

Member of
the Hawaiian
Homes
Commission

At least one native Hawaiian

HAWAII GAMING COMMISSION

COMMISSION EXECUTIVE DIRECTOR

ADMINISTRATION

- ISSUANCE OF GAMING LICENSE
- COLLECTION OF TAXES
- ACCOUNTING OF REVENUE
- ADOPTION OF REGULATIONS

ENFORCEMENT

- INVESTIGATION OF VIOLATIONS
- IMPOSITION OF FINES
- INSPECTION OF RECORDS
- EJECTION OF INDIVIDUALS

POWERS OF THE COMMISSION

01 ONE FORTY-YEAR LICENSE

AUTHORIZATION OF
LIMITED GAMING

02 ONE INTEGRATED RESORT

03 ON DHHL LAND DESIGNATED
FOR COMMERCIAL USE

04 ON THE ISLAND OF O'AHU

05 EXCLUDING LANDS WEST
OF KO OLINA

LAND INVENTORY FOR
COMMERCIAL USE ON O'AHU

O'AHU - 95 ACRES

KAPOLEI - 80 ACRES

KAPĀLAMA - 3 ACRES

MŌ'ILI'ILI - 2 ACRES

NĀNĀKULI - 10 ACRES

HISTORY & EXPERIENCE

- HISTORY OF OR BONA FIDE PLAN FOR COMMUNITY INVOLVEMENT OR INVESTMENT IN HAWAII
- VERIFIED SOURCES OF CAPITAL TO DEVELOP, CONSTRUCT, & MAINTAIN THE I.R. FACILITY
- UNBLEMISHED HISTORY OF CRIMINAL ACTIVITY, TAX ISSUES, OR BANKRUPTCY
- DEVELOPMENT PLAN THAT PROVIDES MAXIMUM REVENUE TO DHHL

COMMUNITY BENEFITS

- TRAINING PLAN FOR NATIVE HAWAIIANS TO QUALIFY FOR JOBS AT THE I.R.
- ECONOMIC BENEFIT TO COMMUNITY & PLAN FOR COMMUNITY INVOLVEMENT OR INVESTMENT
- NO WAGERING ON HAWAII COLLEGIATE ATHLETICS IN ANY OTHER JURISDICTIONS
- PLAN FOR CREATING PARTNERSHIPS WITH UH AND EXISTING EDUCATIONAL INSTITUTIONS FOR TRAINING NATIVE HAWAIIANS FOR JOBS

LICENSE APPLICATION REQUIREMENTS

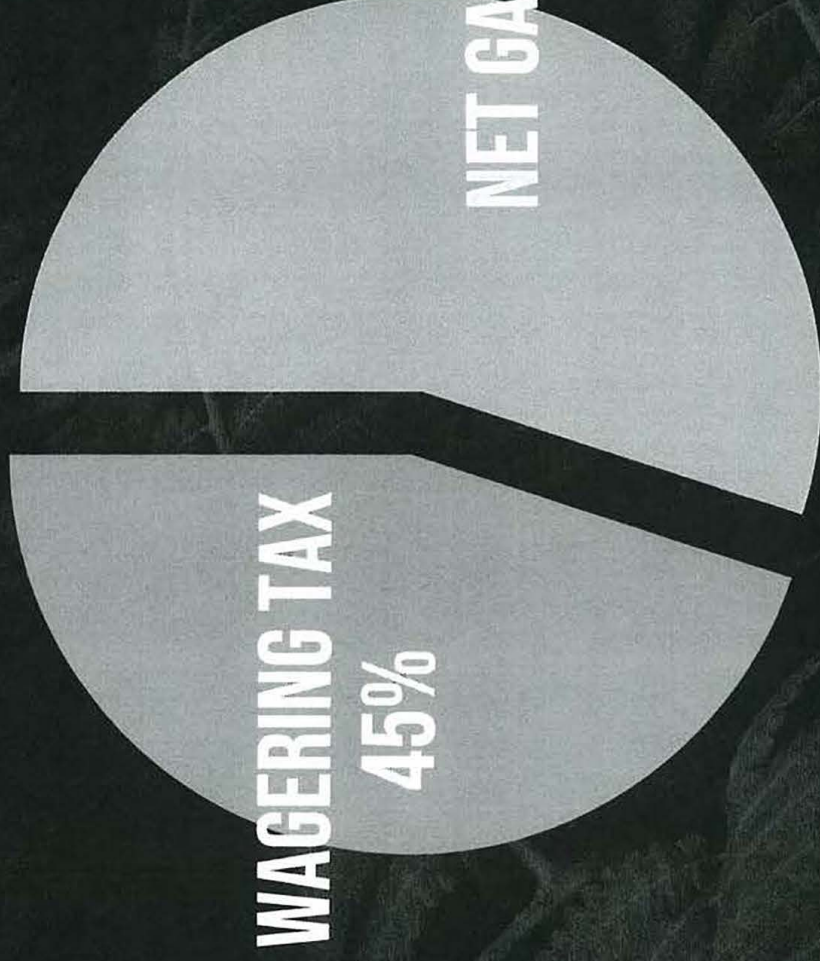
DEVELOPMENT AGREEMENT WITH DHHL

01 \$200M MIN. INVESTMENT FOR
DESIGN & CONSTRUCTION

02 DHHL TO CONTRIBUTE \$5M
TO FUND INITIAL OPERATIONS OF COMMISSION

03 LICENSEE TO REFUND DHHL THE \$5M
BY THE FIRST DAY OF OPERATIONS

GROSS GAMING REVENUE

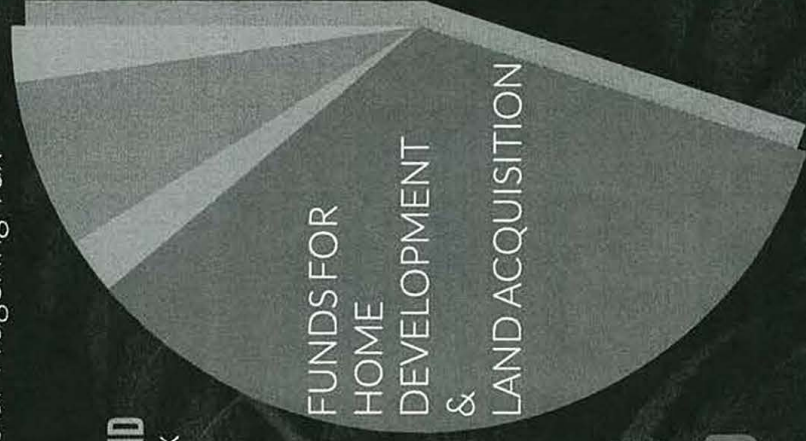


WAGERING TAX

STATE GAMING FUND
5% of Wagering Tax

STATE GENERAL FUND
15% of Wagering Tax

**NATIVE HAWAIIAN
REHABILITATION FUND**
5% of Wagering Tax



**HAWAIIAN HOME
OPERATING FUND**
75% of Wagering Tax

STATE GAMING FUND

**COMPULSIVE GAMBLERS PROGRAM
&
PUBLIC SAFETY**

**NATIVE HAWAIIAN JOB TRAINING AT
THE INTEGRATED RESORT**

ROADS & INFRASTRUCTURE

**ADMINISTRATIVE COSTS FOR
HAWAI'I GAMING COMMISSION**

CONCERNS RELATED TO CRIME

An integrated resort will increase crime on O'ahu.

WHAT THE DATA SAYS

The introduction of an integrated resort or casino lead to a statistically insignificant increase in violent street felonies, which evened out over time.

Vehicular crime decreased in studied casino areas.

Residential burglary and drug crime demonstrated a statistically insignificant decrease in studied casino areas.
"Casinos and Crime: An Analysis of the Evidence." Margolis, Altheimer, & Gray (1997)

There is a lack of evidence to support the idea that casinos and crime rates are related overall.

Gamblers other than casino gamblers are more likely to commit crimes

CONCERNS RELATED TO PROBLEM GAMBLING

An integrated resort will introduce problem gambling to Hawai'i

Hawai'i residents and native Hawaiians will develop gaming problems at alarming rates

Integrated resorts and casinos cause problem gambling

WHAT THE DATA SAYS

Problem gambling prevalence, state to state, is between 1-2%, including in Hawai'i, where the problem gambling prevalence is 2.2%.

Momentary rise in problem gaming in initial rollout, but over time, the rate stabilizes at 1-2% of the population

Third-Party academic research fails to link disordered gambling rates to gambling expansion

SOURCES

Blaszczynski, A., Ladouceur, R., & Shaffer, H.J. (2004)

Philander, Abarbanel, Bernhard, and Cho (2017)

Henderson, J.C. (2012)

Wood, R.T., Wohl, M.J., Tabri, N., & Philander, K. (2017)

LaPlante, Shaffer (2007)

Black et al (2012)

A foundational framework for responsible gambling policy, stakeholder roles, and harm-minimization

Up-to-date science on integrated resort development impacts and recommendations in Japan.

Case study on the successes of an integrated resort in Singapore

Research on measuring responsible gambling beliefs and behaviors in players.

Exposure to casinos does not necessarily provide a direct path to addiction or to gambling related problems. Adaptation Theory Analysis.

Following an initial increase in gambling participation, problematic gambling stabilizes at a lower level.



INDIAN GAMING BE ABLE TO FREELY EXPAND TO HAWAI'I

INDIAN GAMING REGULATORY ACT (IGRA) 1988 - SECTION 20

IF A TRIBE WISHES TO ENTER INTO TRIBAL GAMING ON NON-RESERVATION LAND, THE LAND MUST FIRST BE TAKEN INTO TRUST BY THE DEPARTMENT OF THE INTERIOR IF ONE OF THE FOLLOWING EXCEPTIONS APPLY:

- 1) the lands are located within or contiguous to the boundaries of the tribe's reservation as it existed on October 17, 1988;
- 2) the tribe has no reservation on October 17, 1988, and "the lands are located... within the Indian tribe's last recognized reservation within the state or states where the tribe is presently located;"
- 3) the "lands are taken into trust as part of: (i) the settlement of a land claim; (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process; or (iii) the restoration of lands for an Indian tribe that is restored to Federal recognition."

AND

THE GOVERNOR OF THE STATE MUST CONCUR

Exhibit E

MEETING NOTES: BENEFICIARY CONSULTATION JANUARY 13, 18 & 19, 2021

DHHL BENEFICIARY CONSULTATIONS
Proposed Gaming Legislation
MEETING RECAP

January 13, 2021, 7:00 - 9:00 pm (Kapolei only)

January 18, 2021, 6:00 - 8:00 pm (Statewide)

January 19, 2021, 12:00 - 2:00 pm (Statewide)

Acting Planning Program Manager Andrew Choy welcomed everyone to the Beneficiary Consultation (BC). Auntie Home Schaedel opened the 1/13/21 meeting with a prayer. *Pule given by Tyler Gomes on 1/18/21 and Ulu Lota on 1/19/21. Choy introduced the DHHL Chairman William Aila Jr, Deputy Tyler Iokepa Gomes and staff, and provided some information regarding how to participate and engage in the discussion as well as the meetings ground rules. It was announced that the BC would be taped and posted on the DHHL website.

Gomes welcomed and thanked everyone that joined the meeting today.

Gomes noted that one question that came up repeatedly was, where were beneficiary consultations? Typically, beneficiary consultation do not occur before policy issues are presented to the Hawaiian Homes Commission (HHC). However, the Department heard the beneficiaries wanted consultation, we listened and that is why DHHL is holding the meetings.

The bill really came out of DHHL looking to find a way to meet the funding needs of the department that are not being met by the State. Currently, the DHHL has 10,000 lessees, but there are 28,000 applicants on the waitlist. Looking for a solution to address the waitlist and gaming has been identified.

Issues- (1) lots of applicants, not enough lands. Not all DHHL land is developable (on cliffsides) (2)Time: it will take 182 years to clear out the existing wait list (even if there aren't any new applicants). (3)More than ½ of wait listers are over 60 years old and many can't afford to develop raw land or put in infrastructure. More than 2,000 beneficiaries have passed away before getting a lease. (4) Budget- The budget appropriated to DHHL is \$20 million. DHHL requested \$145.9M (normal ask is for \$200M but reduced due to COVID-19). At a very conservative estimate, it costs 150K per homestead for infrastructure costs in Kapolei, where development is easier than other geographic-challenged areas, it would cost \$4.5B for infrastructure only (estimate doesn't include land purchases/home building/etc.) to clear out the existing waiting list.

Bill creates 2 things. Creates exemption for DHHL:

- 1) Sets up a gaming commission,
- 2) Limited gaming – One license for one integrated resort (hotel/casino/etc.) on DHHL land designated for commercial use. Excludes lands west of Ko `Olina.

Currently 29 states have tribal gaming. There are 501 gaming facilities that generate \$33B/annually. Looking at the top 16 states: N. Carolina has 2 gaming facilities and provides 11,730 full time jobs. Connecticut has 2 casino and provides 25,197 full time jobs. Casinos create an astounding number of new jobs, not just service industry jobs, but IT, upper management/executive, compliance and enforcement. Many Hawaiians who have relocated to the mainland found gaming jobs. Gaming provides opportunity for relocated Hawaiians to move back to Hawaii and for our mo`opuna to stay here and find jobs in a new industry.

Tax revenue- The State is facing a huge tax deficit of \$1.8B/annually for the next 4 years. A new revenue engine serves both to increase revenue to the State and fund DHHL.

State would create Hawai'i Gaming Commission (GC)- Governor would appoint five (5) GC members, including a minimum of one (1) native Hawaiian. Governor can appoint all native Hawaiians. GC would be administratively attached to DHHL.

The HHC supports a 20-year license. The Legislature will most likely introduce slightly modified version.

As a result of extensive BC opinion, DHHL currently has 95 acres of commercial land on O`ahu, 80 acres are in Kapolei.

There will be extensive license application requirements for a casino developer, including track record of community involvement, capital, unblemished history of criminal activity, and a development plan that provides maximum revenue to DHHL. Community benefits include training plans for native Hawaiians so they qualify for jobs at the integrated resort , community involvement, no wagering on Hawaii collegiate athletics, and UH/educational partnerships for job training.

DHHL would create a Development Agreement (DA). Before any DA goes in place there will be more beneficiary consultation. DA requires \$50M minimum investment, however, the Legislature may increase it to \$200M. DHHL to initially contribute \$5M to fund operations but it must be reimbursed by the 1st day of operations. DHHL will make money in 2 ways: 1) DA rent and 2) taxes.

Gross gaming revenue: 45% wagering tax. Of that, 75% will go to DHHL operating fund (home development and land acquisition), 5% Native Hawaiian rehabilitation fund, 15% to state general fund, and 5% state gaming fund.

\$30M/annually is a conservative estimated revenue stream to the department. DHHL is working to get more low- and high-end revenue stream estimates. Could be as much \$125M to \$200M/annually. Philosophy is to build to meet your need.

State Gaming Fund will pay for: 1) Compulsive gamblers program and public safety, 2) roads and infrastructure, and 3) gaming administrative costs.

Concerns people have brought up-

- Crime will go up. *There is a lack of evidence that casinos cause crime to go up.*
- Addiction will go up. *Even without legal gaming, Hawai'i's addiction rate is higher than any other state (due to black market gambling) Gambling addiction is 1-2% in U.S., in Hawaii 2.2.%.*
- Gaming problems. *Over time there is no long-term change.*
- This will open up gaming by Indians in Hawai'i. *Per the Indian Gaming Regulatory Act, Section 20- the tribe needs to have historical connection to the land that they want to game on. No Indian tribes have that connection and additionally, Hawaii's governor would have to agree before the Department of the Interior would allow Indian gaming in Hawaii.*

The data really suggests that if you provide for, and properly mitigate up front, there is no statistical change in addiction, crime, etc.

The Legislature asked DHHL, which projects would be shovel ready by 2023? DHHL's response was 700 units be ready and it would cost \$65M dollars (3x the current CIP budget).

No one has another idea to fund projects adequately to get Hawaiians onto land. Right now, there are no other recommendations, just this one. Courts agree DHHL is underfunded. The constitution was also amended. How do we, as Hawaiians, exert authority to demand that the promises made are met and how do we achieve self-sufficiency?

Lehua Kinilau-Cano, Legislative Analyst, went over the following Legislative Package:

Requests:

- Request for Independent Council – ensuring beneficiaries interests are met
- Representation on the Board of Agriculture and CWRM

Ways to save \$\$:

- Request to exempt DHHL from school impact fees when developing housing
- Request to exempt DHHL from general excise taxes when developing house (significant cost savings)
- County Boards of water supply, water rights
- Infrastructure maintenance (DHHL spends \$5M/annually on this)
- Historic Preservation review – process reviews through the DHHL instead of SHPD due to SHPD's backlog
- Game rooms and illegal activities in the homestead communities – make it criminal, expedite agency hearings, allow remote contested case hearings (right now HHC may only go to outer islands once a year)
- Limited casino gaming

She encouraged attendees to participate in the Legislative process and that this year there is a great opportunity to participate remotely. Kinilau-Cano put the Legislature's link in the chat box. In addition, she encouraged attendees to participate in the law school training.

Choy then opened the meeting for questioning (if the comment was said orally, it is included here along with the DHHL response if one was provided. Comments from questions in the chat were summarized when possible and are followed by the DHHL responses (in italics). The responses are paraphrased, not verbatim.

** BC #1 Q&A - Kapolei, January 13, 2021 (7:00 - 9:00 pm)

- Sam and Chantel- Identified concerns that there needs to be perfect execution to run it sustainably and to mitigate the issues. I can't think of any example where the State has perfectly executed any program (particularly those involving Hawaiians)
- Why is it stopping at Ko 'Olina? *The existing commercial lands west of Ko 'Olina are off limits. Should the DHHL acquire new lands, it would exclude lands west of Ko 'Olina to primarily to protect the existing homestead community in Nanakuli.*
- What is the \$\$ split? *Money- 80% to DHHL, 20% to State-. Since the majority of revenue will go to the DHHL, it ensures the DHHL projects will be the priority recipients.*

- *Why would any casino revenue go to the State's general fund? The DHHL can't take care of everything, need State's assistance for programs such as gambling addiction, public health and safety. Also, it is doubtful that the bill would pass without a portion going to the State.*
- *There are 3 commercial parcels in Kapolei. Did DHHL pick a parcel?- DHHL has not picked a property, the legislature is open to land anywhere on Oahu. If DHHL decides to redesignate land, it would require beneficiary consultation.*
- *Did the (revenue) funding from Ka Makana Ali'i (KMA) match projections? - Projections for KMA revenue were on track until the COVID-19 pandemic. KMA provided about \$5M/annually. All of DHHL's commercial lease revenues are down probably about 40%. Would need 5 or 6 KMA malls to equal revenue of one casino.*
- *What is the timeline? The leg session begins 1/20/21, bill cut off is 1/27, Leg session end April 29. If it goes through, Gov has a year to make appointments to the GC. The GC sets the regulatory framework for how long they want to solicit applications, contesting period, other procurement components. The regulatory body needs to build out the system. Four years is an estimate. This is one of the main reasons for advocating a separate entity for gaming. It will take a one body completely dedicated to doing that one job and keep "it clean."*
- *What about other lands for PV? There are other multiple solar farms, but the revenue stream is not the same as what could be generated by a casino.*
- *Who is the target casino audience? The target audience is tourist. That is why DHHL is not recommending a lottery which is very dependent on the local community. Hawaii's favorable geographic location in the Pacific attracts visitors from multiple countries.*
- *DHHL will continue to pursue renewable energy. DHHL is looking to save money. HHC recently approved a pilot project that provide beneficiaries with down payment assistance.*
- *How many total acres are projected? That is something the beneficiaries and commission to consider. The current parcels in Kapolei are no bigger than 15 acres. DHHL could acquire land too.*
- *Current process for the Kapolei Regional Plan Update-Will it be more robust? DHHL would like to the attendees mana'o regarding the regional planning. Following the Q/A, there will be several questions DHHL will propose to the attendees directly relating to the Kapolei Regional planning process.*
- *Will there be online gaming or a weekly lottery? The bill does not contemplate a lottery or on-line gaming.*
- *What is the economic impact on native Americans? Many native Americans benefit WHEN the gaming commissions make investments at the upfront work in the creation of the gaming commission etc. What is not seen is, there are a lot of donations casinos do in Indian communities (i.e., donating to local hospitals, funding infrastructure, etc.) that are separate, but beneficial to communities on top of revenue generation.*

- Plans to replicate an existing casino? *No.*
- How long is the lease? 4 Years? *No, the Leg is contemplating 40 years. The HHC approved 20 years. Pachanga is an amazing example of gaming can do for a community. The difference for the community over the last 20 year is big. Prior to gaming, they had no running water, homes with dirt floors. Really something to look at -- how it changed entire lives.*
- Seems like a huge chunk will go to land acquisition which is a benefit to applicants. What do current lessee stand to benefit? *DHHL bears the cost of huge infrastructure issues. While the applicants were the focus of the presentation, this will benefit lessee too. What is seen repeatedly in communities, is casinos providing benefits to improve infrastructure and hospitals, because there is a desire to have healthy communities surrounding the casinos.*
- Will native Hawaiians get job preference? *The bill does not have anything in it for preference, however any DA (that DHHL enters with HHC approval) can require a preference.*
- 5% set aside for public health and safety. (1% was deemed acceptable). *DHHL wants to ensure that there is increased support for public safety. There are possibilities for doing things like a police sub-station.*
- Will DHHL expand their administrative offices on Oahu? *DHHL was limited by State for staffing. That is a bigger question for the State in general. However, financial autonomy could address staffing needs.*
- How much revenue could agriculture provide? *DHHL does not have a projection for revenue generation for agriculture lands. The best ag lands go to homestead leases at \$1/year. The focus for agriculture is not to generate revenue, but rather to grow native Hawaiian farmers.*
- Comment and questions raised orally Kama K.-How are you going set up the casino. What is the rent for Innergex solar panel for the 179 acres? *The general lease agreement is \$200K per year, plus a percentage payout from the power purchase agreement.*
- Comment and questions raised orally Kama . They (Innegex) are clearing /300K/600K monthly. A lot of Hawaiians want to see numbers. We want to see you build the casino. Do I want it, yes? Is it feasible? What's to say that we will get what we are supposed to get. I really hope it does work. I think a lot of people are scared of that. *The tax revenue needs to be as high as DHHL says. The leg could gut the bill/change the % of profits allocation, but at the end of the day HHC could say "no" and stop the project There are checks and balance to prevent the benefits from not reaching beneficiaries . Regarding, \$600M power purchase agreement- DHHL makes rent, plus a cut of the revenue. If you think gaming works, but are concerned with Governor being in control, then talk to your legislator. Once it leaves DHHL's hands we do not have a say, but you can continue to engage in the process.*
- How are we generate revenue if we lease for \$1 a year?- *GL leases are not \$1 per year, but rather the lands bring in a lease rent based on the and highest and best use.*
- Will there be an EIS? *Because this is on state lands, the project will go through the Chapter 343 process and will include a cultural impact assessment.*

- *The strongest limitation DHHL could put in is 1 license. The Gov could expand, so DHHL needs to make it the premier place. People will go to Hilton, embassy suites, but there is only one Royal Hawaiian. We need DHHL's casino to be the Royal Hawaiian.*
- *Is it DHHL's kuleana to generate their own revenue? No not according to the constitution. So, if the legislature is not willing to consider this proposal, then that is an excellent question to pose to the leg- What are they doing to meet their kuleana.*
- *There were several questions regarding revenue generation, and the amount DHHL is getting for its leases. Link to asset management box on the DHHL website.*
- *Lots of federal monies were returned. Categorically not true. DHHL has been spending down both Federal and State funds.*

**** BC #2 Q&A - Statewide, January 18, 2021 (6:00 to 8:00 pm)**

- *I am a full-blood Hawaiian waiting for a home on Hawaiian Home Lands but a limited casino is being considered before I am able to obtain a lease. This bill is meant to help us figure out a solution. DHHL not satisfied that there are waiting beneficiaries. Not many acres are set aside for commercial use – need to get people on land faster.*
- *Hanalei – Is DHHL proposing to a tribe with federal recognition. Short answer is “no,” we don't have to be a federally recognized tribe to do gaming. Does not require federal processes.*
- *Chessine – Who will be doing the build-out and casino operations? DHHL is a state agency and will need to follow procurement rules and regulations. DA Developer and operator. DHHL will not be running the casino*
- *Noel – (BCs) DHHL does not do BC for legislative proposals before going to HHC. However, gaming issue important to a lot of people. Wish it came it out earlier. Legislative proposals do not typically have BCs. We understand that beneficiaries are upset with DHHL and the department is willing to be flexible. When did this idea came up? After StarAdvertiser October article – disappointed by extent of resources, even as hard as the 150 staff work. What do we do? Especially with estimated \$1.4B shortfall for next 4 years due to the pandemic.*
- *Lottery? An option, but the question is who plays it – resident. We don't want to make the revenue on the backs of residents. S/B tourists.*
- *Julian – What is the State's responsibility for funding and are there any statutory obligations that the State has not been meeting? State constitution says that it shall provide sufficient funds. Department's request does not get funded – not enough revenue in the State to take care of everyone's requests. Nelson case = courts upheld that DHHL be sufficiently funded.*
- *What are other funding ideas? Commercial lands generate revenue. Due to COVID-19, loss 40-50% of revenue. DHHL has hotels, shopping malls, renewable energy projects but they do*

not generate revenues anywhere close to a casino. How do we save \$ - pilot program to help beneficiaries with down payment. DHHL trying creativity as much as possible.

- *Why does the casino have to be on DHHL commercial land? The HHC only has authority over DHHL lands and more importantly, the HHC Act has a bit more power on their own lands than a normal owner.*
- *Repurpose commercial lands? That'll benefit some people. Way too little amount commercial lands. Do we build 200 more homes or look for more opportunities to build 20,000 more homes. Infrastructure on existing commercial lands is limited.*
- *Build casino on Kakaako land? DHHL does not currently own land in Kakaako. OHA does. If bill opens up to Oahu, then allows DHHL to obtain land, i.e. Waikiki. HHC also has authority over land use on DHHL lands. Beneficiaries have a voice to change zoning (commercial to residential), but that will reduce revenue.*
- *Does the Governor name the GC and who will they be accountable to? Appointees accountable to State, at least one member will be HHC, must be compliant with the bill.*
- *Rent to own to address wait list? DHHL just began rent to own project in Kona, Lai Opuia (2nd project). 1st project in Kapolei and considering other options.*
- *Will revenue be used to lower home prices (in addition to infrastructure). Question for HHC to consider. Never had an opportunity for that question due to insufficient funds. Will consider how to make homes more affordable.*
- *Why is DHHL giving free rent funds – why were those funds given out if now saying not enough funds and need casino? NAHASDA funds from the federal government were given due to families having financial problems due to pandemic. Other NAHASDA funds support construction.*
- *How is DHHL paying for the July 2020 Kalima law suit? State is paying. Not sure if DHHL is sharing that cost.*
- *Will beneficiaries receive a monthly income from casino revenue? If the size of revenue is enough and 28,000 waitlist homes built, then the HHC can address that decision. That idea has worked in other jurisdictions.*
- *What about the 20% ceded lands income? DHHL receives \$0, the ceded land income going to Office of Hawaiian Affairs. Note: Bellows is slated to return to DHHL but on federal government timeline. They know that we're waiting for the conveyance.*
- *How to participate in legislative process? Training program that UH is putting on - Ka Huli Ao. DHHL will also make presentation available on DHHL website.*
- *Contractual or personal connections between casino and the planned Ewa Beach resort? No.*
- *Will there be a sunset clause added to the 40-year casino license to protect the Department's percentages? For the Legislature to address – constituents should ask their representative.*

- Alternatives to existing homestead uses? *Rentals: possible to rent but needs to be to a beneficiary. Businesses run out of the home – depends on location/impact to neighbors.*
- As interest rates are moving up, can DHHL finance the leases for the homes to be built? *That would require the department to have cash to secure that financing. Cash reserves needed for payments.*
- How much is DHHL investing for the proposal? *DHHL is investing \$0, staff's hard work (can't hire lobbyists), providing \$5M upfront but repayment required before casino is opened.*
- With land being scarce, how are we able to afford Isenberg project? *Isenberg is a DA -- someone is building it for us and they pay us rent. Presently, most beneficiaries want single-family homes but trend changes can be addressed by the HHC.*
- Have we tried other ideas? *Nothing that comes close to one casino's estimated revenue. Would require multiple other projects.*
- Why not hemp? *DHHL proposed hemp and medical marijuana but was not HHC approved. State also changed law that made the hemp proposal moot. Other ideas welcomed.*
- Why solar for Nanakuli and casino for Kapolei. *In Nanakuli, the commercial land is right next to a homestead. Nanakuli is one of the top suitable sites across the State for solar energy due its sunlight and heat. In Kapolei, the casino is makai of Roosevelt Avenue.*
- Any idea who would bid for DA? *Not sure at this point but the probably best in the industry. Beneficiaries will have a shared voice in the decision.*
- When would casino revenue be used for building homes? *Island plans articulate how many homes could be built on each island. 17,000 homes articulated.*
- Where are we at regarding the Nelson case? *Nelson has gone up and down the court system (twice). Last Supreme Court question is re: what was the rate of inflation to calculate sufficient sums in 2016. Judge has issued his opinion and HHC will follow a timeline to address/appeal the decision.*
- Why isn't DHHL given sufficient lands if it's called for in the constitution. *DHHL has a long and troubled history of not bring given sufficient land, resulting in settlements like Act 14. Need to continue to find suitable lands for housing.*
- Do we need Gov/Leg approval? *Once bill introduced, requires majority vote from House/Senate. If supported, Gov can sign bill, Gov could not sign and become law without signature, Gov could veto the bill.*
- Why can't DHHL renegotiate commercial rates? *BC process followed. We are getting market rate and highest/best use for general lease lands.*
- Will there be additional attempts to get suitable homesteading lands? Is it a priority? *DHHL actively pursues opportunities for additional land. Sometimes it is a federal offer, e.g. pilot project for DHHL down payment assistance. Additional land is a high priority.*
- Offer scholarships for purchasing homes? *Federal NAHASDA funds for 80% or below AMI.*

- Will there be a BC for Waiawa lands (rail). *Ewa Drum lands and Varona Village. BC conducted 2014; waiting for final appraisal. If there is a difference in appraisal, City and County required to compensate the DHHL for the shortfall.*
- Are proceeds from shopping center used to paid staff employees? *No – staff salaries are separate administrative costs.*
- Why are we supporting an illegal venture? *Bill would make it legal for DHHL, just the DHHL.*
- Why aren't DHHL lands for beneficiaries fee simple? *Product of the act itself. Act would need to be changed at the federal level/DOI/Congress.*
- Are we sure no other entity with assets can make a casino? *Bill written for only 1 casino. Everyone needs to support that the bill not be amended beyond one license.*
- Benefit package only for Kapolei? *If it's in Kapolei, then it'll be a part of the negotiation. Open discussion for beneficiaries to ask HHC for other communities/as many ways as possible.*
- Does DHHL need DOI for gaming? *No, only need to amend State law.*
- If casino passes, would other commercial land be changed for homesteads? *If beneficiaries want it, HHC to consider.*
- Why doesn't State it, they need the most money. What about an offshore casino? *Issue has been brought up in Leg before. Benefit for DHHL is to be in the driver's seat and ensure beneficiaries get the most out of it.*
- Beneficiaries don't really have a say – is it for employee paychecks? *Revenue from casinos won't change employee paychecks. BCs are critical.*
- What is DHHL doing about beneficiaries who don't pay their lease payments? Empty homes? Upkeep? Use those homes for waitlist. *HHC addresses those issues every month. DHHL tries to be as responsive as possible, short staffing makes it difficult, does the best it can with the resources that it has.*
- What about lands that has been awarded but unoccupied for decades and then sold? *DHHL made a fix -- vacant lands that are unimproved cannot be sold.*
- Why isn't BC important now or before legislation is introduced? *BC is something that goes to the HHC first. Timeline is short. Not all policy issues are the same.*

**** BC #3 Q&A - Statewide, January 19, 2021 (12:00 – 2:00 pm)**

- Why does DHHL have limited funding? *Current \$/sources: Leg and Gov legislative process/trust funds/NAHASDA federal funds/revenue from commercial lands (was \$20M/annually but cut in half due to Covid-19 pandemic). Other options explored: solar + % of PPV, hotel, mall, new initiatives to reduce DHHL costs such as down payment program for beneficiaries.*

- Is airport on ceded lands? *No, OHA gets 20% from ceded lands, not DHHL. Ceded lands program does not impact DHHL.*
- Why did DHHL not do a BC? *DHHL's legislative package does not require BC.*
- Why does it feel like a decision was made already? *HHC made a decision based on info provided. There are additional options for beneficiary weigh-in: legislative process, BC before a DA is made, beneficiaries will have opportunity to ask for community/economic benefits. Several casinos in the county make significant contributions for infrastructure, etc.*
- Only kanakas as employees? *Employment cannot be based on race but training/educational opportunities can be provided so that beneficiaries are most suitable for the jobs.*
- Who will fund the casino? *DA developer pays for it, operation and maintenance. DHHL will get DA lease rent plus majority of taxes.*
- What else can do done with casino revenues? *DHHL will look at waitlist, surplus revenue can fund other benefits.*
- Any increase in taxes? *No increase in taxes were written into the bill.*
- Hawaii is one of 2 states that doesn't allow gaming. Can we do lottery or bingo? *Those kinds of operations are smaller in scale but also puts burden on local residents (versus tourists).*
- Why doesn't DHHL pursue the 20% that OHA is getting for ceded lands? *Would require a constitutional amendment. Due to litigation, capped at \$15.1M. Note: DHHL/OHA are two separate agencies.*
- If we need \$, why don't we go after State/military? *HHLRA passed by Congress (got Kapolei lands), Act 14 (State law to address lack of payment for leasing lands), considering federal surplus Ewa land, in talks with DLNR re: lands owed to the DHHL.*
- What are non-beneficiary contributing to DHHL revenues? *Leased properties generate revenue, revenue is dedicated to lot development.*
- If gambling is legal, why would tourists come to Hawaii? *Hawaii's proximity to Asia is positive, work on marketing to create a casino that has an enticing destination appeal.*
- Why can't Kamehameha School, DHHL, OHA all come together. *HHC Act was created in 1921 as a federal act (public trust), Kamehameha School is a private trust, OHA is a State agency. Not sure if the 3 agencies can become 1 entity, but collaboration is pursued.*
- Godfrey – Good presentation/info. Homework well done. However, his family opposes due to values and ethics issues but could introduce activities like moonshine or a pakalolo dispensary. Secondly, does the Act require beneficiaries pay for water? If didn't have to pay for water (maintenance subscription for unlimited water rather than charged by quantity) then farming would be booming. Should ask beneficiaries if they want raw land – let people decide, not the department.

- Mapuana – what are the other options? *Only a limited amount of land available for revenue generation? Renewable energy = DHHL gets rent for land + PPV, hotels and 2 malls (KMA \$5M/annually before pandemic).*
- Cora – What the policy/operational procedures? Rural committee literacy training – even though HHC approved initiative, they did not have adequate time to consider the casino idea. Not pono. What would stop the DHHL from introducing other initiatives without a BC? *Beneficiary consultation policy (link on website).*
- Why do we have more people on the waitlist than actual land. How many acres used for non-beneficiaries? Mention all categories. Handout flow chart about the governing power – not pono, only 1 out of 5/6/7 positions are for Hawaiians. In total opposition. What about food security? *Bill does not decide where project is going – this is about creating a possibility. Projects get BC, legislative package do not typically go through BC. Residential land main focus – but there are AG lands available on Molokai. GC at least one native Hawaiian (beneficiary) + HHC. Can be all native Hawaiian if adequately expertise and experience. DHHL Planning Office has plans for food production. CTAHR agent contracts for ag services. Survey conducted in August for ag program plan + will go back out for BC in the near future.*
- Kahaku – HHC made 100 years ago with allocation of 200,000 acres, status? Are the acres used up? Could other bills/proposals be created without BCs - leads to distrust. Why haven't the 90 acres of commercial lands converted into residential? Why haven't we demanded what is owed to us? Can't we force them to give us ceded land instead of selling the land to foreign entities? Lowering blood quantum? What about hemp or medical marijuana? Consider self-build homes so infrastructure is not a problem? \$42,000 for package home. Aliis were not for gambling – it was banned. *Liliuokalani tried to legalize gambling/Kuhio and David Malo also supported gaming. It was missionaries that tried to make gambling a bad thing. Regulation will help to curb crime. Self-build homes were offered, however, it was largely unsuccessful. Not everyone has time/desire/resources to figure out for wastewater, electricity. Hemp/marijuana not HHC approved – can be reraised with HHC. Lowering blood quantum – could technically have 2 awards under the Act. Considering that, almost 40,000 applications. There is an existing bill before Congress to lower blood quantum. Foreclosing on State debt – State paid \$600M (Act 14). Ceded lands revenue for OHA. Foreclosing on State properties – not aware of any lands that are in default. Conversion of commercial to residential – Beneficiaries set aside the commercial lands (Oahu Island Plan). What other bills would be passed without BC – all legislative bills go straight to HHC without BC, may need to rethink that policy. 203,500 acres of land – much of the land in not inhabitable. Per Oahu Island Plan, 1.5% set aside for commercial use, a lot of non-homesteads lands have not been encumbered by anyone (resulting in management costs), often look for partnerships to help with land management.*

- Warren - Is department providing more opportunities for property management? Will workers be working on property – are they given first choice. *We cannot violate federal law re: job selection by race. Can provide training/education so Hawaiians are more suited for employment.* Education opportunities on property? *An educational facility on property is not currently decided, beneficiaries could ask for a school to be built during negotiation.* Will there be housing for employees on property? *Can be negotiated during DA.* Sounds positive. When we do get to the opportunity when local businesses can be a part of the entity? *DA negotiation process, possibly ask the developer to set aside a portion of the land for local businesses.* Developer chosen? *No, not yet. Bill creates gaming + one integrated resort.*
- Charlani - \$600M payment amount is a joke. Homeless would take their last funds and spend it in the casino. Our people need to be in homes. There are 14 vacant homes that are falling down in Waimanalo that should be taken back. Vacant lots should be taken back. There's a \$900,000 Waimanalo Hawaiian Homelands house/lot for sale – price is out of reach. *If you didn't get a postcard, please contact office to get change of address form. HHC did take action to not allow beneficiaries to sell their lots but beneficiary disagreed and the action did not pass, so at this time they can sell lot but the issue can be readdressed.*

After the Q&A sessions concluded, DHHL:

1. Link posted for DHHL survey.
2. Next steps slide 1: meeting video t/b posted, 30-day consultation end Feb 9th, email for comments dhhl.planning @hawaii.gov, consultation reports presented March 2021, legislative session begins Jan 20, 2021. Share mana`o with legislature.
3. Choy asked some questions regarding process to the attendees. Those with comments were requested to put it into the chat box (if additional questions were asked during this period, they were listed above).
4. Cedric Duarte, Information, Communications and Community Relations Officer, posted two items into the chat. The items include a link to the gaming proposal as well as a link to a survey. The survey should not take more than 5 minutes.
5. There will be state wide meetings starting next week. Everyone invited to this meeting is welcome to participate. The meeting notice for tonight's meeting was sent to both applicants (residing in Kapolei area) and Kapolei lessees. For the statewide meetings occurring next week, the notice was sent to ALL beneficiaries (applicants and lessees)
6. Choy posted DHHL Planning Office's email in the chat box to allow participants to ask additional questions, submit comments, etc. After the meeting concluded.
7. Kinilau-Cano highlighted leg high points-Right now the proposals only have numbers based on the HHC numbers, but as this goes through the process, Kinilau-Cano will update ICRO to provide the house/senate numbers. She really encouraged everyone to

provide written testimony because this year is very different. It is really important for DHHL to have beneficiary consultation, but it is as important for beneficiaries to engage and weigh in with the leg.

###

Exhibit F

30-DAY
COMMENT PERIOD

Applicant	Lessee	YES	NO	COMMENT	SELF ID as a DHHL BENEFICIARY: COMMENTS AND OPINIONS
1	1		1		Against - not on Hawaiian lands, no place culturally and lifestyle
1	1	1			In favor - 4 priority should be Hawn programs and developments
1	1		1		Against - beneficiary/ohana will not benefit
1		1			In favor - move forward or come to a standstill
1		1			In favor - examples re: unsupported negative activities, keep \$ in State, jobs
1		1			In favor - add lottery
1			1		Against - no different from illegal activities
1			1		Against - waiting to get lease award, add'l casinos will follow, will DHHL support those who lose \$
1		1			In favor - wish for DHHL success, decision
1			1		Against - no more development on DHHL land if ot for kanaka
1			1		Against - not in Act, DHHL mismanagement of lands/leases results in waitlist
1			1		Against - no gaming in State, wording vague, DHHL lands should be used for homes
1		1			In favor - on waitlist, proposal well researched, timely and provides hope
1			1		Against - HHC being irresponsible to trust, too much risk, keep Hawaii as is
1		1			In favor - on waitlist, would work at casino
1		1			In favor - education, repairs, keep \$ in Hawaii
1			1		Against - create lottery
1		1			In favor - stepping stone for larger ventures, does not want State to be fiduciary partner, plan well
	1	1			In favor - \$, HHL homes, jobs, land, scholarships/grants, \$ distribution
	1		1		Against - grow marijuana
TOTAL		10	10	0	
		YES	NO	COMMENT	DID NOT SELF ID as a DHHL BENEFICIARY: COMMENTS AND OPINIONS
		1			In favor - revenue, jobs, State not fulfilling responsibilities
			1		Against
			1		Against - other DHHL complaints re: staff, existing conditions
			1		Against - land should be used for kanaka maoli
			1		Against - not a beneficiary priority/willing to listen
			1		Against - lottery
			1		Other - monthly limit for resident casino visits
		1			In favor - add lottery, illegal gaming/drugs exist anyway
			1		Against - gaming is addictive. Keep Hawaii as is.
			1		Against - creates more problems
		1			In favor - promote Hawn resort, \$ for education (esp. rejected KS applicants)
		1			In favor - illegal gaming exists, 4 can benefit Hawns
		1			In favor - produce \$, good for State \$ too, support homeless
			1		Against - all Hawns should have a say
			1		Against - crime, traffic, leave casinos in Las Vegas
			1		Against - keep Hawaii green, limited \$, creates more crime, open doors for tribal gaming
		1			In favor - produce \$, illegal activities already exist/increasing, do not let lobbying sway decision
		1			In favor - will benefit beneficiaries, self sufficiency, jobs and training for W. Oahu
			1		Against - more bad tourists, addictive gambling
			1		Against - Kapolei has young families, crime, economy will recover
			1		Against - don't create opportunities for people to lose families/homes/etc. OHA corrupted.
		1			In favor - keep \$ in Hawaii
			1		Other - born/raised on Molokai homestead, parents and in-laws have Nanakuli homesteads
			1		Against - pollution, traffic, crime - keep Kapolei safe, clean and healthy
		1			In favor - economic benefits
			1		Against
			1		Other - Hawaii needs new industries, jobs, \$
			1		Against - retain Hawaii's natural beauty, look for other answers
		1			In favor - spotlight Hawaii, jobs, \$, infrastructure
		1			In favor - \$, HHL homes
			1		Against - only DHHL benefits, gaming brings poverty, crime
		1			In favor
		1			In favor
		1			In favor - recommend \$ transparency, jobs and contractors priority to Hawns,
			1		Against - illegal activities
		1			In favor
		1			In favor
			1		Against - law enforcement, crimes against women, further addiction,
		1			In favor - only for non-residents
		1			beneficiaries
			1		Against (you tube video attached)

Applicant	Lessee	YES	NO	COMMENT	SELF ID as a DHHL BENEFICIARY: COMMENTS AND OPINIONS
			1		Against - Sen.Inouye and major business organizations opposed gaming
			1		Against - crime, have enough businesses
		1			In favor - self reliance like Native Americans, build on success, consider Bingo
		1			In favor - infrastructure now in place, keep \$ in Hawaii, exchange for income taxes
		1			In favor - taxes, keep \$ in Hawaii
			1		Against - crime, homeless, debt, addiction
		1			In favor - tribal gaming successful, black market gaming has no control/regulation, shop local
			1		Against - too many risks, hotel but no casino
				1	Against - casino too many negative issues, propose lottery
		1			In favor - \$, medical clinics, job, industry, transportation
		1		1	kuleana
			1		Against - start lottery
				1	Other - commends OHA for coming up with plan to generate \$, start lottery
		1			In favor - Florida resident - would spend \$10,000/yr at a Hawaii casino
			1		Against - become more self reliant such as community gardens, crime, addiction
			1		Against
			1		Against - DHHL corrupt, inefficient
			1		Against - lottery, marijuana
		1			In favor - \$, home ownership, status quo not working
				1	Other - tribal gaming negative impacts, move ahead carefully
			1		Against - Keep casinos in LV, focus on nature, try lottery
		1			In favor - \$, infrastructure, lived in LV and crime low
		1			In favor - keep \$ in Hawaii,
			1		Against - open farm and co-op grocery
			1		Against - build fee simple condo with income generating commercial on bottom floors
			1		Against - focus on building homes and families
		1			In favor - \$, financial security, lottery to support schools/infrastructure/homeless/elderly
		1			In favor - economic benefits for 2nd city
		1			In favor - \$, jobs (crime already exists in Hawaii)
			1		Against - crime, addiction, create lottery
			1		Against - crime, addiction
			1		Against - addiction, reevaluate assets for revenue
			1		Against - traffic, crime, child trafficking
				1	Other - make it a misdemeanor for Hawaii residents to gamble at casino
		1			In favor - let people decide/put on ballot, gathering place for locals
		1			In favor - keep \$ in Hawaii
		1			lottery
			1		Against - Waimanalo homes mismanaged, DHHL will not be able to manage casino
		1			In favor - \$, DHHL homesteads
			1		food/job opportunities
		1			In favor
			1		Against - losing culture, mainland casinos didn't benefit - raise real property taxes for non-residents
			1		Against - religious opposition to gambling
			1		Against - addiction, more casinos will come
		1			In favor - Hawaii already has high crime, creates jobs, free country/free choice
		1			In favor - jobs, \$
		1			In favor - allow gaming statewide
			1		Against
				1	Other - powers against casino but no better suggested raised for 4
			1		Against - crime, homeless
			1		Against - keep Hawaii green, tourists don't visit Hawaii to gamble
			1		Against - will hurt Hawaii, leave gambling in Las Vegas
				1	Other - good BC presentation - has more questions
		1			In favor - mainland tribal gaming successes - jobs, education, community, culture/arts
		1			In favor - tribal gaming successes - jobs, education, \$ - keep Hawaii \$ in Hawaii
			1		Against - gat Hawns in homesteads, educate for homeownership
		1			In favor - \$, support Hawn people
		1			In favor - entertainment, \$ - solicit support from airlines

From:
Sent: Friday, February 12, 2021 9:52 AM
To: DHHL.Planning
Attachments:

I think it's a great idea that it will bring money to build homes for Hawaiians, not to mention jobs for the people in Oahu. Since the state is not living up to their monetary responsibilities to DHHL

119 responses

T-Mobile

This message was sent to you by a T-Mobile wireless phone.

I think it's a great idea that it will bring money to build homes for Hawaiians, not to mention jobs for the people in Oahu. Since the state is not living up to their monetary responsibilities to DHHL

From: [Athan Adachi](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Beneficiary Consultation process on the draft legislative proposal to authorize limited gaming
Date: Monday, January 25, 2021 12:30:34 PM

I am against any form of legalized gambling for any reason.

Athan Adachi
St

Honolulu, HI

From: Abe Aiona
Sent: Tuesday, February 02, 2021 12:05 PM
To: DHHL.Planning
Subject: [EXTERNAL] Casino

Aloha, I do not live on Homestead Land. I would like to inform you of an incident that happened in 2001 when I called Hawaiian Homes Office. I asked if my name could go in place of my fathers and the lady on the phone said that he would have to come in and make the changes. At that time I told her that he was in the hospital and not doing good in fact he was getting close to dying. She still said he would need to come in to do the transfer. So much compassion from the staff. So he died and my hopes of getting onto Hawaiian Homes Land was gone.

If you come into Waimanalo you will see that the homestead lands are in a terrible mess. What kind of people can get free land and let it look like crap. We have homeless, and some of them have families that have homestead land.

So you think that a Casino will make this all better? I don't think so. In fact your office and many before you has done very little with controlling homesteads. I think first of all you need to clean up the existing mess before you take on a bigger project. I have very little respect for Hawaiian Homes Commission and so did my dad.

I will never approve of a Casino on Hawaiian Lands.

Abraham Aiona
Waimanalo

From:
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] casino
Date: Thursday, January 21, 2021 8:10:33 PM

Aloha,

This letter is to inform you folks that I am against having a casino on Hawaiian Homelands. I understand that it will not benefit our kanaka maoli. Hawaiian Homelands should be used for our kanaka maoli.

Shirley Aipa
David Keliheleua

Sent via the Samsung Galaxy S20+ 5G, an AT&T 5G smartphone

From: [fred and sulii aki](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Gaming / Casino
Date: Thursday, January 14, 2021 11:18:04 AM

Simple NO this has never been a beneficiary's priority that I have heard of from any meeting that I have attended. We are working hard to serve our member in our positions as community leaders remember we don't get payed, and this would really set us backwards for our goals. Kupuna, Housing, Water, Health, Farming, Mercantile, Ranching, Culture, Financing and Education for our Beneficiary's and their Ohana it's not that hard. I will still listen and be open minded, but this doesn't sit in with any of our goals to serve our community in any way. I would like to which association made this proposal?

Fred M Aki III

From: [Lewis Andrade](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Gaming in Hawaii
Date: Friday, January 22, 2021 6:53:21 AM

Sent from [Mail](#) for Windows 10

I believe that gaming in Hawaii should be limited to a State Lottery where this venture will benefit all peoples of Hawaii by providing funds for building more classrooms and all the equipments that goes with it. Repairing bathrooms, provide air conditioning, etc. I don't have to tell you since this is an ongoing problem. No funds should be allocated to any salary what so ever. A percentage should be allocated to the Hawaiian Homes if the property belongs to Hawaiian Homes land for development of homes for so many Hawaiians on the waiting list.

Why go to Las Vegas when your "deposit" will go to better use in Hawaii.

From: [Davey Andrew](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kapolei Casino Commentary
Date: Thursday, January 21, 2021 5:00:42 PM

To whom it may concern:

I worked as a financial analyst for Caesars Entertainment Corporation in Las Vegas from 2018 to early 2020 and I wanted to share a thought on Hawaii residents gambling at the casino.

When we looked at possible casino developments in tourist destinations, we typically worked with state and local governments to impose limits on the number of times a "local" would be able to enter the casino in their state/city per month (or year depending on the agreement).

The reason for this was to deter local residents from becoming "problem gamblers" and to keep local food/beverage and retail establishments afloat (since locals would be more inclined to eat at local restaurants rather than at the casino restaurants if they could only enter the casino a couple times per month).

I thought this was a great idea since the point of a casino in a tourist destination is to draw more tourism, tourist dollars, and tax revenue for the region (in this case, Kapolei/Hawaii) and not to turn residents into problem gamblers.

Thank you for taking comments. Please let me know if you have any questions.

Mahalo,
Davey

From: [Earl Arakaki](#)
To: [DHHL, Planning](#)
Subject: [EXTERNAL] Re: Casinos
Date: Monday, January 25, 2021 4:09:18 PM

Aloha DHHL;

We (Earl & Evelyn ARAKAKI) are in favor of DHHL building and maintaining a casino at Kapolei.

Why not? We in Hawaii should also have Mega Millions and Powerball lottery to supplement state funds.

Native American properties on the mainland have casinos. Every state except Utah and Hawaii have gambling.

Residents of Utah can easily cross state lines to gamble.

Politicians opposed to gambling always remark, "...gambling creates a lot of social problems in communities..."

We don't have gambling but we've had for decades and decades social problems, i.e. illegal cockfighting/gambling, illegal gambling machine rooms, illegals "6-5" Football and other sports score gambling. And a huge social problem our communities have had to endure is crystal meth (aka BATU) which leads to homelessness. Whenever I see homeless locals I know it is because of meth. If simply down on their luck they have family members who would love to take them in but can't because of their Meth addiction. Politicians fear social problems from gambling? What are they (politicians) doing about the fore mentioned problems?

Get off the "Vacations Hawaii, Boyd Gaming/Hotels" take. Lets keep the cash in Hawaii.

Politicians don't want to take a chance on gambling in Hawaii? Why not? These politicians always ask us to GAMBLE AND TAKE A CHANCE and vote for them.
WE DO...AND WE ALWAYS LOSE!

Mahalo,

Earl & Evelyn ARAKAKI
Ewa Beach, HI.

From: [Anna Barbeau](#)
To: [DHH, Planning](#)
Subject: [EXTERNAL] Casino Proposal/unhealthy in all ways
Date: Sunday, January 31, 2021 8:14:13 PM

Gambling/gaming is addictive, unwise on all levels. All the developers know this. Owners/investors will gain, residents of Hawai'i will become 'the tricks' who once hooked will be gutted yet kept on the line while their Families/Dependents suffer. ALL involved in pushing this ('wanted') activity will gain monetarily, with full knowledge that it will be the cause of ruination of many. The developers will profit at the cost of Hawai'i residents. This is factual and they should be ashamed to willfully want to take advantage of weak willed people. Leave it to 'Sin City' AKA Las Vegas. Let folks go there, keep Hawai'i as clean as possible for as long as possible. Whining that Las Vegas rakes it in..so does Monaco and other gambling meccas of the world. Let them have the corruption, murders, uber prostitution, bad narcotics, syndicates, increased concealed weapons and violent crime. Stop it already. Hawaii is unique. Don't smear and dirty Hawai'i for greed. You all are very fortunate to reside here, show your gratitude by NOT sullyng this unique beautiful land. How rude!

Tax paying/voting resident since 1968
A. M. Barbeau

From: Ryan Barry
Sent: Tuesday, February 02, 2021 11:48 AM
To: DHHL.Planning
Subject: [EXTERNAL] Hawaii Casino

Gambling is illegal in Hawaii for good reason. It creates more problems than it solves. Gambling gives false hope of enrichment; it preys on the weak. It exploits people's basest desires and addictions for profit. Gambling and human trafficking are highly correlated, as well as alcoholism, violence, and illegal activity. Find more ETHICAL ways to raise housing funds - like fundraising events and auctions. Try a lottery.

Ryan Barry
Honolulu, HI

From: [Lelene Bay](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Planned Casino
Date: Thursday, January 21, 2021 6:06:16 PM

I am a beneficiary.

I approve going forward for the planned Casino on Hawaiian Home Lands.

We need to move forward and at not backwards nor at a stand still.

I am glad someone came up with a plan that could benefit the beneficiaries.

So many are nay sayers so we end up nowhere.

If you don't take a chance and make the first move, we will probably never get anywhere another 100yrs.

I want something to happen while I am still alive.

I think I may be late with my comment, but I tried.

Thank you for your time and your planned work.

Lelene Bay
Hawaii Island

Sent from [Mail](#) for Windows 10

From:
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino thoughts
Date: Monday, January 25, 2021 11:20:45 AM

Aloha-

I am not Hawaiian, but I have lived on Oahu for 36 years. I have taught in the DOE for 22 years, all in the Campbell complex (Waipahu, Ewa, Ewa Beach).

Over the years, I have witnessed the joy and despair of students applying to KS. There is a palpable tension on campus every season between students and families as they await application results. Who got in? Who didn't? Why? I myself have written references for exceedingly bright children who were never accepted into KS.

It's not the fault of KS. They are limited by budget and space, as is the DOE. If only there were monies available to build more campuses, hire more teachers, etc.

But wait! There is a golden opportunity for the Hawaiian community to earn millions (and probably billions, in due course) of dollars, millions of dollars that could provide stellar education for ALL Hawaiian children, not just the lucky few that gain admittance to KS.

A casino. A casino resort does not have to be tawdry. It does not have to promote adult-themed burlesque shows. A Hawaiian casino would have Hawaiian shows, employ Hawaiian staff, sell Hawaiian made items in the gift shop. It would provide so many jobs, and would be a huge draw for tourists and locals alike.

I think a well-planned casino resort and good leadership would bring in enough money to provide for education AND homelands, plus much, much more for other needs in the Hawaiian community.

Thank you for your time-

Cindy Beers

From: [joseph_dirt](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] Gambling revenue
Date: Thursday, January 21, 2021 11:03:43 PM

Aloha,

as a resident of Hawaii I am in favor of legalized gambling. I believe that gambling is already present in many forms on the island of Oahu and that if tourists or even locals wish to take part in a game of chance, that it should be to the benefit the indigenous people of Hawaii.

V/R

Joseph Bennett



Sent from my iPhone

From: [George Berean](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] Kapolei Casino
Date: Tuesday, January 26, 2021 3:44:45 PM

Thank you for the opportunity to make a comment

I think it is an excellent idea for the Hawaiian Nation to sponsor & own a casino. Far too long have they been given a fair shake to develop an income producing vehicle.

I think this will be a good source of tax income for the state government. I also think a percentage of the income should support housing for the homeless.

George S. Berean

Sent from my iPhone

From: 1>
Sent: Thursday, February 11, 2021 9:15 PM
To: DHHL.Planning
Cc: Representative Aaron Ling Johanson; Senator Bennette Misalucha; Representative Sean Quinlan; Representative Daniel Holt; Representative Stacelynn K. M. Eli; Gomes, Tyler I
Subject: [EXTERNAL] GAMING PROPOSAL(S)

Aloha Kakou

I strongly support the current gaming proposal(s).

Why must we be behind the curve in absolutely everything?

The latest nonsense to come out against a casino is unsubstantiated, impossible to prove nonsensicle claims that casinos bring crime. Well, Exhibit A, we already have rampant crime (including unreported crimes because the public knows nothing happens in this revolving door justice system), yet no casinos? Hmm. So my research shows no casinos causes crime. See? I came make an equally nonsensicle, unsubstantiated, unprovable claim.

Taking the nonsense further, unless you have been living in a cave all your life, or chose to live with your head in the sand, Chicago is rampant with crime and synonymous with murder and sex crimes ... yet they have no casino. Hmm. Yet, an hour away is Hammond, Indiana, which has several casinos. Yet, contrary to the drivel i am reading, the crime rate of Hammond isn't close to Chicago ... and by not close i mean one couldn't believe they exist on the same planet if they bought this nonsense; but they do. So according to my research, the reason Hammond has a lower crime rate than Chicago is because Hammond has a legal casino, and Chicago doesn't have a legal casino. Ditto New York City and Atlantic City, Ditto ... absolutely everywhere.

Have we learned nothing from Prohibition? As it stands, gaming being illegal in Hawaii has only driven the activity straight into the open, willing arms of the criminal underground, and our people into jail cells. The illegal status of gaming in Hawaii has done absolutely nothing to discourage or curb gaming. All it has done is make criminal groups richer, and our people criminals. Further, our people who are gaming (but can't afford a Vegas vacation to give their money to another state), will do so in the shadows, at risk of robbery and the like. Victimization because they cant come forward, because they were engaged in an activity that is illegal under the guise of protecting people from victimization, despite being the only victim in the scenerio. How ironic is that? They end up the only victims. I hope that wasn't the intent of the laws, though it is the only result. Appears rather bias in favor of the well to do to me. Unfortunately, with the sweeping legislation across this country legalizing sports gaming, we appear to be one of only two states in the country to realize this ... and I'm tired of being one of only two states to constantly not realize the realities of the world.

Then why does it continue to be illegal in Hawaii? Simple. Vegas, and the Vegas tourism outliers, such as airlines, hotels, tours, and the local politicians that the aforementioned own, pumping the public conscience with the aforementioned nonsense, much like the nearly ancient hypocriacy of alcohol and opiod pharm legality v paka lolo illegality. There is a lot of money and power that does not want the Hawaiians and locals to take a bite of it. Therefore, I stand corrected, (recorded) criminals aren't alone in being the lone profiteers wanting gaming to stay illegal in Hawaii.

Instead, we should be keeping that money here. Keep local money local. The choice is simple, they pay us, or we pay them and the endless list of mainland corporations. Either way, the money will be changing hands, and I'd rather it go to Hawaiians and locals ... SAFELY, which can only be accomplished LEGALLY.

Further, we can attract a whole new tourism segment, helping to bolster ALL of us in Hawaii Nei. Instead of local money going to 48 other states, bring the money of those 48 states here!!

Aside from keeping local money locally, KEEP HAWAIIAN MONEY IN HAWAII. Tutu and Uncle go Vegas a couple times a year and it isn't for the weather.

Finally, think of the jobs! Hello!!!

The fact of the matter is, gaming laws in Hawaii are grossly outdated and/or corrupt; there is no 3rd option. Be proactive, not reactive. Be leaders, not the perpetually led. Be ahead of the curve, not forever behind it. Frankly, get your or your colleagues heads out of the sand.

Mahalo

Kelii Billington

From: [REDACTED]
Sent: Tuesday, February 02, 2021 6:42 AM
To: DHHL.Planning
Subject: [EXTERNAL] stop rape and prostitution of hawaiian's land and people. hawaiians have historical ties to our islands

find other ways to raise funds

i am not a beneficiary but ALL Hawaiians should have a say in ALL matters relating to OUR islands.

that was and still is the problem.

Maile

From: [Brigida Cariaga](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Casino in Kapolei
Date: Friday, January 22, 2021 11:08:55 AM

I'm opposed to having a casino in Kapolei; the advantage of this is way less than the disadvantages: #1 increased crime followed by more traffic, etc
Leave the casinos in Las Vegas
Brigida D Cariaga
Kapolei resident for almost years

Sent from my iPhone

From: [Rowena Carreira](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Saturday, January 23, 2021 9:22:16 PM

I really think the Casino is a great idea also lottery tickets. everybody could have a chance with lottery tickets, chance to pay off bills. get off of State or Government help. chance to live a better life. The Casino would bring in money to our.State but lottery tickets would bring money and also a change lives.

Rowena Carreira

From: [Gino Castagnetti](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Public Comment Re -Casino Resort.
Date: Wednesday, January 27, 2021 1:32:16 PM

Thanks for the democratic approach to request public comment.

I own a home in Kapolei, Hi, and completely OPPOSE any legislative changes to current law / policy to authorize Casino gambling in the State of Hawaii.

Tourists come to Hawaii for the island's beauty, cultural experience, beaches & healthy change of pace from their home towns, cold winters & to relax,---- NOT to Gamble.

I have been to Las Vegas to view the entertainment & gamble on penny, & nickle slots, but ONLY WITH pennies I CAN AFFORD WITH OUT ADVERSE IMPACT ON MY FAMILY.

Gambling in Hawaii will only produce limited assistance to Hawaii Homelands goals, but in my experience create another addiction problem, potentially crime, more poverty for low income persons as some try to get rich gambling with limited resources & divide families.

Any change to Hawaii gambling law will Open the gambling door to Native American tribes for additional gambling casinos.

Keep Hawaii Green in plants, trees, grass, flowers, but knot in Gamblers Dollars.
firmly opposed.

From: William Castillo
Sent: Thursday, February 11, 2021 6:36 PM
To: DHHL.Planning
Subject: [EXTERNAL] Comment in Support of Limited Casino Gaming

To the Department of Hawaiian Home Lands Decision Makers:

I am writing my full support for the LEGISLATIVE PROPOSAL TO AUTHORIZE LIMITED CASINO GAMING IN THE FORM OF A SINGLE INTEGRATED RESORT.

My name is William Castillo and I am Native Hawaiian and a resident of the State of Hawaii with many family members on the beneficiary waiting list.

The issue is simple, DHHL lacks the fiscal resources to fulfill it's mission to manage the Hawaiian Home Lands trust and to develop and deliver lands to Native Hawaiians. Expecting the government to further subsidized during an unprecedented budget and economic crisis is ludacris and short-sighted. The proposal at least offers a viable solution to the issue. The fact is that investments in infrastructure and development are not possible with the current fiscal situation and these actions necessary to get Native Hawaiians into homes.

The negative argument that casino gambling brings unwanted crime and social issues is moot. These issues already exist. Illegal game rooms and illegal sports betting is rampant in the state and we are not without social issues as our homeless situation has continued to get worse. And now we see an increase of violent crimes related to burglary and even arson. These social issues exist whether we have a casino or not. The difference is that revenue from the casino can be earmarked to deal with the problem rather than the symptom.

Lastly, please do not let the lobbying of Las Vegas sway your decision. We all know that the *ninth island* has a direct economic incentive to not allow gambling in the State of Hawaii. 22 states have legalized sports gambling and that number is expected to increase. 44 allow lottery as a form of entertainment. It is time to imua and look to the future rather than continue to complain about the past. I ask for your leadership and your support of the proposal to authorize limited casino gaming.

Thank you for your time. Respectfully submitted on February 11, 2021.

William Kahoku Castillo

From: [Willvcenteio](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Comments on proposed DHHL Casino in Kapolei
Date: Thursday, January 21, 2021 7:12:12 PM

Aloha DHHL planning commission,

This email is in response for "public" inputs and comments to the proposed Casino in Kapolei in support of DHHL commitment to provide Hawaiian beneficiary with suitable homestead leases in fulfillment of its fiduciary obligations to manage these lands.

Mahalo to Commission Chair William Aila Jr. and vice chair Tyler Gomes for initiating and developing such a comprehensive plan to take control and embark on a path for HHL to fulfill its many outstanding commitments and manage their future.

I see their proposal as a major step for beneficiaries and this Department to gain self sufficiency and control of their destiny in reaching their established goals.

The most impressive language in this legislation is the paragraphs which deal with the cultural and employment benefits which will be made available to the beneficiaries and their Ohana.

This source of revenue has a huge upside of providing work, training, and career opportunities, for west side families in desperate need of work and housing.

The commitment expressed in this proposal for education, training, housing, & upward mobility, for native Hawaiians to live, work, & play, on the west side not only in the casino but surrounding hotel's restaurant, business, schools, cultural centers, represents much more than just a commitment to house people but a real effort to enhance their lives.

These dreams cost money!!

The obvious hurdles of a underfunded program neglected for years is finally being realized but more importantly is finally being acted upon to try to control the destiny of the families whose lives and welfare has been entrusted to the Department of Hawaiian Home Land.

I employ you to pass this legislation and finally take control of Native Hawaiians destiny.

Mahalo
William Centeio

Sent from my iPhone

From:
Sent: Saturday, February 13, 2021 2:34 PM
To: DHHL.Planning
Subject: [EXTERNAL] Testimony for legislation on Casino on DHHL land in Kapolei.

Testimony for legislation on Casino on DHHL land in Kapolei:

Aloha DHHL planning commission;

This email is in response for "public" inputs and comments to the proposed Casino in Kapolei.

The obvious hurdles of the underfunded DHHL programs is finally being realized but more importantly is being acted upon by this important legislation.

I implore you to pass this legislation so Hawaiians can finally take financial control of their own destiny for housing, education, employment, health care, and long overdue improvement to their quality of life.

The path to self reliance and survival requires \$\$\$.

Please vote yes!!

Mahalo

William Centeio

Sent from my iPhone

From: [David Chang](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] No casino
Date: Friday, January 22, 2021 12:42:30 PM

Aloha,

I am a Native Hawaiian who is firmly opposed to the building of a casino at Kapolei or anywhere else in Hawai'i. Our islands are overrun with the worst kind of tourism as it is. This will only attract more. Moreover, casinos actually encourage addictive and self-destructive gambling. No amount of public service announcements telling people to gamble carefully or seek help can undo the damage of casinos. And finally, casinos bring very unsavory and unethical business elements into Hawai'i.

Hawaiian Homelands are there to serve Kanaka. Casinos would do great damage to our community. Do not approve this casino or any other casino.

Mahalo,

David Chang

From: [Mung Fa Chung](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Comment for Casino in Kapolei
Date: Friday, January 22, 2021 12:37:27 PM

To whom it may concern,

As a resident in Kapolei /Ewa area, I am strongly disagree with the idea of building a Casino in Hawaii. Kapolei/Ewa is a district with young family, we don't need casino over here. A casino may be more crime and put the safety in the community at risk.

Hawaii is a world class family vacation destiny in the world, a casino is destroying this image.

Economy will recover soon as vaccine being more available, but building casino in Hawaii will put the community at risk and destroy the image of Hawaii in a long term.

This is not a good idea AT ALL!

Thank you,

Mung Fa Chung

From: [Mr. Crispin](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Public commentary
Date: Friday, January 22, 2021 7:05:54 AM

The whole purpose of the Dhhl was to manage land for hawaiiians to have homes; not to create opportunities for individuals to loose their homes, to lose the farm, to loose thier families, to loose all they have, through gambling lossess, in order to enrich the dhhl directors with gambling proceeds.

There was enough corruption and NON management within the OHA.

Provide homes for hawaiiians on the land.

No gambling. No casino.

Crispin (single legal name)

Homeless Hawaiian

Kapolei

From: [crowm001](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] casino
Date: Monday, January 25, 2021 11:34:44 AM

Our politicians have had their heads in the sand for years, losing out of a huge amount of revenue the State could have collected from a casino. People who gamble will find a way to gamble, friends have poker games, bet on various sports events, etc. I often listed to stories at my barber shop, I won \$ 200 last week in L V. I did not receive a reply when I asked what the total cost of her trip was. Apparently almost all the barbers fly to L V on a quarterly basis. I see ads on TV all the time, we normally have perhaps a dozen flights a week hauling thousands of our residents to L V to gamble. Most states have some or several types of gambling, why not legalize it here and keep that money in the State.

aloha

merle crow

From: [Roberta Mahealani Davis](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] 'A'ole Kapolei Casino
Date: Wednesday, January 27, 2021 2:46:04 AM

I am 66 years old a Kupuna, a Native Hawaiian & a Kanaka Maoli. I was born and raised on my kupuna Pūaleiā'i Kapaakea Molokai homestead. My dads parents have Nanakuli homestead and so does my inlaws and the property is huge. What is is so small

Sent from my iPhone
Māhealani

From: [Socorro Deguzman](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] NO CASINO!
Date: Friday, January 22, 2021 9:54:33 AM

I don't like a casino in Hawaii. It will bring pollution, traffic, more crime, more problems than solutions. Keep Hawaii- KAPOLEI in particular- safe, clean, and healthy. Socorro Deguzman

Sent from my iPhone

From: [Donaldson, Lee](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Commentary on DHHL Proposal for a Casino in Kapolei
Date: Friday, January 22, 2021 12:32:00 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
Importance: High

Aloha,

I fully support the idea of opening the casino as presented. The economic long term benefits are much needed here in Hawaii. My family has resided in Hawaii for over 40 years and this is something I feel is long past due to help support our local economy for the long run.

Mahalo,

R. Lee Donaldson, G.G.

Honolulu, HI

Phone:

Email:



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From: [Tessie Duey](#)
To: [DHHL.Planning](#)
Cc: tess.duey@gmail.com
Subject: [EXTERNAL] Casino in Kapolei
Date: Saturday, January 23, 2021 9:35:11 AM

I oppose this plan.

Sent from my iPhone

From: E
To: [DHHL Planning](#)
Subject: [EXTERNAL] Hawaii Gaming Proposal
Date: Friday, January 22, 2021 9:22:58 AM

To whom it may concern,

Hawaii needs new industries that employ and provide opportunity for the people who live here. Plus you need tax dollars.

Thanks

Ed

From:
Sent: Tuesday, February 02, 2021 12:21 PM
To: DHHL.Planning
Subject: [EXTERNAL] Do not bring casinos to Hawaii!

Do not bring casinos to Hawaii

After this Fiasco of the Rail. It is true that Hawaii cannot stand without help from the outside, meaning we cannot be sustained locally. Local farmers and restaurants are being crushed by corporate America.

Please leave the beauty, the fresh air and mother nature to thrive. That is what why people come to visit. To see the sunset, the colors in the sky and the salty breeze of the ocean. To hear the birds waking each morning, the waves crashing. To feel the ocean and sand between their toes, to witness humpback whales, sharks, turtles, seals, fish and dolphins swimming in the ocean or basking on the sand and in the sun along the shoreline. To experience a canoe ride, to learn how to ride a surfboard, to catch a real wave, to bodysurf, to bodyboard, to sand-slide, to watch pro surfers catch huge waves. To see and feel that the Pacific Ocean is not ice-cold like on the West Coast.

To wake before the sun and hike to see a waterfall or witness the birth of a new day on the horizon. To experience what we know as Aloha, to non-natives we are the nice people that live in Hawaii.

How many places have you visited, in your lifetime, that you are able to embrace all that is Hawaii?

How many places have you visited, in your lifetime, that allows gambling?

I hope your answer to the first question is one...because there is only one Hawaii!

Please do not bring in a short term lesser evil to solve the problem we have.

Keep gambling problems away from Hawaii. We have enough on our plate

I do not know or understand how politics, State or government funding works. I have been to places that allow gambling and we, as a State, are not very far from having a gambling state reality.

Please lift every stone that the people are suggesting. It may not be the answer but it may help to think outside the box for the answers you seek.

Sent from my T-Mobile 4G LTE Device

From: [Diana F](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino Kapolei
Date: Friday, January 22, 2021 6:07:02 AM

With changing times and COVID-19 financial recovery will takes years. Having a Casino on our island would bring our state into the spotlight around the world and make Hawaii the most sought after place to be again like years ago not to mention bringing monies back into the state generating jobs and plenty of income to where there would be enough to be allocated specifically to DHHL, including our state alone and its much needed infrastructure - all for a quick solution to financial recovery. If a surf park could be agreed upon in comparison look to where the real money would come into beneficial play. My thoughts for sharing as I wish my email remain anonymous .

From A long time over 30yr resident.

From:
Sent: Friday, February 19, 2021 10:59 AM
To: DHHL.Planning
Subject: [EXTERNAL] Proposed Kapiolani Casino

I am in favor of the proposed Casino on Hawaiian Homestead land that would allow that agency to generate much needed revenue so that Native Hawaiians who have been waiting a lifetime can finally get a home.

From:
Sent: Tuesday, February 02, 2021 3:21 PM
To: DHHL.Planning
Subject: [EXTERNAL] Casino in Kapolei

I do not support building a Casino in Kapolei for Hawaiian Home Lands (DHHL). When I Look at it, Only Hawaiian Home Lands will benefit and the Hawaiian (Polynesian Community will suffer. A lot of times the lower income people will try their luck in winning the big bucks. Which in turn will bring them to the poverty level or less. Crime might rise, homelessness will rise because they cannot support themselves, all for Hawaiian Home Lands to benefit. In what way will Hawaiian Home Lands give back to the Hawaiian People? Monthly payments? Free Housing? The People will not have enough money to buy a house. They will spend their monthly payments on more gambling.

Yes it might benefit the State of Hawaii, at what cost? Who is going to govern the Casino, like the Commission in Las Vegas. Who will be allowed to build in Hawaii and how many Casinos will be built in Hawaii? You know that developers worldwide will put their bid in to build in Hawaii. Who will provide protection for the higher crime rate? The state cannot control the Illegal gambling in Hawaii right now. The State cannot even control the Illegal fireworks in Hawaii.

How can the developer claim it is the best thing for Kapolei. Why not build the casino 200 miles out in international waters so only the well to do can get to the Casino.

My concern is for the poor getting poorer and the State getting richer. These are only some of my concerns.

Vr,
Jeffrey Jay Fujii

Email:
Ph. No.

From:
Sent: Thursday, February 04, 2021 10:02 AM
To: DHHL.Planning
Cc: Ede Fukumoto
Subject: [EXTERNAL] Casino on Hawaiian Home Lands

My name is Ede Anne K. Fukumoto and I am on the waitlist.

I am against this "gaming" plan that DHHL is offering as a way to build money in our DHHL coffers. In my opinion, it is no different from bringing illegal activities drugs, "the mob", unnecessary gaming and other unwanted buildings to our lands let alone our state and I am not happy. We already have a lot of problems with our people, why dangle this kind of for-profit arm in front of them???

If I had to suggest an alternate to this plan, why don't you build a casino in Vegas, the benefits of which would be applied to our homelands here?

Mahalo,

Ede

From: [greentea7](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kapolei casino
Date: Thursday, January 21, 2021 5:21:40 PM

I support this proposal. IMUA

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution capable smartphone

From: [Leslie Griffin](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Proposed Limited Gaming Casino
Date: Thursday, January 21, 2021 10:23:25 PM

I support the proposed Limited Gaming Casino on DHHL in Kalaeloa, Oahu, Hawaii

From: [Jared Hai](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Friday, January 22, 2021 9:44:23 AM

Hello,

I just wanted to let you know that I am in favor for the Casino.

I understand that we need the Money and cannot count on the State for help. ITS TIME WE MUST HELP ourselves and do it quickly but prudent for those registered with DHHL.

The following is what I would recommend:

1. Transparency on Financials
2. Jobs be prioritize to Hawaiians who are registered with Department of Hawaiian homelands which has been verified with 50% or more Hawaiian.
3. Contractors involved in all aspects of procuring, building and maintaining be prioritized to Hawaiians who own businesses that are registered with Department of Hawaiian homelands which has been verified with 50% or more Hawaiian. Exhaust that list before going out to find.

The whole being and facet of this project should be for the Hawaiians that are registered with Department of Hawaiian Homelands.

Keeping the Money in and benefitting registered DHHL Hawaiians.

The State should not be telling DHHL what they can and cannot do with the Land and their role seems to be one that slows us down.

Thank you for All you Do!

Jared Hai

From: [Pamela Hall](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Casino
Date: Friday, January 22, 2021 7:34:47 AM

I am totally against the proposed casino on Oahu's west side. I have seen areas on the mainland where casinos were introduced and the surrounding neighborhoods deteriorated with many illegal activities. I would not want that to happen here.

Mahalo,
Pamela Hall

Sent from my iPhone

From: [Jonathan Hamblin](#)
To: [DHHL Planning; Jonathan Hamblin](#)
Subject: [EXTERNAL] Re: Gambling Casino @ Kapolei
Date: Friday, January 22, 2021 9:10:17 AM

To Whom It May Concern,

A reluctant but firm YES to a gambling casino @ Kapolei.

mahalo,

Jon Hamblin

From: [Ethel Hao](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] casino in KAPOLEI
Date: Friday, January 22, 2021 3:12:16 PM

Yes YES YES approve the CASINO

Why are the people ALWAYS let behind

My goodness APPROVE the CASINO

From: Moana Heu
Sent: Thursday, February 04, 2021 9:04 AM
To: DHHL.Planning
Subject: [EXTERNAL] Opposed to Kapolei Gambling Casino

Aloha -

My name is Moana Heu and I am opposed to having a gambling casino in Kapolei.

As a retired Major for the Honolulu Police Department (HPD), I know that HPD has consistently opposed gambling due to the problems it creates, not only for law enforcement, but for the community.

As a woman, I agree with the recent report by the Hawaii State Commission on the Status of Women which concluded that men who gamble are more prone to purchasing sex, and that a casino would likely increase domestic violence toward women, prostitution and sex trafficking.

As a Kapolei resident, I am opposed to having a gambling casino in Kapolei due to the increased crime that is bound to occur in connection with an activity that preys on those with addiction issues or an inability to control impulsive behavior, not to mention the problems a gambling casino will create because of insufficient infrastructure.

Additionally, having a casino in Kapolei will increase traffic on thoroughfares to/from Kapolei, worsening the commute for those living on the west side. With the rail project over-budget and years away from operation, the unintended effects of having a casino in the area will further reduce the quality of life for west-side residents.

As a Hawaiian, I know that this is not a *pono* use of the land. When Prince Kūhiō advocated for the Hawaiian Homes Commission Act to "elevate his people", I assure you that he did not intend for this to be accomplished by preying on the weaknesses of others.

Instead of a gambling casino, efforts should be directed towards programs that require "sweat equity" so that owners are invested in their homes. As a Kapolei resident, I have seen firsthand that the vast majority of properties and homes in Malu'ohai and Kaupe'a are very poorly kept - the yards are little more than patches of dirt and the houses are in need of repainting and repair. This indicates to me that people do not value something which was given to them and, therefore, don't feel the need to keep it in good shape.

As employees of the Department of Hawaiian Home Lands, I would think that you would or should have an understanding of the Hawaiian people and their values. Relying on income from a social activity that has been positively associated with several social problems is not *pono* - and is not acceptable.

Therefore, as for a gambling casino in Kapolei - **Kū'ē! Oppose!**

Mahalo for this opportunity to provide my comments. Moana Heu

From: [Roger Higa](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] Re: Public Commentary on Proposed Kapolei Casino
Date: Thursday, January 21, 2021 4:34:07 PM

Aloha!

If done correctly, I am 100% behind the idea of having a Casino to generate much needed funds.

HOWEVER, I highly recommend that Hawaii residents be ineligible to gamble due to the social ills that come with it. Non-residents should be the only individuals allowed to take part in gaming should this be approved.

Regards,

Roger Higa

From: [Happ Higaahi](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Monday, January 25, 2021 11:41:24 PM

Good Evening,

I would love to see this come to fruition as I have seen great outcomes from Native Americans benefiting from this exact proposal. Since I left Hawaii 19 years ago I have come across several Native Americans and have had great discussions on these issues surrounding our people, our land, and our futures. The Natives with gaming have been able to prosper on the income they receive whether it's in a monthly stipend or developing lands on their reservations for the benefits of the people. Several mentioned with out gaming and the revenue it has brought a lot of their reservations would still be undeveloped, people with no hope, and the same status quo. It would be nice for more opportunity for more than one casino or gaming company to invest , thus there would be competition in the industry. Hawaii is not attached to another state where as competition may only be a short drive over state lines. Competition will also attract loyal customers from different companies to travel to Hawaii to enjoy paradise and gamble. The only thing I can express concerns over is the direct benefit to the Hawaiians, some will disagree and say it's not going to benefit me I don't want it. Rather it be just for Land development from DHHL there needs to be more funding to perpetuate the culture on the land that DHHL develops which also could include scholarships, grants, and resources for local communities to access. What's to say OHA doesn't step in and say otherwise I believe this is why there needs to be unity between DHHL and OHA to get this done and maybe more than just one resort or gaming company. Without competition of an opposing entity this could lead to only one gaming company influencing the gaming commission. I benefited living with my Grandparents on Hawaiian Homestead and would love to see this come to fruition so we may build new developments for future generations and modernize old homesteads and assist those whose homes need a little face lift.

Aloha,
Happ Higashi

From: [Alexander Hino](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] Casino Commentary
Date: Friday, January 22, 2021 5:46:43 PM

Hello,

I would like to say that I'm against the building of a Casino in our state. While gambling (casinos, lottery, etc) would provide a new revenue source is not a reliable way to increase the total budget available for a state department. The results of other states attempting to use gambling to provide income has been well summarized in "The Lottery: Last Week Tonight with John Oliver (HBO)". I recommend that you take 15 min to watch this video if you're not offended by crude language. While the analogies may be graphic, they clearly illustrate the problems caused by state gambling. I'll attach the youtube link below.

Best,
Alexander Hino

From: [john hoag](#)
To: [DHHL.Planning](#)
Cc:
Subject: [EXTERNAL] Casino proposal
Date: Friday, January 22, 2021 4:18:50 PM

ATTENTION: DHHL COMMISSION

My late wife, Jeanette N. Makaio grew up in Keaukaha, Hilo. While enjoying the spirit of aloha afforded by living in a DHHL community she and her family (Abraham and Phoebe Makaio) were very aware of the long unfulfilled promises to so many of other Hawaiian families. However the introduction of another "virus," namely casino gambling, to the Hawaiian people would bring great harm not blessings.

When considering sovereignty bills our late U. S. Senator, Daniel K. Inouye always made sure they contained a ban on all forms of gambling. He wisely knew that the introduction of any form of legalized gambling would automatically open the way for all forms of gambling throughout the entire state. And gambling as an economic generator is, as stated in the 12/20/20 Honolulu Star Advertiser editorial, a "Bad Bet." Most of our local citizens are in favor of visiting Las Vegas but keeping the problems associated with gambling there. Nevada as a state historically has had one of the highest numbers of addictions, bankruptcies, divorce rates, women killed by men, school drop outs, and suicides. These statistics were provided to the Coalition to Stop Legalized Gambling Hawaii over the years by respected university professors who objectively studied the economic impact on the introduction of any form of gambling into a community. One study by Dr. John Kindt University of Illinois concluded that a negative 3-1 to 6-1 cost benefit ratio of revenue to social costs, This is why Hawaii's major business organizations such as the Chamber of Commerce of HI, HI Business Roundtable, HI Bankers Association, and Small Business HI have standing policies opposing legalized Gambling, along with most of Hawaii's churches, HPD, etc. In their book, "The Price of Paradise," vol.II, former University of Hawaii President David Mclain and Dr. LeRoy Laney wrote, "gambling would be disaster for Hawaii's image and for its people."

There is also the political threat to our already tenuous trust in our government leaders. A well known hotel developer, Chris Hemmeter left Hawaii not many years ago for greener pastures in New Orleans. His misadventure are amply covered in a Pulitzer Prize winning book by Tyler Bridges, " Bad Bet on the Bayou," For Hemmeter's efforts longtime Louisiana Governor, Edward Edwards was ousted and convicted of crimes, several city officials were given jail time and Hemmeter filed for bankruptcy. Gambling is toxic when sold as a cure for government fiscal shortfalls.

John A. Hoag, President First Hawaiian Bank, retired 1995

From: [TERE Hunt](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Thursday, January 21, 2021 11:29:23 PM

Generating money yeah, but crime will increase and this area is already over populated. The Ko'Olina area will no longer have the allure because KAPOLEI has become a fee for all. No casino needed. We have enough businesses here to promote the economy. Go somewhere else! They start in Oahu and then all the islands will have to join in. No way! What were you thinking?? You can't even finish the damn rail, now you want to start another stupid project. NO NO NO!

Sent from my iPhone

From: Hyatt, RaeAnn P
Sent: Wednesday, February 03, 2021 12:36 PM
To: DHHL.Planning
Subject: Testimony/Comment Re: Limited Gaming Proposal on HHL

Importance: High

Aloha~

I support DHHL's proposal to establish a Casino on Hawaiian Home Lands for the reasons as stated:

- it will generate mass amounts of funding - which should be utilized to establish/fund Native Hawaiian outreach programs, benefiting homesteaders and those on the waitlist;
- the funds generated should go towards speeding up the process of building more (homes, townhomes and/or condo type) dwellings; to revitalize homesteads in need; and kokua dilapidated homes/homestead areas.
- the Casino would create jobs – those that reside in homesteads or Kapolei should have the first choice
- the funds can be used to purchase more land, dwellings or buildings throughout the State to build upon DHHL's investment portfolio
- the funds should be funneled back into 1) Kapolei homestead areas; 2) homesteads on O'ahu; 3) homesteads throughout the State.
- the funds should be used to create more scholarships and community grants
- --a set percentage of the profits should be set-aside yearly to establish the fund distribution

To combat the negative effects/sides it can cause, DHHL should fund programs to combat gambling, alcohol/drug addictions, and homelessness.

Although "gambling" might be frowned upon by some, Hawai'i residents have been flying to Las Vegas on a daily (pre-Covid-19) by the plane loads -<look at the numbers through Vacations HI> to vacation, gamble and/or visit 'ohana there.

The Casino should be marketed as a Resort-type, family-friendly Casino to draw more people to ensure that we (Hawai'i), can keep the local funds here instead of spending it in Vegas.

Kapolei has established itself as the second-city. It has many shopping, dining and entertainment options as well as three-hotels within a 2-mile radius.

Ko'olina and its luxury brands of hotels, shopping and dining is also a quick 15-minute drive nearby.

I believe to fulfill the Trust and Prince Kuhio's mission and promise to the Native Hawaiian beneficiaries, the Casino should be established.

Mahalo no,
Rae Ann Hyatt
Malu'ohai Homestead Lessee

From: [jacksongsmusic](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kapolei Casino
Date: Thursday, January 21, 2021 4:55:12 PM

I think it is an outstanding idea to put in the casino. It will give the Hawaiian people the same chance at self reliance that the Native Americans have on the mainland.

Your opportunity is that you can build on their success, and do even better. Do not be afraid to reach out to them to learn of their growing pains, and how to avoid them.

The argument of the governor is disingenuous. He opposes your initiative, because he can't figure out how to personally profit from it. Crime won't increase any more than what's going on with the illegal gambling they already have. Legal gambling will pretty much eliminate that problem altogether.

Also, at least you should insist on being able to have Bingo. That would be a smaller starting place to demonstrate that the claims of increased crime are not correct. And, by providing Uber, Lyft, and bus rides to and from the casino, there is less chance of people being robbed when they try to leave with their winnings.

Thanks, Louis Jackson.

Sent from my T-Mobile 5G Device

From: [Alohalani Jones](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino in Kapolei
Date: Thursday, January 21, 2021 6:41:31 PM

I am responding to the proposal of having a Casino in Kapolei. I believe this has been planned for years however they needed the infrastructure to be set and in place, A New Hwy leading to it, Hotels, and Hawaiian Land. I would Prefer to have our \$\$\$ stay here in Hawaii rather than travel to LV. Gambling will be wonderful in exchange for Hawaii residents NOT having to file income taxes. That maybe a clincher for public approval!

Sent from my iPhone

From: [Melissa Pink Carnation](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Thursday, January 21, 2021 5:20:15 PM

Yes we need a casino, would help the city with taxes collected, Keep money in Hawaii instead of people going to Las Vegas, people are going to gamble either way, Hawaii needs the money. Thank you Melissa Juárez

Sent from my iPad

From: [Mary Ann Kahana](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Monday, January 25, 2021 7:44:14 AM

Aloha DHHL,

I am a beneficiary since 1985 and I have yet to get any lease award. Your efforts for this casino is unacceptable. It does not support Prince Kuhio's legacy. I understand the intent to generate funds and casino is not the answer. Could you imagine all our Hawaiian people gambling their livelihood away and you DHHL will not be available to support them. Once you open this casino it will start more casinos to follow. Find other means to generate funds. Personally, I enjoy gambling but know that our people may not gamble responsibly and this occurs in areas with casinos worldwide. Are you going to be supporting these people after they lost their money to DHHL casino. I don't think so because native Americans have trouble in this area as well. I say a'ole to casino.

Mahalo,
Mary Ann Kahana (still waitlisted since 1985)

Sent from my iPhone

From: [Jo-Ann L. Kalamau](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Using DHHL Lands for Casino Income
Date: Monday, January 25, 2021 12:36:08 PM

I would not want to be in your shoes during this time, however, I commend you in stepping in to this major battlefield.

I know you need this income. Not only to build homes, but to pay legal lawsuits.

My wish is that you succeed.

This gaming move is unprecedented. Along with the world pandemic going on, gaming is something brand new for all of us here in Hawai'i.

People would be mainly afraid of increased crime, not budgeting their income wisely, more homelessness.

Nothing as major ever, was thought of like this idea of gaming, to bring revenue to DHHL, or was ever pursued as strongly as this idea, as it was brought forward in December 2020. Gaming was said before, years ago, for me 1977-2020, but not brought to pass. Whew!

DHHL is still in the same predicament today, "Not Enough Money".

I heard Gov. Ige say today during his State of the State Address, \$30 million dollars is going to DHHL. Was that annually or a One-Time payment. That won't be enough even IF DHHL DOES get those monies.

There are more people who don't believe in the commandments of God then there are people who believe in the commandments. If we could get more people to believe and do His Commandments, we would have a better chance to pass this new concept of gaming in this time of hardship, yet, find enjoyment by controlling our spending when we go casino gaming.

Pay your 10% Titheing first to God, making sure you are paying to Jesus Christ Church. His name is on His Church. "The Church of Jesus Christ"...

90% left to pay your house expenses next, so you have a place to live, electric, etc., only extra money to game and go home when you reach your budget limit. Fight temptation to spend over the budget.

Go when you can; No go, if you can't afford it.

If we can control our lives by budgeting our money correctly, we could have a chance at gaming becoming another "Administrative Rule", or law, what ever...a slim chance, but a chance anyway.

This world is Satan's domain. We'll be giving him another Avenue to tempt the weak. We will need to be on Jesus Christ side to fight gaming's temptation with strong will.

I wish you the best decision. This is my input. Thank you

From: [keliiikeole kalaauokaaea-kahele](#)
[DHHL.Planning](#)
Subject: [EXTERNAL] Disappointment with DHHL over the years!!!
Date: Saturday, January 30, 2021 7:07:18 AM

Aloha,

It saddens me to see the priorities of DHHL wanting to build resorts and legalize gambling while our kupuna and Hawaiian people are still waiting and passing away never having an opportunity to live on Hawaiian homesteads. It's not about making money, do what's right and put kanaka back on the land. In hilo, get Walmart, target and home depot out, kanaka can use those prime land. No more development on Hawaiian land if it's not for kanaka....

[Sent from Yahoo Mail for iPhone](#)

From: Inga
Sent: Tuesday, February 02, 2021 12:08 AM
To: DHHL.Planning
Subject: [EXTERNAL] OPPOSITION TO CASINO

To the DHHL,

There is no debate whether casinos are bad or not, everyone knows they are. The expensive studies prove what common sense sees clearly.

1. Sex trafficking and all the associated long list of crimes to women and children, abortion, STD'S, etc.
2. Gambling away money that leaves families without necessities
3. Even more broken families
4. More homeless
5. More debt driven crime; murder, theft, arson
6. Even more people would become addicted to gambling

Conning Hawaii into believing the raised funds will benefit Hawaii families is just that, a con. It will also provide Hawaii with yet another "Business " for corrupt leaders to fill their own pockets.. It is impossible for any conceivable benefit to outweigh the guaranteed far-reaching destruction to society and especially the family core. Like other vices, this is another one that is quite often most devastating to the indigenous people.

Is that not exactly who you are supposed to be elevating and serving?

Thank you,
Inga

Get [Outlook for Android](#)

From: [carol.lee.kamekona](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino Proposal
Date: Sunday, January 24, 2021 6:48:01 PM

Aloha!

I am providing written testimony with regard to building a casino on Hawaiian Homelands.

I am in OPPOSITION of this proposal!

Nowhere in the Hawaiian Homestead Act does it provide for gaming on Hawaiian Homelands. The Department has skirted the definition of usage on lands for housing and mercantile. For many years the Department has claimed it needs to lease lands to non Hawaiians in order to raise revenue to provide for infrastructure and homes for its beneficiaries. The mismanagement of those lands and leases is why the waitlist is at over 28,000 Kanaka Maoli waiting for a morsel of what is inherently theirs.

Therefore, again I say I am totally in opposition of this proposal.

Respectfully,
Carol Lee Kamekona
Maui Waitlister

Sent from my iPhone

From: [Von Kenric Kaneshiro](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] casino
Date: Thursday, January 21, 2021 4:41:10 PM

To whom it may concern,

I fully support legalization of gaming in Hawaii to enable the Department of Hawaiian Home Lands (DHHL) to erect and operate a casino on their land. I lived outside of Honolulu for 17 years, and I was able to observe and learn of improvements to the lifestyles of tribes who used the revenues from their casino operations to fund programs that provided more opportunities for their native population.

There is considerable gaming that happens underground and in a grey market over which the state has little to no control and regulation. Legalization would for the most part create unrivaled competition to the illegal, underground operations that plague the suburban and urban communities--alike, and thereby lessen the appeal of the illegal grey market. I am not ignoring all the ill wills that come from gaming. The fact is, when it gets pent up people spend even more crazily in Las Vegas if they have to wait a year. Addiction happens even with those illegal football parlays.

My support is genuine and proven by my background being an anti-gambler. I have an engineering background, and am not an active gambler, nor have I ever gone to Las Vegas for the leisure of gaming. I have a lot of relatives, friends, and acquaintances that make at least one if not multiple trips to Las Vegas annually. Imagine if all of these folks instead decided to "shop" local, perhaps book a kama'aina room at the Kapolei Resort & Casino, and keep their dollars here? Create "California in Hawaii". Subsidize a Trader Joe's store on the premises so locals can shop for all of their mainland treats that they go there to bring back, and instead have it all here.

Green light on that casino. It is for everyone's benefit.

Von Kenric Kaneshiro

From: [Kalai Kapana](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] No Casino
Date: Thursday, January 21, 2021 7:17:41 PM

I say NO to a casino. There are too many risks than benefits. How about you build a hotel with no casino. You can provide jobs and make a profitable margin without putting families income and welfare at risk.

From: Tanya Kauhi
Sent: Friday, February 05, 2021 7:47 PM
To: DHHL.Planning
Subject: [EXTERNAL] OPPOSITION to the Limited Gaming Proposal

Aloha,

I am a currently beneficiary to my grandmothers lease for DHHL on Maui and would like to express my opposition to the casino proposal. I understand the need for the proposal, casino and proposed revenue benefits. But I believe the negative issues that come with that outweigh them. I do however suggest we propose a lottery similar to the Powerball lotteries held in America for similar revenue, but with safer and more manageable enforcement. In my opinion, this would be a better way to start this revenue stream to see if our market even supports such measures. Thank you for your time.

Mahalo,

T. Kauhi

From: Fabian Kaulukukui-Heloca
Sent: Wednesday, February 03, 2021 9:40 PM
To: DHHL.Planning
Subject: [EXTERNAL] Limited gaming proposal

Aloha,

My name is Fabian Kaulukukui-Heloca.

I am against this gaming proposal.

I am against this proposal being on Hawaiian Home lands.

First of all, no gambling should be allowed in the state of Hawaii.

We do not have sovereign nation status therefore do not qualify as a reservation to allow gambling to benefit the tribe. Being that the DHHL is a state agency, this seems to be another way to open Hawaii up to gambling and all of its negative issues.

Secondly, how is the issue to benefit Hawaiians?

From reading the proposal, the wording is very vague and wide open to interpretation. Allowing for businesses that have no ties to Hawaiians to benefit while under the guise of helping Hawaiians is just plain ludicrous.

If any lands are used, the purpose should be to provide homes for native Hawaiians not for tourists. We need more affordable homes not resorts.

Sincerely,

Fabian Kaulukukui-Heloca

From: Winona Kauwe
Sent: Tuesday, February 02, 2021 4:48 PM
To: DHHL.Planning
Cc: Maydene Simmons; Abe Aiona
Subject: [EXTERNAL] Comments re: Casino on Hawaiian Homes Land

Aloha.

I say leave the Casinos in Vegas, not in Hawaii and especially not on our Hawaiian land.
Lets not forget our Hawaiian values and our culture.

Basics: Respect the aina. Love it, and it will take care of you. Our farmers know this well.
But a casino??? Casinos are on tribal Native American reservations. We are not a tribe.
We are a sovereign people.

We do not need a casino on Hawaiian lands. Casinos have no place in our Hawaiian culture
and lifestyle.

Winona Kauwe
Waimanalo, Hawaii

From: [Rebecca Kapolei Kiili](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kiili_DHHL Commentary for Gaming Proposal
Date: Saturday, January 30, 2021 1:33:41 PM
Attachments: [Kiili_DHHL Commentary for Gaming Proposal.pdf](#)

Aloha,

Please find the attached commentary on the current gaming proposal as part of the Beneficiary Consultation process.

Mahalo,
Rebecca Kiili
Maui

January 30, 2021

Rebecca K. Kiili

Department of Hawaiian Homelands
91-5420 Kapolei Parkway
Kapolei, HI 96707

Aloha,

My name is Rebecca K. Kiili and I currently reside on the island of Maui. I am a DHHL beneficiary on the waiting list for a homestead lease. I am currently ranked at 3113 for area 293 and ranked 4086 for area 291. My application date is August 11, 2009.

I recently watched the presentation on the draft legislative proposal to authorize limited gaming in the form of a single integrated resort on Department lands designated for commercial use. And want to provide commentary as part of the Beneficiary Consultation process.

I am in support of this proposal and believe that it has been well researched and addresses all of the concerns about this type of endeavour in a very thorough and thoughtful way. I think it is timely and provides hope for all of us still waiting on the list for an award.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Rebecca Kapolei Kiili

Rebecca Kapolei Kiili

Maui

From: [Garret Kitazaki](#)
To: [DHHL.Planning](#)
Cc: [Garret Kitazaki](#)
Subject: [EXTERNAL] Kapolei Proposed Casino
Date: Thursday, January 21, 2021 5:35:50 PM

Dear All Concerned.

For our Hawaiian Residents on all islands.

Monies available can help fund and create medical clinics. In the most needed areas of our state.

This would benefit all in the supporting of many jobs and industries also. Supplying of the food , beverage, transportation etc.

Thank you.

Garret Kitazaki

Sent from my Galaxy

From: [Kuloloia](#)
[DHHL.Planning](#)
Subject: [EXTERNAL] Feedback on potential casino
Date: Thursday, January 21, 2021 5:30:56 PM

Aloha,

As a former homesteader and current applicant on the waitlist, I happily welcome this idea. However, my hope is that the majority of income will be divided amongst those that are focused on the continuation and implementation of Hawaiian programs and developments.

Mahalo,

Anthony Kuloloia

From: [Mary Lee](#)
To: [DHHL Planning](#)
Cc: [Rob Perez](#)
Subject: [EXTERNAL] Comment to Gaming Proposal
Date: Friday, January 22, 2021 4:44:12 PM

I'm not a lessee but feel the Hawaiian people have been wronged for too long. This is why this state's name is Hawaii—because of its Hawaiian people. They belong here, everyone else is just guests/visitors.

The Hawaiian people have been suppressed and homeless for sooo long because of the states inability to fulfill their fiduciary kuleana to the Hawaiian people. When does the empty rhetoric discussions end with all these politicians and long overdue action begin? Many Hawaiians have died waiting for a homestead lease to build a house, build a life, have purpose and to be proud.

Now that DHHL has finally started to think outside the box and started being creative they encounter negativity because it wasn't Ige's or the politicians idea, yet they offer no viable solutions. It's easy to say no because they're not on the firing line, it's DHHL—they're the bad guys. BUT, in actuality it's the SOH and all these politicians who are against any type of gaming/gambling that have and continue to suppress the Hawaiian people and leaving them homeless.

So to the SOH and all the politicians who are against any type of gaming/gambling, step up to the plate and fulfill your mandated fiduciary kuleana immediately—like yesterday! Do it right by righting the wrong ! HLM, Hawaiian Lives Matter!!!!

Sent from my iPhone

From: [Jkaika Lima-Po](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Concerning Casino in Kapolei
Date: Thursday, January 21, 2021 9:59:43 PM

In the hype of any situation, building a casino in Kapolei may or may not solve any financial hardships the state faces. It will most likely bring hardship for the future people of Hawaii. We as humans, give or take some people love to gamble, place bets, push the button, and pull that lever to see and hear the lights and sounds of slots roaring with false hope. I should know I've been there done it and ended up at the bottom.

I don't know, but I know, that a casino will not solve anything. The crime and drug rate may go up and ruin the now and future generation. There is a movie called (Walking Tall) starring Dwayne the Rock Johnson that should be watched before making any decisions you could call it a movie night if you must. But

My opinion would be, to start a lottery for the state. No need spend money to build the casino, no need buy machines and no increase in crime and drugs. The lottery is a printed piece of paper with numbers on top, simple concept and the state still gets a big bite of the pie with much much less effort.

Ok you get the idea, I'm done, goodbye and make the right call, don't build it!

From: [M Lortz](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] CASINO PROPOSAL
Date: Thursday, January 21, 2021 6:51:06 PM

Although I commend OHA for coming up with a plan to generate funding, I am of the opinion that OHA and native Hawaiians can reap a higher yield if they combine forces to develop a State Lottery that guarantees a percentage towards building residences quicker, especially seeing that many have waited generations to get a home. Perhaps even involving the residents themselves, in raising their own homes, with the help from friends, family and neighbors alike, creating lasting bonds.

From: [Brett Love](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino Public Comment
Date: Thursday, January 21, 2021 7:56:58 PM

Hello,

As a mainlander who lives in Florida I don't know if I am allowed to make a "public comment" on this matter but I would like to give my 2¢ worth. My wife and myself would love to see a casino that the majority of the proceeds are going to the DHHL. We understand how a gambling venue works and it CAN work if done correctly to help the people of Hawaii and the DHHL. We are not huge gamblers but we would spend ~\$10,000 a year at a casino in Hawaii during our multiple visits to the islands. I understand the heritage and views of everyone and would not be upset at either a yay or nay decision. Hope to see this happen in the near future and wish those proposing the casino good luck.

Regards,
Brett

From: [Lovella Lung](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] DHHL - réponse to request for Casino Feedback
Date: Friday, February 19, 2021 3:40:58 PM
Attachments: [HPSCAN_20210220013556923_2021-02-20_013645423.pdf](#)
[HPSCAN_20210220013339375_2021-02-20_013531370.pdf](#)

2 pages - regret problems with sending.

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HP Team

February 18, 2021

Hawaiian Homelands Commission
DHHL.planning@hawaii.gov

Dear Commissioners:

In response to your request for feedback, as a DHHL Beneficiary, I wish to register my strong opposition to gaming in the State of Hawaii and specifically gaming in any form on Hawaiian Homelands whether on residential or commercial properties.

I view this proposal from the Commission to be irresponsible and egregious to its Trustee relationship with its Beneficiaries and short-sighted in fulfilling its mission to award home ownership to eligible Hawaiians. This proposal comes across as a desperate attempt to obtain DHHL money "at any cost" as was cited by one of the official supporters of this proposal. This is unacceptable. I say no gaming at any cost.

If anyone in Hawaii wants to gamble and has the wherewithal to do so, it costs little more to pay for a round-trip ticket to Las Vegas or to any of the Indian gaming casinos which you extoll. When you're pau gambling, with ticket in hand, come home. The most beautiful place in the world awaits your return.

Hawaii as an Island State has wisely resisted every temptation to open itself to gambling. For well thought out reasons, greater minds in all branches of our local government and congressional delegation have blocked legalized gambling on-land and in Hawaiian waters. Inter-island cruise lines are prevented from gaming onboard, also to my mind, good thinking.

In considering this proposal, you open DHHL and its Beneficiaries to incalculable risk and dangerous and unintended consequences. I find this to be a naive and short-sighted venture that puts at risk not just DHHL but all the people of Hawaii. I expect that an Environmental Impact Statement of sorts has been done to include feedback from the neighboring areas and residents of Ewa Beach. I applaud your thinking out of the box, but there needs to be a better, less riskier more focused strategy. Underscoring my concern is that the Commission knows nothing about gaming and its consequences.

You repudiate any similarity between Indian Gaming and what would become Hawaiian Homeland Gaming, yet you continue to make the comparisons anyway. Not the same, so please stop the comparisons.

We must all be responsible stewards of the aina. It is our sacred trust. This proposal is not the best and highest use of the land. There needs to be a better idea to make money, if that is the goal.

Mahalo for your time and consideration of my mana'o.

Malama pono,

L. I. Lung a.k.a. Apo Lung

Louella I. Lung

From: Mailani Makainai
Sent: Wednesday, February 03, 2021 5:53 PM
To: DHHL.Planning
Subject: [EXTERNAL] Fwd: Gaming

Aloha

My position on legalizing gaming any sort of gambling and or casinos is 'A'OLE.

Mahalo,
MM

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Sent from Gmail Mobile

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Sent from Gmail Mobile

From: [Elaine Poipe San Jose](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Commentary of Limited Gaming in a Single Integrated Resort
Date: Friday, January 29, 2021 6:38:14 PM

WE, THE KĀNAKA KŪLEANA HĀNAU OF ALL MOKUPUNI O HAWAII HAVE BEEN TAKEN ADVANTAGE OF FOR FAR TO LONG AND EVERY SINGLE ONE OF YOU WHO SITS IN THOSE SEATS TODAY AND SINCE 1921 WHEN THIS ENTITY REPRESENTING THE FEDERAL GOVERNMENT OF THE OCCUPYING COUNTRY OF AMERICA FEDERAL DUTIES WERE ESTABLISHED ON LIES, DECEIT, AND CONTINUOUS FEUDALISM FOR U.S.A. AND NEVER BASED ON US, THE KĀNAKA KŪLEANA HĀNAU OF MOKUPUNI O HAWAII, AND IT HAS GONE ON FOR FAR TO LONG, AND NOW THE ONLY WAY YOUR BRAINS COULD COME TO IN SEEKING HOW TO DIG YOURSELVES OUT OF A CENTURY WORTH OF NOTHING IS TO BRING GAMBLING TO HAWAII!!!! THAT IS THE LOWEST THAT ANY ENTITY WHOSE DIRECTED BY THE VERY OCCUPYING FEDERAL/STATE OF AMERICA CAN EVER COME TOO IN TRYING TO FIX WHAT WAS NEVER YOUR DUTIES TO BEGIN WITH. ALL I SEE IS THAT WHEN THIS COMMISSION ACT OF 1920 WAS INTRODUCED ON WAS BASED ON SHUTTING MY KŪPUNA 'ŌIWI EYES AND MOUTHS UP BECAUSE THEY KNEW WHAT TRUTH BEHIND THE FRAUDULENT "ILLEGAL TREATY OF ANNEXATION" WAS BASED ON AND TO CONTINUE THIS ACT, YOUR ORGANIZATION DEPARTMENT FIGURED TO THAT ALLOWING A LIMITED GAMING/GAMBLING IS AND THE ONLY WAY?! I THINK NOT! SHAME ON YOU ALL WHOSE IN THIS D.H.H.L ORGANIZATION WHO WE PUT OUR FAITH AND HOPE IN TO FOR FAR TO LONG NOW. IT WILL SOON BE A 100-years IN 7-8 MONTHS TIME AND WHAT DOES THIS ENTITY REALLY GOT TO SHOW FOR ITS SELF?!

IS THIS REALLY ABOUT HELPING HOUSE THOSE WHO'VE BEEEN ON THESE WAITING LIST FOR OVER 40-50 YEARS AND CONTINUE TO DIE OFF OF HIS WAITING LISTS? OR IS THIS REALLY ABOUT DIGGING YOURSELVES OUT OF THE COUNTY AND STATE APPROVED LAWSUIT AGAINST YOUR DEPARTMENT?! BECAUSE IF YOU ASK ME, THERE WILL BE MORE LAWSUITS COMING YOUR WAY WITH HOW YOUR OFFICE STAFF HAVE PURPOSELY AND CONTINUED TO MISPLACE SO MANY APPLICATIONS FOR D.H.H.L HOUSING, ALSO NOT TO MENTION HOW YOUR OFFICE STAFF PUT THEIR OWN FAMILIES IN/ON D.H.H.L HOUSING/ PROPERTY BEFORE THE WAIT LISTERS, AND ALSO HOW ALL YOUR D.H.H.L LAND MANAGERS ARE MISAPPROPRIATING FEDERAL/STATE FUNDS ON MOKU O KEAWE. NOW CAN YOU IMAGINE HOW THE OTHER MOKU PROBABLY HAVE THE SAME PROBLEM AND THAT'S SO SHAME.

I KNOW FOR A FACT THAT A PROPERTY WHERE D.H.H.L EQUIPMENT IS STORED ON HAS EQUIPMENT THAT WAS PURCHASED TO DO BIG PROPERTY LANDSCAPING BUT SITS ON SAID PROPERTY AND HAS NEVER BEEN USED ON SAID PROPERTY. BECAUSE IF IT WAS USED, THEN THIS PROPERTY WOULD OF BEEN UP KEPT WITH IT'S OVER GROWN GRASS, AND NOT TO MENTION BUT ALL OF THE OPALA ON SAID PROPERTY WOULD CONTINUE TO STILL SIT ROTTING AWAY ON THE SAID PROPERTY. THIS HAZARDOUS MATERIALS CONSIST OF RUSTED BARBWIRES, OLD FENCING, AND OLD FENCE WOOD POSTS ALL BURIED UNDER THE OVER GROWN GRASS.

THE SAID PROPERTY MENTIONED ABOVE IS THE VERY PRIME EXAMPLE THAT YOUR 100-YEARS OF NOTHING SHOWS THAT COLLECTING MONIES FROM

FEDERAL FUNDING WAS MUCH MORE IMPORTANT THAN TAKING CARE OF OUR PEOPLE (KĀNAKA) AND PUTTING THEM BACK TO THEIR ANCESTRAL LANDS TO MALAMA SAID LANDS, WHICH YOUR DEPARTMENT HAS FAILED TO HAVE DONE!!!!

SO MY ANSWER IS " A'OLE LIMITED GAMING IN A SINGLE INTEGRATED RESORT CALLED KO OLINA. "

ALOHA PUMEHANA,

Elaine P.K. Makaio-San Jose

From: Sarah Martin
Sent: Tuesday, February 02, 2021 7:25 AM
To: DHHL.Planning
Subject: [EXTERNAL] Casino Hawaii

Hi,

My name is Sarah Martin and I'm 32 years old. I live on Oahu.

I know the state needs to make more money since covid destroyed the tourism.

I think the best way we could make money is to legalize weed and add the lotto to hawaii. We don't need to have a casino to generate revenue.

Weed is already all over the state. If we taxed it, we could use that money to help improve Hawaii! And the lottery would also be a huge help! So many people on the island love the lottery.

I think we should leave the casinos for vegas.

That's my personal opinion. Hawaii is for beaches and relaxing. Vegas is for bad decisions.

Thank you,
Sarah Martin

Sent from my iPhone

From: [Scott Martin](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino gambling
Date: Monday, January 25, 2021 7:51:10 AM

Aloha

I write in support of Casino gambling in Hawaii and especially on HHL property. There is no better way to accumulate funding for the construction of local Homes. If you assume each local home costs \$500k DHHL could produce up to 60 homes annually, in perpetuity. That is welcome relief to those waiting on the rolls for years. Families experience the pride and joy of home ownership, children get to sleep at night in their own bedrooms. More importantly the legacy of home ownership is passed down from generation to generation building sustainable financial wealth and success.

A yes vote is imperative, even against the outside forces that want to keep the status quo. Status quo is not benefiting local families.

Regards,
Scott Martin
(local haole)
Kailua Kona, Hawaii

From: [Rochelle Mas Morel](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL]
Date: Saturday, January 23, 2021 3:10:42 PM

I am all for it i have been on the waiting list for 30 years an would luv to work there

From: [Teagan McArthur](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] No Casino
Date: Tuesday, January 26, 2021 6:02:05 PM

Aloha,

Although the hope is to help our economy, having a Casino in Hawaii is not what we need. People wait years on the list for somewhere they can build a house to call home. Some of us aren't even able to get on the list because we don't have enough Hawaiian blood.

What we need are places to help us become more self-reliant and stop relying on the states to bring us food. Things like community gardens where we grow and take what we need is going to help us. It'll teach us to be patient, independent and bring out the true meaning of Aloha. Building a safe place for the Keiki to play is what we need. So please, do not build a casino. It could cause an increase in crime, gambling addiction, and breaking homes apart.

Please choose what the people want and find something else.

Mahalo,
Teagan McArthur

From: [Jeffrey Milisen](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] RE: Legislative Proposal to Authorize Limited Casino Gaming
Date: Thursday, January 28, 2021 7:46:15 AM

I am not Hawaiian, so maybe my opinion counts a little less here, but I come with a story from where I grew up in Ledyard, Connecticut. When I moved there in 1987, the major industries were General Electric, Pfizer, and some small-time farming. These are decent paying, middle-class jobs that hired locally and treated their employees well. Crime was nonexistent.

Then the Pequot tribe got independent status and a reservation. With that reservation came one of the largest casinos in the world. Then the Mohegan tribe followed suit in the neighboring town of Montville. It sounded like a great idea and a lot of us supported the idea of the local tribes making some quick cash. People started pouring in from NYC, Boston, and all across the US. The tribes got rich quickly and went to distribute the money in the form of monthly checks to anyone who could prove that they were X% Pequot.

I went to school with the Pequot kids. They made so much money they should have been set for life, and they knew it. They didn't pay attention in class because, why would they? They were paid to go to school. They spent their money on brand-new lifted trucks and started competing over who could drive the most outrageous vehicle.

The area's big industries turned to support gaming. The kids who didn't receive direct tribal checks no longer wanted to be scientists and engineers. Instead, they became waitresses, dealers, and cashiers. I got a job in one of the retail shops in the main mall. On my way in to work at 5am, I would frequently pass grown men crying on the benches at the entrance or children hanging on the fences bordering the gambling floor, waiting for their moms to finish at the slots-their bedtime had passed hours previously. I will never forget the day a man threw himself out of the hotel and landed on the cement ceiling of the casino, hopelessly in debt and depressed. His body pounded 6 inches into the concrete.

One day, FBI came in and shut my retail down, along with the offsite warehouse and headquarters. Our CEO had been laundering Chinese mob money and engaging in big-time fraud.

By the year 2000, the casinos were struggling to compete with other casinos that had opened up in NY, PA, and MA. The tribes still owed a massive debt but they had no income. The checks that supported the families went to investors. Those kids who had squandered their schooling had no professional skills.

My town had once been a forgettable opening in the middle of the woods. Now the area was flooded with crime, abject poverty, gambling addiction, poor education, and low-wage jobs. I know Hawaii isn't in the same starting place as Ledyard, but these are problems that are inherent in any casino. I already see the start of gambling addiction in local families that vacation in Vegas, aka "little Hawaii." And any casino that is built will be dependent on tourism. DHHL is hurting now, presumably because our tourism economy has dried up. With a casino in place, that gambling money will largely come from locals who take paychecks that should have been destined for rent and bills, and spend them at blackjack instead.

This is your choice to make, but please move ahead carefully.

Mahalo,

Jeffrey Milisen

From: [Scott L. Mitchell](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Gambling in Hawaii
Date: Thursday, January 21, 2021 5:27:06 PM
Attachments:

I strongly object to opening the doors to casino gambling in Hawaii. Hawaii residents have a historical precedent toward gaming and often visit Las Vegas. I personally believe it should remain that way. Hawaii has remained a special place for visitors, because the activities evolve around nature, the outdoors and people are not stuck in a casino for hours on end. It would be a shame to bring casino gambling here to Hawaii. It would not benefit the community and all of the problems associated with gambling would plague our community.

If any gaming is to be allowed in Hawaii, it should be limited to Lottery type gambling where the revenues could benefit the community directly as is done in other states. For years we have talked about increasing educational funding by taxing Hawaii's citizens even more than they already are taxed. Why not implement a lottery to fund education as is done in other states.

I don't want casino gambling in Hawaii.

Scott L. Mitchell

Sustainable business practices start with the smallest things: please consider reading this e-mail online instead of printing.

From: [Marlene Morris](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Proposed Casino on DHHL lands in Kapolei
Date: Friday, January 22, 2021 5:13:06 AM

I have always been saying that the State of Hawaii needs to find other means of acquiring revenue besides overtaxing the people. My opinion is that Hawaii should pass some sort of gaming in order to relieve budget shortfalls. I believe that by doing this, DHHL would be able to fulfill Hawaiian Homes awards for homes.

There has been so much talk of gambling bringing crime, but truth be told, we already have so much crime without gambling. I lived in Las Vegas for 10 years, and have never seen any crime unless you go looking for it. Living was cheap in Vegas, and the gaming industry paid for the roads and schools. I did research maybe 20 years ago and discovered that Hawaii residents spend 29 million dollars a year in Vegas, we should be keeping that money at home.

Let's not bury our heads in the sand anymore and step out and pass this.

Aloha,
Marlene Morris

From: [Curt Muraoka](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Support for DHHL Casino
Date: Friday, January 22, 2021 11:29:17 AM

Aloha,

"Buy Local" and "Support Local" -- why would these sentiments not apply to legal casino gambling?

Over many years predating the national rush to legalize gambling (as is widely known, 45 states allow casinos), the "social ills" associated with gambling addiction have been cited as the reason for prohibition. Vegas isn't nicknamed "the 9th Island" for nothing, and illegal gaming is already here for anyone who cares to look. Hawaii allows "social" gambling, and doesn't define clearly what that looks like, so a person who really wants to find a game can find a game--thus the social impact is already here. Yet we haven't fallen apart neither as a state nor as a country even though the pathology for problem gambling is similar to drug and alcohol dependence.

On some level, legalized casino gambling in Hawaii is an *If you can't beat 'em, join 'em* type proposition.

Until we join in, Hawaii will continue to transfuse millions of dollars daily into the lifeblood of the 9th Island, which isn't really part of Hawaii, is it?

Curtis Muraoka
Captain Cook, Hawaii

From: [Ivy Muraoka](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino Planning
Date: Thursday, January 21, 2021 5:23:08 PM

Aloha,

As a beneficiary, **Loppose** the idea of having a casino built due to the fact that i as a beneficiary as well as my ohana will not benefit from it.

Mahalo,
Ivy Muraoka

From: [Tori Nakamatsu-Figaroa](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Proposed Casino
Date: Friday, January 29, 2021 7:31:50 PM

Hello!

I don't support the casino. Please don't keep relying on tourism for our economy. Please don't use helping kanaka maoli as an excuse to foster unhealthy environments. If money is such a need, maybe open a farm and co-op grocery, something that will benefit the community it's in and help Hawaii be less dependent on goods shipped to us.

Again, I don't support the casino.

Thank you for taking the time to read and consider my email, hope you're having a great day!

Cheers,
Tori Nakamatsu-Figaroa

From: [Claire Nicely](#)
To: [DHHL,Planning](#)
Subject: [EXTERNAL] No Casino!
Date: Monday, January 25, 2021 8:51:07 AM

DHHL:

I believe a casino to fund Hawaii Homeland requirements are not in the best interest of the people of Hawaii. While I believe that the Hawaiian people are entitled to what was pledged to them, there should be other means to do so other than a casino.

Perhaps the land designated for the casino could be used to build a few simple condo with income generating capability - using the first two floors for commercial / resale outlets, such as a grocery, medical offices, to support payment of the condo units above - could be an alternative.

Mahalo,
Claire Nicely

Sent from my iPhone

From: [Leiana](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Building a casino in Kapolei
Date: Thursday, January 21, 2021 7:38:58 PM

Aloha, why are you folks are focusing on building casino? there's a lot of families that been waiting for many years like my Mom Hannah Mahi-Wilson, my Aunties and Uncle's and my siblings on waitlist my sibling and I recently lost our mother thus past two years, please focus on the families, not this non sense that going to cause violence, crimes and even killings on our aina because people so greedy for money and how knows drugs. I lost my nephew this past August for working in an illegal gambling a group of guy's came in and shot him so please my Kanaka's reconsider "Aole casino we need home for our Families no crimes in our community please, Mahalo!

Leiana K., Nihoa

From: [Terry Norrington](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] HawaiianHomelands Casino
Date: Friday, January 22, 2021 7:35:37 AM

I am writing to express my support for a Land-Based casino to be built on Hawaiian Homelands.

This would greatly help the island peoples financial future. & well-being.

We are a great tourist destination and have, because of the recent pandemic, suffered economically. Meanwhile tourist simply do a quick stop-over in Hawaii to continue their vacation to Las Vegas where they are entertained there.

Hawaii doesn't even have a lottery, which benefits most every state in the US Mainland. These Support schools, infrastructure of cities and yes even the housing for homeless & our elderly.

It's a false narrative that casinos create poverty and crime.

Meanwhile, we have for years promoted our citizens trips to Las Vegas with perks.

A Government regulated casino is a plus to the Hawaii Islanders & our government institutions.

TERRY L NORRINGTON

From: [KALEO OLMOS](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Gambling on Hawaiian Home Lands
Date: Friday, January 29, 2021 9:21:31 AM

I am in favor of having a Casino on Hawaiian Home Lands. This will give people in Hawaii an option to Gamble in Hawaii instead of going out of State. Jobs will be created and monies will stay here in Hawaii.
Organized crime, drugs and crime is already here in Hawaii.

[Sent from Yahoo Mail on Android](#)

From: [Jessica O'Malley](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kapolei casino
Date: Monday, January 25, 2021 8:30:40 AM

Aloha -

I'd like to share my household's opinion that we believe the casino introduction in Kapolei would be a good idea for economic growth for the second city.

Mahalo for your time,
Jessica O'Malley

From: [Ravlene Puahi](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kapolei Casino
Date: Thursday, January 21, 2021 5:10:42 PM

Yes, we should have a casino for Hawaii. It will help in many ways, education, repairs. And me. I go to Vegas almost every year paying at least \$3-4 thousand, we have a group about 25 people holding tickets for Vegas, we were scheduled to visit Vegas in March but recently our trip got pushed back till June. In the past years I have gone to Vegas our plane was always full, when visiting any Boyd Casino lots of local people playing machines. Let's build it and they will come

Sent from my iPad

From: [Raylene Puahi](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Kapolei Casino
Date: Thursday, January 21, 2021 5:19:40 PM

Yes, we need a casino for many reasons, education, repairs, the people who spends thousands of dollars, everyday going to Las Vegas.

Sent from my iPad

From: [Kammv Purdy](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Gaming Casino
Date: Thursday, January 14, 2021 10:48:27 AM

Aloha,

Please, NO casino on Hawaiian Home Lands or in Hawaii. I would rather use our agricultural homestead land to grow Cannabidiol. This agricultural enterprise will make use of our agricultural lands, produce revenue for all homesteaders & the State (not one developer) and give us homestead beneficiaries an opportunity to own our farm business. Mahalo for giving us the opportunity to share our mana'o through this process of beneficiary consultantation.

Mahalo.

Harry @ Marlene Purdy

Hoolehua, Molokai, HI

Sent from my iPhone

From:
Sent: Wednesday, February 03, 2021 2:25 PM
To: DHHL.Planning
Subject: [EXTERNAL] Casino Resort in Kapolei

To whom it may concern,

I am in opposition of the casino resort planned in Kapolei. I agree that a casino will bring in large amounts of money however, one needs to ask where this money will be coming from. Looking at Oahu's economy and crime, one can only foresee that a casino will increase the crime rate on Oahu. I understand that there will be gamblers who gamble their own money, but with many out of jobs where will the unemployed and homeless get their money to gamble? More stealing, more theft, more robbery, more drug dealing. It's easy money and gives them a chance to win more thus creating a cycle and addiction for some. So yes, I am sure a casino will bring in lots of money, but do we want it at the expense of our safety, our community, our aloha spirit? For the sake of these things, I kindly ask that those in support of a casino would look at other means to fund their plans. Possibly something like the lottery. Thank you for your time and consideration.

[Sent from Yahoo Mail for iPhone](#)

From: [Tasha Relator](#)
To: [DHHHL.Planning](#)
Subject: [EXTERNAL] Re: Kapolei Casino
Date: Friday, January 22, 2021 12:23:31 PM

To whom it may concern,

I am against the opening of any casino in Hawaii. There is enough drug problems in Hawaii in general, this will only add to the problem.

Bringing a casino to Hawaii will bring great crime, drugs, and even possibility more children missing in Hawaii. I can't imagine this being a good thing at all.

Sincerely, Tasha Relator

Sent from my iPhone

From: Joanna Pokipala
Sent: Tuesday, February 02, 2021 5:23 PM
To: DHHL.Planning
Subject: [EXTERNAL] Comment on Gaming Proposal

Aloha mai Kaua,

My name is Joanna Maile Pokipala Resurrection. I am a Kanaka Maoli. I am not a homesteader nor am I on the waiting list due to lack of blood quantum. However, I want to voice my opinion on having a casino be put on Hawaiian Lands. That opinion is in opposition to this idea. Kānaka have enough addiction problems and this will be added to the list. Please reevaluate your assets and gain revenue that way.

Mahalo,
Joanna M. P. Resurrection

Sent from my iPhone

From: [Danny Roe](#)
[DHHL.Planning](#)
Subject: [EXTERNAL] Proposed Casino in Kapolei
Date: Monday, February 01, 2021 6:36:25 PM

I am a homeowner and I live in Kapolei. I am apposed to opening a Casino in Kapolei or for that matter anywhere in Hawaii. We do not need casino's in the Hawaiian Island. I believe it will increase our already heavy traffic situation, high crime level and place further stress on our understaffed and over worked Honolulu police department. Most importantly I am concerned about the potential for child trafficking. Bottom line I am apposed to the proposed Casino project.

Thank You
Danny L. Roe

[Sent from Yahoo Mail on Android](#)

From: [Jeff Ruoss](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Public Comment on Proposed Casino
Date: Friday, January 22, 2021 1:38:20 PM

In an effort to provide economic benefit and avoid undesirable impacts I suggest the following;

Make it a misdemeanor for Hawaii residents to gamble at the proposed casino and enforce it.

From: [Jeff Ruoss](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Fwd: Casino Gambling Public Comment
Date: Monday, February 01, 2021 12:07:03 AM

It should be illegal for Hawaii residents to gamble. Do not change this law please.

Although a casino that caters to non-residents would be beneficial to the island economy.

Hard earned income by locals cannot be gambled! The impacts to families and the Hawaiians in general would be negative.

From: [Shirley Saffery](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Big Yes for Casino in Kapolei
Date: Thursday, January 21, 2021 4:53:47 PM

I am so happy that Dhhl is proposing this Casino. The Legislature continues to squash any mention of gambling in Hawaii. Let the people decide this. We are 1 of 2 states with no gambling, even bingo. I don't know what the State is trying to prove by this. Actually it should be on the ballot to put an end to this. Not everyone wants to go to Las Vegas. It would be great to have a place for locals to get together. Good luck

Sent from my iPad

From: vurdosek
Sent: Monday, February 01, 2021 10:56 PM
To: DHHL.Planning
Subject: [EXTERNAL] Casino

Not sure why it aint legal here yet....why are sending all that \$\$\$\$ to vegas....its time to 🤖🤖🤖🤖🤖 hawaii and keep that \$\$\$ here and export our wealth to other states

From: [Cecelia Sasaki](#)
To: [DHHL.Planning](#)
Cc: [LaVerne L. Matanane](#); [Loretta Spencer](#); [Norine Matanane](#); [Nobie](#)
Subject: [EXTERNAL] Gambling Casino on DHHL
Date: Saturday, January 23, 2021 9:33:18 AM

As a beneficiary on the Waiting List I opposed the idea of using Hwn Home Lands for a casino. Why not a lottery? The expense to build, operate & maintain a Casino would cost a lot more than running a lottery. A casino would cause a lot of problems. Alcohol & drug addiction & financial debt for people who cannot affordable to gambling.

The DHHL was established to get Native Hawaiians back on their lands which was taken away from them. I am against a gambling casino on Hawaiian Homes Land.

Sent from my iPhone

From: [Stephanie Serra](#)
To: [DHH, Planning](#)
Subject: [EXTERNAL] Casinos
Date: Friday, January 29, 2021 6:19:47 PM

Just as a lucky resident of the fabulous state of Hawaii, here are some points of my opinion regarding the above mentioned subject.

Please excuse the almost certain grammatical errors forthcoming:

1. In light of the human loss, and economic devastation, that I believe will take more than a decade to recover from, I think it is time for Hawaii to be progressive and a bit self serving , (an example 1a) to get a big jump on economic recovery, comparatively to other states that don't have tourism as it's main source of state revenue. Is that considered gross national product? Idk.

1a. I say, why are our hardworking residents paying to the good state of Nevada, (whose residents do not pay state tax, because mostly if the gambling revenue, I'm assuming.) So they spend their hard earned money on a package deal to Las Vegas, and really, they are going basically to "gamble" because L.V. yes has some attractions, i.e. how many times can you see Hoover dam? So I'm pretty sure repeat customers are definitely ones who enjoy gambling.

So I say, hey make it possible so they can at least gamble here and help their own state, and maybe next vacation they can visit somewhere new.

2. I don't know the homestead/native lands and the proposed bill, but I've been saying for awhile, like Alaska, they should be getting monies, especially for their children etc.

3. But I think it could be better. ALOT BETTER. ABSOLUTELY Hawaii tourism should definitely incorporate casinos , and gambling, not just one, (isn't that monopoly?).

Here is why and how I think it could be.

If the worries are if the hotels had gambling, the crime element, and or the stupid thinking Hawaiians are gonna run and blow their paycheck, okay the small percentage that I guess have no impulse control, well it already happens in the gaming rooms that we all know they are there, I don't know if now they are legal, with some of the games being games of skill, which I'm told is??? But for law enforcement they look for warrants outstanding so I think it's good. Yes I've seen customers play to 600 plus then go back to 0. Which I would have cashed out, but they play to hit the big cash. At any rate depending on the owner and how loose the games are, I have definitely won more than I've played. Can't say that about Vegas, (my mom lives there). And mostly, I have only put in 5 -10. The most I won was 400, and it was a tournament with no buy in.

A. If you wanted to keep in certain area, like away from Waikiki etc. Fine, I believe there is plenty of land on the islands and and the purposed area. It would certainly make use and bring that rail line out of the red, and I'm sure tourists would be riding it.

B. I suggest having outside developers, I'm sure plenty of wealthy japanese developers would agree to certain area, renting the land, exclusivity on all builders, workers, materials etc, somehow be supplied by Hawaii etc. Not to stereotype, but I do believe alot of japanese

countrymen enjoy playing as do I.

Think about how many jobs this would be for Hawaiians! Builders, then staff, from valet to dealers to hotel staff to restaurants to floor shows that could def incorporate the beauty and culture of Hawaii. Think of the enticement of fans coming to see a boxing match? Think of how many more tourists that would come because of the incredible islands and the ability to gamble. The revenue I know would be absolutely WAY more than expected.

I believe you're talking about a bill, for Hawaiians. That's great and a move for the native Hawaiians as it should be. But the mere fact of legalizing gambling will make the Hawaii islands, one of the wealthiest states in the U.S.

And maybe just have it on Oahu and the big island. So any elements associated with gambling, casinos, won't be obscuring the culture and history etc without disturbing the other islands if that should be wanted.

I think Hawaii should ABSOLUTELY have a state Lotto, and scratcher tickets. Like states like California, where proceeds go to education, I don't know how you can argue with that. And to the naysayers that gambling is either against their religion, etc, remember we live in a free country and people should have the right to decide to or not, especially when gaming rooms are all over raking in money, and paying no tax. They aren't seedy, or filled with evil element, they are very strict and a definite help for the police Dept in my eyes.

But I also think, in undertaking this, please please, we need to have extremely scrupulous, competent, experienced, men and women to make it happen, and please no nepotism. The one thing i see and

Have seen to tragic ends, so many individuals holding positions that they have no training nor experience and who's errors and obvious mistakes and blunders set back whatever or wherever business that employ them in so many fields, which keeps progress and quality to a snail's pace, because someone's relative, or friend needed a position, but had no business (no pun intended) being there, making mistake after mistake costing taxpayers huge amounts of money.

Think about how many people could be working steadily if the wheels and cogs of a blended commitment between progressive legislation, developers, and thousands of honest hard-working Islanders who want to see that they are changing with the times so their children and their children can enjoy great education, and that 1950s dream of having a home, a good job, a good economy that employs every working class, that we know, a society needs to be successful. We cannot succeed if there is only the very poor and the very wealthy, there has to be a middle to survive. History shows it. if there is a will there is a way, and I, being cut down in my prime by health issues, have experienced homelessness and trying to navigate thru it, so abhorrently by exactly the kind of people in positions they have No business in, also blended with the doubting Thomas's who keep progression down, because of downright greed, and lol knowing the fact that if people found out that they have no idea what their doing, they too might be homeless.

I'm sure there are points I forget and will probably remember but I tried to incorporate the reasons for YES! absolutely ! casinos for Hawaii!!!. Ignore the response of the same idiots who live in the past, the same answer and the same one when I had a great plan for homeless - but it will bring crime...hate to tell ya, but crime is already every where and um one thing

might help, no poverty, jobs, good economy. So it goes back to my theory, non progressives just aren't intelligent enough for whatever positions they hold, and they don't want to be discovered that they don't know what they are doing and are scared so they just say no.

All in all, if we start now, we will be able to bypass the years of mending from covid that sadly, other states and countries will be up against because,... we're lucky. We are lucky of having tourism to support Hawaii and oh so lucky we can incorporate a new avenue for the islands, which will make us probably one of the wealthiest states, having a wealth of culture from it's natives, a healthy and booming economy, affordable middle to low class housing, probably a 50% drop in homelessness, education funded by Lotto, (which bring our children up and maybe passing a point, where sadly we know that covid is seriously threatening our children s education, which to me is sad and irrevocable global,) lower crime why? Because there are jobs, our economy is good, we are progressing. If that is a bit state-selfish then let it be, better than to be single-selfish by not taking advantage of the gift that is here to be used. Also after being cooped up for how long? We don't know, but hey I'm sure alot of people will want to come and relax and enjoy the aloha spirit!.

And a side note, let's hope we have some hotel-casinos are developing (remember we can set the "style" okay casinos in Hawaii could certainly take on the class of Monaco's casino, it can be our choice, does not have have a seedy element.

Another side note...long shot, but thinking ahead. Ok whenever's brilliant idea if taking out all Jacuzzi on the islands, unbelievably dumb. If we have chlorinated pools what's the difference? There's tons of fecal matter in the Ali wai canal and living on keehi harbor I've seen makeshift toilets dumped right in. Then there radiation in the Pacific from fukushima.so to take out Jacuzzi which gives so long change relief for muscle and spinal issues. What moron made that happen? Stupid.

Okay thank you, and I hope you guys make a precedence and revel in the kudos that I know will be abundant if someone has the vision and guts to bring the incredible God given gift, the islands of Hawaii and gift of the hawaiians to be appreciated and help them flourish in these times of great decisions.

Thank you,

Kekepania

Kakaako, hi.

From: Maydene Simmons
Sent: Tuesday, February 02, 2021 9:54 AM
To: DHHL.Planning
Subject: [EXTERNAL] Proposed Casino

Here are my comments:

Has anyone driven through Waimanalo recently? 75% of all homes in Waimanalo are occupied by Native Hawaiians. DHHL is supposedly managing these properties? You don't have to drive off Kalaniana'ole Hwy when driving through beautiful Waimanalo to see the management style of DHHL. I am not referring to the ocean properties currently occupied by the homeless population (that's another issue). And so, DHHL wants to enter the Casino business to generate revenue to build homes for Native Hawaiians when they can't even manage existing homes? I don't think so.

Mahalo

From: Pea Dog
Sent: Tuesday, February 02, 2021 4:06 PM
To: DHHL.Planning
Subject: [EXTERNAL] Casino Proposal

Dear Sir or Madam,

I wanted to write to voice my support for the idea of a casino on DHHL lands. If properly managed, it has the potential to bring needed funds to DHHL projects. I would hope that it will also speed the process of placing families onto DHHL land.

Sincerely,
Pamela Small

From: [Danielle Smith](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Commentary Submission: Opposition of Proposed Casino Gaming
Date: Monday, February 01, 2021 6:23:29 PM

Aloha e Department of Hawaiian Homelands,

I am sending this email to submit commentary on the proposed casino gaming center in Kapolei.

As a member of the Kanehili homestead in Kapolei, I must oppose this bill.

The bill starts off by quoting the state constitution "...further rehabilitation of the Hawaiian race shall be faithfully carried out." I ask in what ways does the proposed gambling center serve as a place of rehabilitation? How will DHHL make sure that it is specifically serving Native Hawaiians?

While it is true that there is potential for this integrated resort to earn lots of revenue in a short time, the sheer cost of construction, maintenance, and "specific funding that would help alleviate negative impacts" (Gomes, 2021), will take years to earn back and all money's earned will not go solely to DHHL trusts. The state has an opportunity to earn tax revenue on this facility as well, funds that are not promised to go directly to improving the lives of Native Hawaiians. It can also be argued that such a integrated resort will bring in more opportunities for commercial growth, but that should not be the goal. The goal should not be to create more low-paying jobs for Native Hawaiians to compete for amongst settler presence. Tourism is already poorly managed in Hawai'i and COVID-19 has shown proof that locals are not protected or supported from and in the tourism industry. A limited gambling facility also has the potential to increase the adverse cultural effects within Native Hawaiian communities, marketing unfruitful ways to spend money, promoting addiction, and idolizing a gambling lifestyle. While tourist and non-locals may benefit from the fun, residents will suffer the social impacts, regardless of efforts to maintain them.

Instead, I propose that the DHHL board should draft a bill that addresses issues of food security, career outlook, Native Hawaiian identity, and that promotes a circulate island economy. Possible institutions to place on DHHL lands can include programs like Ma'o Farms, with both profit and non-profit branches that serve the community in a healthy and sustainable way. Providing more means for Native Hawaiians at all ages to earn a higher education, go on international trips, and provide new and better ideas. One can easily ask the people what they want for themselves, and a much better answer than "casino" can be provided.

I plead for the DHHL board to hear the communities pleas AGAINST the development of the proposed integrated resort.

Mahalo,
Danielle

From: [Tim Smith](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] Kapolei casino
Date: Friday, January 22, 2021 6:36:34 PM

I fully endorse the right of indigenous Hawaiians to build and operate a casino on their lands in Kapolei

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From: [Dawn Soderquist Okano](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino comments
Date: Monday, January 25, 2021 6:53:33 PM

Aloha,

My husband and I would like to voice our very strong opposition to building any casino gambling here in Hawaii.

Hawaii is a special place because it is so different from the mainland. However, with all the mainland stores and technology moving in, we are losing our sense of the Hawaiian culture. Adding casinos to Hawaii would be a disgrace to Hawaii's ancestors. Imagine how the ancestors would feel with gambling here in these culturally beautiful islands.

I have seen places on the mainland build casinos thinking they are going to receive so many benefits from the extra money coming in. I have seen firsthand that did not happen.

Please, let's not go down this path. Let's think of others ways to raise money.

I have been a realtor for over 40 years here and I have seen how surprised most people are when I tell them how low our real property taxes are. I would suggest looking at raising taxes for non-residents. They expect it and they would not even feel the difference. Most other realtors will tell you it will discourage people from moving here, however, in reality it would not.

With aloha,

Dawn Soderquist Okano
Sent from my iPhone

From:
Sent: Monday, February 08, 2021 7:56 AM
To: DHHL.Planning
Subject: FW: Kalaheo Ward - HI Gambling Legislation (HB359, SB1321)
Attachments: GamblingBillLetter-ToHawaiiAdultMembers.pdf; ATT00001.htm; HB359-SB1321.pdf; ATT00002.htm

FYI below and attached

From:
Sent: Monday, February 8, 2021 5:45 AM
To:

Subject: Fwd: Kalaheo Ward - HI Gambling Legislation (HB359, SB1321)

Attached position of The Church of Jesus Christ of Latter Day Saints on Gambling issue in Hawaii. I received this email early this morning from my Bishop. Please be aware that every member in the state of Hawaii received this email.

Mahalo,

Get [Outlook for iOS](#)

From:
Sent: Monday, February 8, 2021 1:49:26 AM
To:
Subject: [EXTERNAL] Fwd: Kalaheo Ward - HI Gambling Legislation (HB359, SB1321)

Sent from my iPhone

Begin forwarded message:

Aloha Brothers and Sisters,

In the General Handbook 38.8.22, The Church of Jesus Christ of Latter-day Saints is very clear concerning gambling and lotteries. As stated in the Handbook, "The Church opposes gambling in any form, including government-sponsored lotteries". In Gospel Topics it states "Gambling is motivated by a desire to get something for nothing. This desire is spiritually destructive. It leads participants away from the Savior's teachings of love and service and toward the selfishness of the adversary. It undermines the virtues of work and thrift and the desire to give honest effort in all we do".

Again, we read in Gospel Topics "Those who participate in gambling soon discover the deception in the idea that they can give little or nothing and receive something of value in return. They find that they give up large amounts of money, their own honor, and the respect of family members and friends. Deceived and addicted, they often gamble with funds they should use for other purposes, such as meeting the basic needs of their families. Gamblers sometimes become so enslaved and so desperate to pay gambling debts that they turn to stealing, giving up their good name".

Currently, the Hawaii legislature is considering two bills that address legalizing gambling in the State. These bills are HB359 in the House and SB1321 in the Senate. Although, HB359 was presented and deferred on the February 5th hearing, SB1321 is scheduled to be heard on Thursday, February 11th.

I encourage our members to consider the negative impact gambling will have on the people of Hawai'i, our communities, and our families. Then take the appropriate action to let your voice be heard. Communicating with your elected state legislators is a good first step. You could either call or submit a written testimony to your legislators. This is an opportunity to let your voices be heard.

The attached flyer (as sent via email) has more information.

Mahalo!

Elder Voi R. Taeoalii
Area Seventy

The Stake Presidency has requested your attention to the attached letter from Elder Voi R. Taeoalii of the Area Seventy regarding gambling bills under consideration by the Hawaii state legislature. Elder Taeoalii provides counsel that has been given on gambling and encourages members, "to consider the negative impact gambling will have on the people of Hawai'i, our communities, and our families...then take the appropriate action to let your voice be heard."

Additional legislative details have also been attached. Mahalo for your consideration of this time-sensitive issue.

Aloha,

Bishop Shipley

You received this email because you made your email address available to your local Church leaders. It was sent by Michael Shipley, whose calling is Bishop.

House Bill 359

Report Title: Limited Casino Gaming; Single Integrated Resort; Appropriation (\$)

Description: Grants forty-year gaming license for a single integrated resort property on Hawaiian home lands designated for commercial use on the island of Oahu excluding lands west of Ko Olina. Establishes Hawaii Gaming Commission. Imposes wagering tax on gross gaming revenue. Creates State Gaming Fund. Appropriates funds.

Companion Bill: [SB1321](#)

Package: None

Current Referral: ECD, JHA/CPC, FIN

Introducer(s): SAIKI (Introduced by request of another party)

STATUS: on February 5th the House committee on Economic Development DEFERRED the Measure.

Subject Matter Committees:

1. Economic Development

Economic Development (ECD)

Sean Quinlan, Chair
Daniel Holt, Vice Chair
Della Au Belatti
Dale T. Kobayashi
Richard H.K. Onishi
Jackson D. Sayama
Gregg Takayama
Val Okimoto (R)

If it passes Economic Development it will head to:

2. Judiciary and Hawaiian Affairs/Consumer Protection and Commerce (Joint Committee Hearing)

Judiciary & Hawaiian Affairs (JHA)

Mark M. Nakashima, Chair
Scot Z. Matayoshi, Vice Chair
Linda Ichiyama
Dale T. Kobayashi
Matthew S. LoPresti
Nicole E. Lowen
Angus L.K. McKelvey
Nadine K. Nakamura
Roy M. Takumi
Chris Todd
James Kunane Tokioka
Gene Ward (R)

Consumer Protection & Commerce (CPC)

Aaron Ling Johanson, Chair
Lisa Kitagawa, Vice Chair
Henry J.C. Aquino
Sharon E. Har
Mark J. Hashem
Sam Satoru Kong
John M. Mizuno
Dee Morikawa
Richard H.K. Onishi
David A. Tarnas
Lauren Matsumoto (R)

If it passes Judiciary and Hawaiian Affairs/Consumer Protection and Commerce it will head to:

3. Finance

Finance (FIN)

Sylvia Luke, Chair

Ty J.K. Cullen, Vice Chair

Patrick Pihana Branco

Stacelynn K.M. Eli

Daniel Holt

Greggor Ilagan

Bertrand Kobayashi

Lisa Marten

Scott Y. Nishimoto

Amy A. Perruso

Jackson D. Sayama

Adrian K. Tam

Tina Wildberger

Kyle T. Yamashita

Bob McDermott (R)

If the measure has not made it to the Finance committee by February 19th (a.k.a. First Lateral) the bill is dead.

If the bill somehow makes it through all four committees on time, it will cross over to the Senate. The first crossover of measures (House → Senate and House ← Senate) will occur on March 11

Senate Bill 1321

Measure Title: RELATING TO GAMING.

Report Title: Limited Casino Gaming; Single Integrated Resort; Appropriation

Description: Grants forty-year gaming license for a single integrated resort property on Hawaiian home lands designated for commercial use on the island of Oahu excluding lands west of Ko Olina. Establishes Hawaii Gaming Commission. Imposes wagering tax on gross gaming revenue. Creates State Gaming Fund. Appropriates funds.

Companion: [HB359](#)

Package: None

Current Referral: HWN, JDC/WAM

Introducer(s): KOUCHI (Introduced by request of another party), CHANG, KEOHOKALOLE, San Buenaventura, Shimabukuro

STATUS: The measure will be heard in the Committee on Hawaiian Affairs on Thursday, February 11th at 1:00 pm.

Subject Matter Committees:

1. Hawaiian Affairs

HAWAIIAN AFFAIRS (HWN)

Shimabukuro, Maile S.L. (Chair)
Keohokalole, Jarrett (Vice Chair)
Acasio, Laura
Ihara, Jr., Les
Fevella, Kurt

If it passes Hawaiian Affairs it will head to:

2. Judiciary/Ways and Means (Joint Committee Hearing)

JUDICIARY (JDC)

Rhoads, Karl (Chair)
Keohokalole, Jarrett (Vice Chair)
Acasio, Laura
Gabbard, Mike
Kim, Donna Mercado
Lee, Chris
Fevella, Kurt

WAYS AND MEANS (WAM)

Dela Cruz, Donovan M. (Chair)
Keith-Agaran, Gilbert S.C. (Vice Chair)
English, J. Kalani
Inouye, Lorraine R.
Kanuha, Dru Mamo
Kidani, Michelle N.
Moriwaki, Sharon Y.
Shimabukuro, Maile S.L.
Taniguchi, Brian T.
Wakai, Glenn
Fevella, Kurt

If the measure has not made it to the Judiciary/Ways and Means committee by February 19th (a.k.a. First Lateral) the bill is dead.

If the bill somehow makes it through all four committees on time, it will cross over to the Senate. The first crossover of measures (House → Senate and House ← Senate) will occur on March 11

From: [Tina Taniguchi](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Kapolei Casino testimony
Date: Friday, January 22, 2021 3:01:07 PM

Aloha DHHL planning, I am native Hawaiian I do not however qualify under your description to be Hawaiian. My grandparents may meet your blood quantum but they chose to work hard and to live where they were born and raised not where you choose to create a homestead and place people. I feel very discriminated, left out and voiceless because I do not meet your blood quantum. It is frustrating to be Hawaiian to live Hawaiian but to have no say on our Hawaiian Homelands... because I am not a "beneficiary". Maybe I do have a say.. I don't know... I do want to voice my say on the proposed casino in Kapolei, anywhere in Hawaii for that matter. I am against a casino here in Hawaii because of the lifestyle it represents and draws in. Many people who live where gambling is legal, or casinos are nearby suffer from gambling addictions! Drugs in Hawaii is a struggle enough! From just one casino a lifestyle will develop and grow outside of that casino, on to our streets in our homes.. where will it end? From one "successful" casino, beneficiaries (not all Hawaiian) will push for another casino, and another.. The Vegas nickname of 9th island has never felt good to me. It portrays a playground type of getaway location. Hawaii should be more about sustainability and preservation not a hit and go, or stay and play locale. So please don't just look at quick income, but the long term effects and change just one casino will bring. Mahalo!

From: [Justin Tanoue](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Thursday, January 21, 2021 4:35:13 PM

I am strongly in favor of your proposal to build a single casino on Oahu. People say crimes will go up, however, last time I checked Hawaii has more crimes per capita such as burglary, robbery, etc... than Nevada. I haven't checked recent numbers, but maybe you can take a look and compare.

Illegal gambling causes criminal activity and cheating. Having a regulated establishment would not only benefit the Native Hawaiian community, but also job seekers, small business, taxpayers, and the players. Everyone wins.

In a free county people should have a choice whether they want to patronize a casino. Local government leaders and lobbyists are trying to block this option for their own special interests and self gain.

Justin Tanoue
Kaneohe, Oahu

From: [Esperanza Tapiz](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino
Date: Friday, January 22, 2021 8:47:45 AM

I am in support to build the casino. The reason is because this will create job opportunities, small business can build around the casino and create revunue.

Sent from my iPhone

From: Eskkorpija
Sent: Tuesday, February 02, 2021 5:00 PM
To: DHHL.Planning
Subject: [EXTERNAL] Proposed casino

I think a casino is a wonderful idea, however it is completely asinine and discriminatory to allow gambling in only one tiny fraction of Hawaii!!! It should be allowed everywhere as people can't just hop on a plane real quick and fly over if they live on another island!!that would turn it into an expensive planned vacation which not many can afford! So essentially, once again as with most Hawaiian luxuries, a casino on Oahu would only be enjoyed by those in certain income brackets while the rest of the state spread out amongst the islands will never get a chance to enjoy it at all or even have to e chance at any employment opportunity it will create. Make gambling legal across the state -dont exclude other islands....Oahu ISNT more important, higher priority, or any better than the other Islands, so don't create any legislation that would reflect that or could be construed as such!

Thank you for your time and consideration.

Sincerely,

Erin K. Taylor

From: [Tenjoma Lyle](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] proposed casino
Date: Wednesday, January 27, 2021 5:46:23 AM

I certainly OPPOSE this casino anywhere, anytime.

Lyle T. Tenjoma DDS.MSD

From: [Eric Terashima](#)
To: [DHHL, Planning](#)
Subject: [EXTERNAL] Better ideas?
Date: Sunday, January 24, 2021 2:31:46 PM

All the powers that be are against the casino. But no one has come up with a better suggestion to raise needed funds.
Eric Terashima

Sent from my iPhone

From: [Mona Tokujio](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino comment
Date: Friday, January 22, 2021 7:52:26 AM

It is felt that increasing capital through gambling casinos is not what should be done. You are welcoming and opening Hawaii to miscreants/unethical and undesirable people as well as those who may have existing monetary problems. They might end up homeless and increase our already high homeless population which our tax dollars will have to be used to help them. Though you think you might add more money to your coffers, it will also increase the already existing economic problems and homelessness. I say no to having casinos in Hawaii!

Sent from my iPhone

From: [Aida Turcsik](#)
To: [DHH.L.Planning](#)
Subject: [EXTERNAL] Casino
Date: Friday, January 22, 2021 9:21:32 AM

I'm not in favor of having any type of casino. The island is so pristine and beautiful with our beaches and our plants. The place will be tainted if you have gambling and whatever comes with it. The financial gain or income does not equate to the harm and possible crime associated with having a casino.

Tourists come to our island because of the weather, clean beaches and the variety of food that we offer. We should think on how to improve these. People do not come to gamble.

Pls listen to us.

Sent from my iPhone

From: [Uehara 'Ohana](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Casino proposal
Date: Thursday, January 28, 2021 7:16:15 AM

Aloha,

I wanted to share my mana'o about the proposal to create a casino as a way to generate revenues. I think it is a terrible terrible idea. It would not benefit the native Hawaiian community it will only cause more harm to them please take a look at all the native American casinos built on tribal lands, and then take a look at the population it is supposed to be benefiting. No one wins when casinos are built it only invites more other related problems, and destroys families. And the people who will be spending their money there are the ones who can least afford to. Gambling has absolutely no benefits to the working class citizen. Leave it in Las Vegas where it belongs do not bring that to Hawaii, and especially on native lands. How do you think our Ali'i would feel about this? Tourist donot come to Hawaii for casinos, so your only revenue would come from the backs of the working class. A'ole, this is not a good idea, do not do this to our people. Do not introduce another western vice that will hurt our people.

Respectfully submitted by,
Toby Uehara

Na ke Akua pū

From: [Richard Vierra](#)
To: [DHHL Planning](#)
Subject: [EXTERNAL] Monday's Info Session
Date: Monday, January 18, 2021 11:12:20 PM

Aloha,

Happy New Year, and thank you for the very informative session tonight. Regarding tonight's presentation and format, you may be on to something – given covid, the weather and I think, the overall inability of many curious Hawaiians and wait-listers to attend or access information, this was great. My mom is 93 ½ and has been on the waitlist for about 30+ years and so she received the postcard about the session tonight and watched with some skepticism about a casino on DHHL lands. I joined her and watched and listened with an open mind, and think most people are concerned, not about the income a casino could produce but the reality (perceived or real) that the money left in a casino here will come out of the pockets of the Hawaiians and other locals the casino is trying to help. That said, I know tonight's presentation shared facts, many of which I know nothing about, i.e., the amount of DHHL land, the amount of land suitable for development, and the history of perceived mismanagement of OHA, DHHL and the State of Hawaii relative to the HH Commission Act. All that aside, I did have a few observations and questions:

1. Observation: Given that there are 28,000 people on the waitlist and IF you were to house each person on a 6,000sf lot, you would need about 3,800 acres and if it cost \$150,000/house to develop infrastructure, you'd need about \$4 billion.

Question: Is the \$150,000/lot accurate? Is this the Cadillac or VW version of infrastructure? Are there any options? Are there any government grants available to lower these costs? Perhaps BWS or HECO has something? \$150,000/lot may be accurate but are there alternative options or contractors who can build for less?

2. Observation: It was mentioned that a casino would net about 36% of its revenue to the DHHL. But no mention was made to what the 36% was based on, as 36% of \$100 is a lot less than 36% of \$100,000. The point being that if the basis to build a casino is to anticipate a large windfall of revenue to fund infrastructure, it would seem imperative to me that percentages be translated to dollars long before anything was built.

Question: Is there an estimate on potential net dollars in addition to net percentages? And if so, upon what is it based? Comparing it to other states is dangerous – see my next comment for an explanation.

3. Observation: When developmental costs and revenue streams are established based on similar casinos in other states, I'm always skeptical about the analysis because although casinos are effectively the same, states and casino-goers are not. I've lived and worked in Las Vegas, NV and Lake Havasu, AZ as a general manager for several small (300 rooms) hotels and casinos for 6 years and use that as my basis for understanding and expressing my concerns. For instance:

- a. The majority of major casinos are patronized by their own hotel guests or guests from nearby hotels so that hotel guests limit their transportation costs hence the large number

of rooms and the deep discounts on rooms, food, beverages and play tokens.

A standalone casino in Kapolei being 35+ minutes and 25 miles from the central tourist area of Waikiki makes it seem unlikely that a significant number of tourists and in particular parents on vacation here would have to find child care (no minors are allowed in casinos) then spend an hour+ driving assuming there is no traffic and the rented a car, to play in a casino and then return to their hotel to continue their vacation. I'm guessing that most families won't do that and if they do, they'd just do it only once while they are here. And with only two(?) small hotels in Kapolei, the pool of casino-goers in proximity is very small and not likely to fill a large casino (which it will have to be to address the economies of scale needed to ensure ongoing profitability).

Question: Has consideration been given or have studies been conducted to verify patronage of a standalone hotel an hour from a tourist base?

- b. Casinos are typically open 24 hours/day to capitalize on tourist traffic in the hotel.

With two small hotels in Kapolei and the tourist center 25 miles away, the pool of immediate casino goers is limited. Add to that, that I believe that casino attractions are not the primary draw of Hawaii, but rather beaches, sun, attractions (Arizona, Missouri, Polynesian Culture Center, Diamond Head, surf lessons, eco-tours and other attractions). Given that HVB reports that the average length of stay for tourists is between 5 and 12 days and is dropping annually, it would seem that relying on tourists to be the main source of casino-goers 24 hours/day/365 days/year is not wise.

Question: Has consideration been given or have studies been conducted to confirm an ongoing interest and determination of the potential number of arriving casino-goers?

- c. Casino employment is primarily service-oriented.

While the potential for jobs for a 24 hour casino is great, the largest employment sector will be security and gaming staff (housekeeping too, if a large hotel were added). Yes there will be a need for management and IT staff, but most management is typically hired by the casino and hires are trust-based and have been with the hotel a long time, which it not likely to occur here since the developer is not going to be from here. So employment will ultimately be heavily in the service/hourly wage area.

Question: Has a casino developer been involved to provide input on employment in non-security and gaming employment?

- d. A part of the casino attraction is the discounted food and beverage offerings.

As we know from our own experiences, food and beverages are extremely discounted or free in casinos for the purpose of keeping people at the machines or tables. When I lived in Las Vegas it was cheaper to eat out than to cook at home. It would seem obvious to me that the large working class population of Oahu, and particularly on the West side, will see this as a huge dining room and walk in, not to necessarily play, but to drink and eat. Of course they will play a little BUT this is the same population

base that you are trying to help yet they will be the ones dropping money into machines and drinking away their income. It won't be very long before casino management realizes that the already high costs of goods here are being given away. The result of which will be limitations on service (which is never a good thing in a casino) or discounts and freebies will end (and with it would go a major draw of a casino).

Question: Has consideration been given or have casino developers been contacted to determine interest and financial viability given the cost of doing business here?

- e. Next to Housekeeping, the largest department of any hotel/casino is Security.

There is a reason for this and it is internal theft, in addition to of course, customer control. So to suggest that crime is not increased by casinos is inaccurate as those types of crimes go largely unreported. For PR purposes, theft and violence in a casino are major PR issues to future casino-goers so they are kept under wraps. Also, what do you really think will happen when a group of locals walk in for the free drinks after work on a Friday afternoon and after a few drinks and putting quarters in the machines and tourists on the next machine gets on their nerves?

Question: Is Oahu really aware of this and is Oahu ready for the potential of failure in the tourist market from a PR standpoint to the world?

Ultimately, I think that concluding that a casino is the single most revenue generating development with the least amount of investment by DHHL is sound and accurate. However, I think the basis for that conclusion and the elements that get you there are not, or least were not described or expressed this evening. If there is a way to validate the observation above and answer questions, I believe it will help ease the concerns of many Hawaiians. I believe is that it is always best to fully understand and vet conclusions before they turn into commitments and actions which, in this case, could have a long-term impact on the DHHL and the Hawaiian community at large which cannot be reversed. My 2 cents....

With respect and aloha, Richard

Richard Vierra,

From: [Dave Wacker](#)
Cc: [DHHL Planning](#)
Subject: [EXTERNAL] Supporting Casinos
Date: Friday, January 22, 2021 10:11:15 AM

Aloha Joy, I am writing to you as a friend and as my senator. The subject of gambling has risen in the state again. As a former Wisconsinite, I am speaking from experience. I saw the introduction of gambling in Wisconsin and was totally against it coming to our state. First it was lottery scratch off tickets, race track betting, large lotteries and finally numerous casinos. As a business owner and teacher, I supported all groups that were fighting against any form of gambling. We all feared crime bosses of Chicago would come to our state and take over the casinos. Boy was I wrong! Let's jump ahead about 30 years, now casinos are numerous in Wisconsin with most Indian tribes having built casinos on tribal lands. For example, in Green Bay, the Oneida tribe has a large Casino and with it have become the largest employer in all of Brown County. They have built not only a casino, but also tribal clinics, senior citizen homes, drug and alcohol treatment centers, and aided and supplied the schools with better education facilities. The tribes have provided opportunities for students to study the arts, poetry and history during summer periods abroad. Athletes are helped by being given necessary equipment, new shoes and uniforms and even provide schools trips for things like ski weekends. One thing that helped our family's photography studio, was when they determined that every student graduating should have senior portraits for the school yearbook. They sent them to us with coupons to see that each student would be pictured in their yearbook. Early on, we were hesitant to visit the reservation ourselves, because of rumors that non-Indians would not be welcome. As we participated more and more with work for the tribes, we found they were just as insecure coming to our small town. As time progressed, we both gained confidence working with each other and these relationships grew into new friendships. When Ada Deer, a member of a local tribe, was appointed Assistant Secretary of the Interior and head of the BIA, she chose to be inaugurated for office in her own tribal community rather than Washington DC. She requested that we be the official government photographers of the event in Keshena, Wisconsin. It was a great experience meeting many new friends and even having the Secret Service carry our equipment. As time progressed, we got to be more and more a part of the local tribes activities. This work included doing ads for the casino, covering school sports, covering local festivals and special powwows. We were invited as honored guests to all of their important events.

At this time, the State of Wisconsin decided to publish a book titled 24 hours in Wisconsin. Every county was to be photographed for 24 consecutive hours by a photographer and written about by a reporter. We were requested to cover Menominee County and Shawano County for the book. No doors were closed to us, all events, rituals, buildings and ceremonies were opened to us.

When we first started working with the Native American tribes, they shared a common characteristic: poverty and the social problems of drugs, alcoholism, domestic abuse, theft

etc. associated with it. When gambling was initiated we saw a return towards prosperity. No longer were the reservations pleading to the state and county for aid, but were becoming more and more self-providing. They could afford a modern police force, child care, clinics and drug rehabilitation. The sawmill became profitable and began hiring again. The most successful tribe was the Green Bay Oneida Tribe. They began buying back former Indian Land, building businesses, and forming large farms that provided food for not only the tribe but also the local population. As a result, the tribe is the largest employer in Brown County. The Oneida and Menomonie Tribes are no longer the recipients of aid, but are now suppliers and taxpayers to the community.

The Chicago crime bosses did not move to Wisconsin, rather cultural events and arts are enjoyed by the community. This is true because the casinos have brought money from Illinois into Wisconsin, rather than lose it to Chicago. This has helped improve the environment and productivity in Wisconsin. Wisconsin has become a sought after fun tourism site. The system is not perfect; it is a great improvement from what it was in the past. I wish more of the People of Hawaii could see the changes I have seen. Money for poor roads, healthcare and education might bring a better future to Hawaii. I hope you will share this information with your colleagues. I know there are a large number of people who fear the introduction of gambling in Hawaii. I can understand that. I felt that way myself many years ago. My feelings have changed 100%, and I would strongly support forms of gambling in Hawaii because it would help our economy greatly.

Thank you,
Dave Wacker,
Keaau, HI

From: —
To: [DHHL Planning](#)
Subject: [EXTERNAL] public comment - Proposed Kapolei Casino
Date: Monday, February 01, 2021 7:55:10 PM
Attachments: [Wendt - DHHL Kapolei Casino.docx](#)

Aloha,

My comments are attached.

Mahalo,

Mahealani Wendt

February 1, 2021

Mahealani Wendt

RE: DHHL Proposal to Build a Casino in Kapolei

Aloha. My name is Mahealani Wendt and I am in strong support of legalizing gaming in Hawai'i and specifically, the Department of Hawaiian Home Lands' proposal to build a casino in Kapolei.

I served as Executive Director of the Native Hawaiian Legal Corporation for 32 years and in my retirement, continue my work as a volunteer community advocate East Maui community where I currently reside. In my community the people are traditional practitioners and still farm taro, fish, hunt and gather as a daily way of life. In 2018, after many decades of sustained effort, they were successful in achieving the largest water restoration in Hawai'i's history.

During my tenure as Executive Director of the Native Hawaiian Legal Corporation, one-third of our cases were on behalf of individuals who were eligible beneficiaries of the Hawaiian Home Lands trust. We represented beneficiaries whose efforts resulted in the historic \$600 million settlement during Governor Waihe'e's administration. The settlement also included a prospective right to sue for breaches of the Hawaiian Home Lands Trust, repatriation of 16,000 acres of land that had been illegally transferred out of the trust by Governor's Executive Order, and the establishment of the Hawaiian Home Lands Trust Individual Claims process to resolve individual claims. On a personal note, my mother died on the waiting list. A residential lot had been set aside for her but she passed away before construction of the residence in Kewalo was completed. Although my siblings and I would have qualified as successors, none of us met the 50% criteria to apply for a lease and the opportunity for home ownership was forever lost with her passing. Therefore I am well-familiar, on both a professional and personal level, of the impact of DHHL's chronic and long-standing lack of adequate funding.

I have served on many boards and commissions and was the first Native Hawaiian member of the Native American Rights Fund (NARF). NARF was incorporated in 1970 and its leaders mentored NHLC's founders in the latter's nascent years. NARF is a national litigation public interest lawfirm which represents tribes throughout the U.S. in matters involving traditional and customary rights, natural resources and self-determination and similar issues.

With respect to self-determination, it represented many tribes in their efforts to achieve federal recognition as well as establish gaming on their reservations. Our board members met four times a year and conducted site visits to the various reservations.

In this regard, I personally witnessed the transformation of the Pequot-Mashantucket tribe of Connecticut, from a very impoverished, destitute people to a people who were able to house their families, provide college educations and employment for every member, build schools, health care facilities, and make substantial contributions to the state's highway and other infrastructure. The tribe had a small membership of several hundred; once its gaming enterprise, the Foxwoods, became operational, they were able to provide jobs to far more non-members than their own tribal members; the surrounding community thrived and the state of Connecticut was well-satisfied with the revenue share it received for the license. At the time it was built and for many years thereafter, the Foxwoods was the largest casino in the U.S.

The tribe had the foresight to hire an attorney who was the former attorney general of the state of Nevada to oversee legal aspects of the Foxwoods, to guard against criminal elements and activities. Every tribal member received a per capita share of the gaming proceeds. Young adults were guaranteed a college education or employment with the tribe. It was their choice.

To quote the late John Radcliffe in his testimony before the Legislature's Committee on Tourism in 2012, "Hawai'i is the only major tourist destination in the world that prohibits gaming and each year, we export over \$1 billion to Nevada. This prohibition of that which is legal nearly everywhere else costs us \$1 billion each year in outgoing dollars and returns—none."

My husband and I, our siblings and many relatives, our classmates, our Association of Hawaiian Civic Club members at convention, many of our friends and neighbors -- all regularly visit Las Vegas. The phenomenon of Hawaii residents visiting Las Vegas has been well-established for many decades. It should not be a given that vice and criminal enterprise will inevitably follow; the Pequot-Mashantucket tribe serves as a stellar example of what is possible if done right.

It doesn't make economic sense to export a billion dollars to Nevada, especially now that the state of Hawai'i is facing unprecedented economic budget shortfalls. That is why we are in strong support of DHHL's proposal to build a casino in Hawai'i.

Thank you for the opportunity to comment on behalf of myself, my husband, our large extended families and network of friends.

####

From: [Robyn M](#)
To: [DHHL.Planning](#)
Subject: [EXTERNAL] Gaming on DHHL
Date: Saturday, January 30, 2021 11:28:49 AM

Aloha mai kakou,

I cannot believe you are wasting time entertaining this idea of building and operating Casino's on Hawaiian Homelands. I find It appalling. This is a horrible proposal. Get Hawaiians in Hawaiian homes on the 'Aina. (Please excuse the lack of the grammatical errors on the Hawaiian words, my keyboard does not have the capability.) If you cannot find eligible Hawaiians then educate them on buying homes. Educate them on building credit and lowering debt! Empower them!

This will have so many negative effects on Hawaiians.

Robyn Williams

From: WORLD CONNECTION HAWAII
Sent: Monday, February 01, 2021 7:14 PM
To: DHHL.Planning; DHHL ICRO
Subject: [EXTERNAL] Our Hawaiian people support legalize gambling

Our Hawaiian people support legalize gambling, that is the way to boost the economic development in Hawaiian land and hawaii people

We support you Tyler Iokepa Gomes

From: [Gilroy Yorkman](#)
To: [DHHLP.Planning](#)
Subject: [EXTERNAL] Casinos
Date: Thursday, January 21, 2021 2:14:48 PM

My name is Gilroy Yorkman. I am 74 years old and have been on the pastoral waitlist for Puu O Pae since the early seventies. I am also on the residential list. We have been taken advantage of by the State and Federal governments who use our lands without adequate restitution. We need to be proactive in generating our own revenue. This is a baby step but if successful it may be a stepping stone for larger ventures. We are tired of hearing that there are no funds for infrastructure so lands cannot be awarded. I do not like that the State will be the fiduciary partner. We will have another OHA. Please get approval and plan well. We are counting on your wisdom and sincere desire to further the Hawaiian people.

Aloha

Get [Outlook for iOS](#)

From: John
Sent: Wednesday, February 03, 2021 2:03 PM
To: DHHL.Planning
Subject: [EXTERNAL] DHLL's Proposal for Limited Casino Gaming

Aloha Good People,

As a resident of Hawaii for 42 wonderful years I ain't exactly a malihini. My wife and I have enjoyed decades of growing up and fostering careers on Oahu. If there's one thing that clearly defines this place is that change, any change is slow to come by. Getting a second political party to establish a foothold here has been a struggle. Building a reliable mass transit system in a timely manner hasn't been easy. Getting half of local people to realize building a few casinos around the state isn't going to open a Pandora's box has been an uphill battle. The other half are cool with it.

We're all aware how people feel about fireworks on New Year's Eve despite the ban on fireworks. Folks want to see the night lit up at midnight despite what the law says. The law also says there is no gaming of any kind allowed in our state but come Super Bowl Sunday there will be lots and lots of bets made and illegal money exchanged. It sure would be nice to see 80 percent collected from this to go towards the proposed state tax on gross gaming revenue.

I understand this complex being considered isn't just about a casino. Building a modern aquarium, a theme park that would rival Disney World, and a sports complex all would make for a great family oriented experience. But to focus on hard working Kimo and his even harder working wife Pualani for a moment, let's take a look at them. It's a Friday or Saturday night, the couple have arranged to get a sitter for the kids and both can get all duded up, throw their hair back, and enjoy a few hours of excitement at the crap table instead of having to spend the night out at Zippy's. If this plan evolves as proposed most of the patrons to the casino will be our tourists - probably a well-heeled traveler with the kind of discretionary income we want to see more of in our state who would sustain such a venture. Hawaii would be in a position to entice folks we don't normally see because they'd prefer spending their money in Macao or Monaco.

If the DHHL is going to be successful in this endeavor I suggest y'all solicit the support of one the biggest beneficiaries of this proposal - the airlines - who will enjoy heavier flight loads to Honolulu. Get them to support package deals DHLL would want to fill the hotel(s) on your premises.

Good Luck Guys - Roll That 7 or 11,

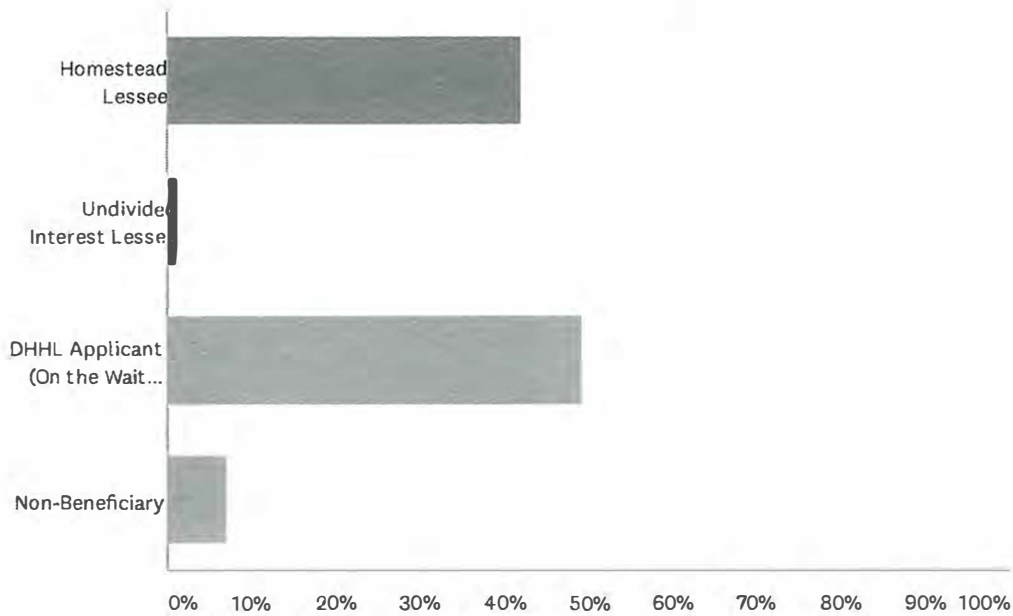
John Young

Exhibit G

SURVEY RESULTS

Q1 Are you a:

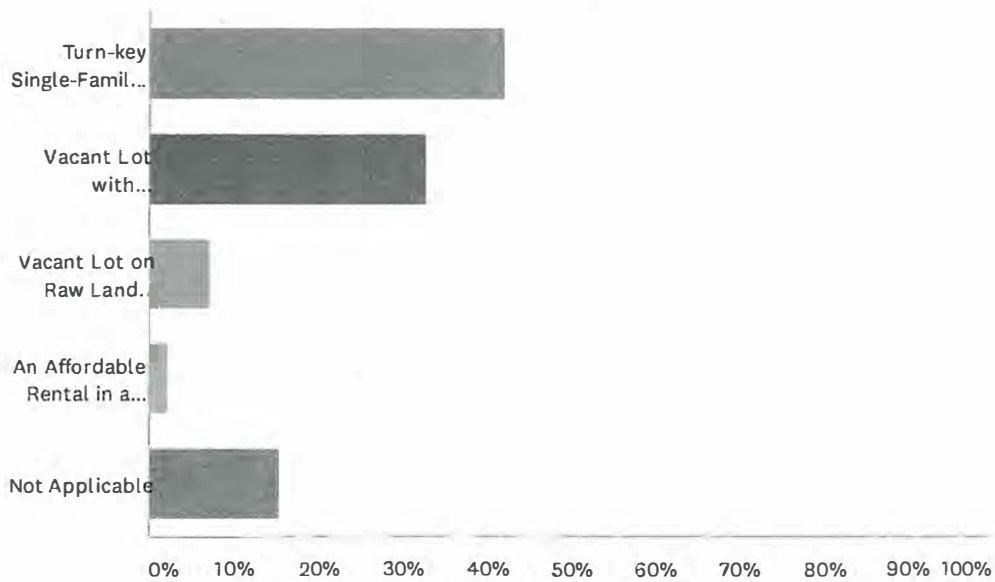
Answered: 85 Skipped: 0



ANSWER CHOICES	RESPONSES	
Homestead Lessee	42.35%	36
Undivided Interest Lessee	1.18%	1
DHHL Applicant (On the Waiting List)	49.41%	42
Non-Beneficiary	7.06%	6
TOTAL		85

Q2 What would you prefer to be offered from DHHL?

Answered: 85 Skipped: 0



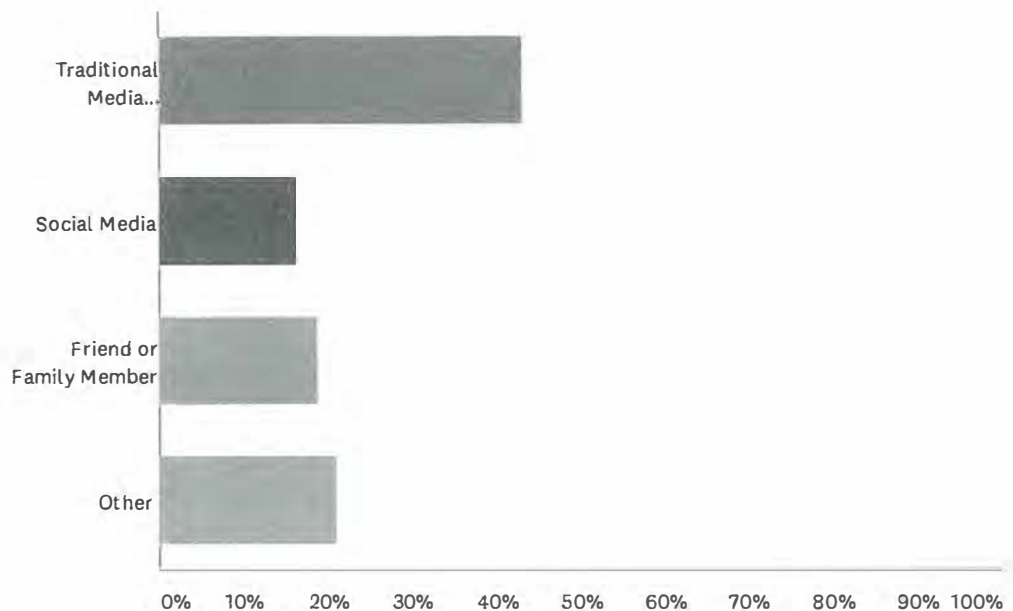
ANSWER CHOICES

RESPONSES

Turn-key Single-Family Home	42.35%	36
Vacant Lot with Infrastructure - With Utilities (Water, Sewer, Electricity, etc.), County Standard Roads	32.94%	28
Vacant Lot on Raw Land Without Infrastructure - No Utilities (Water, Sewer, Electricity, etc.), No Road or Rural Quality Road	7.06%	6
An Affordable Rental in a High-Rise Building	2.35%	2
Not Applicable	15.29%	13
TOTAL		85

Q3 How did you first hear about the proposed draft Legislative Proposal to Authorize Limited Casino Gaming on Hawaiian Home Lands, already designated for commercial use?

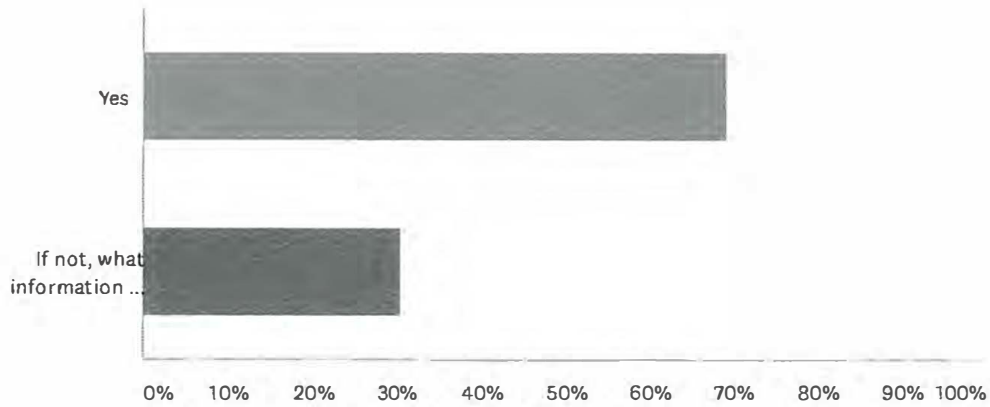
Answered: 85 Skipped: 0



ANSWER CHOICES	RESPONSES	
Traditional Media (Television News, Newspaper, Etc.)	43.53%	37
Social Media	16.47%	14
Friend or Family Member	18.82%	16
Other	21.18%	18
TOTAL		85

Q4 Do you feel like the presentation provided enough information about the proposed legislation?

Answered: 85 Skipped: 0



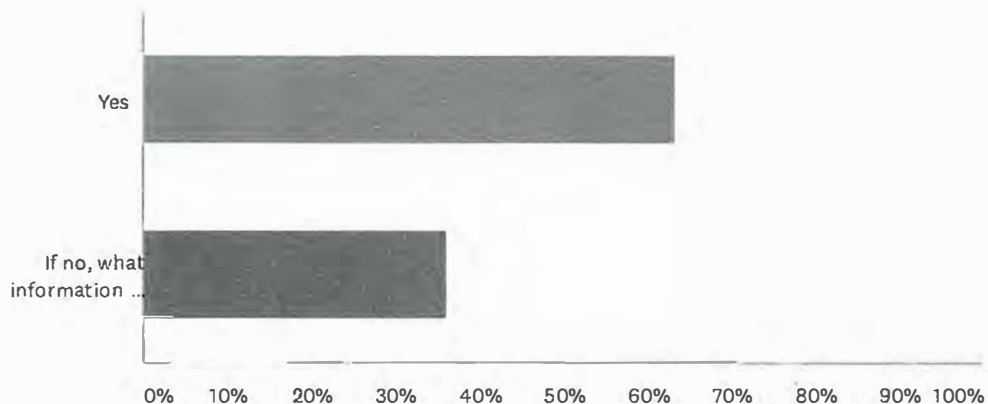
ANSWER CHOICES

RESPONSES

Yes	69.41%	59
If not, what information do you feel is missing?	30.59%	26
TOTAL		85

Q5 Do you feel like the presentation provided enough information about the Department's need for funding to create homestead lots for Waiting List applicants?

Answered: 85 Skipped: 0



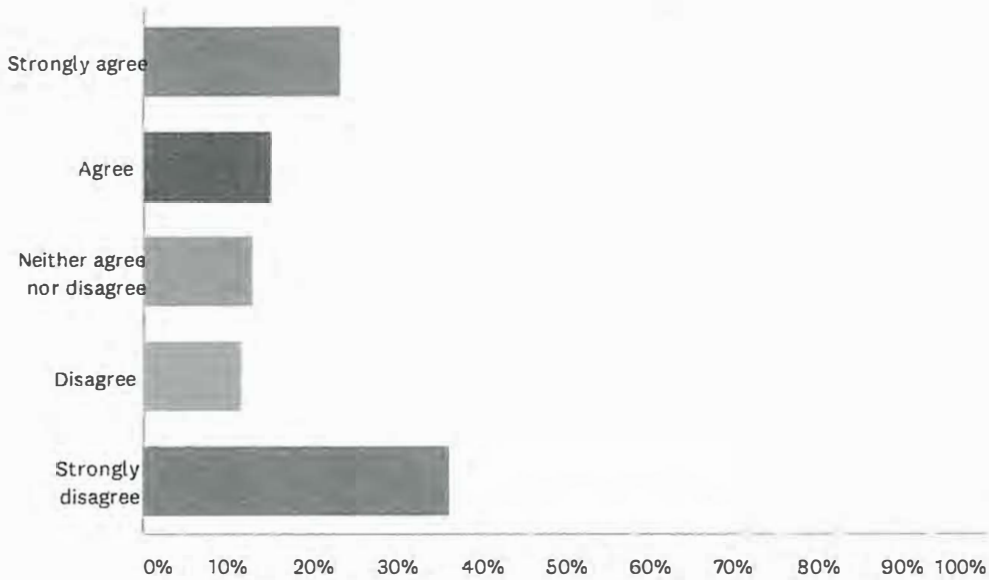
ANSWER CHOICES

RESPONSES

Yes	63.53%	54
If no, what information do you feel is missing?	36.47%	31
TOTAL		85

Q6 With the information provided today do you support the idea of limited casino gaming in the form of a single integrated resort as a means to aid the Department's funding deficit?

Answered: 85 Skipped: 0



ANSWER CHOICES

RESPONSES

Strongly agree	23.53%	20
Agree	15.29%	13
Neither agree nor disagree	12.94%	11
Disagree	11.76%	10
Strongly disagree	36.47%	31
TOTAL		85

Beneficiary Consultation: Draft Legislative Proposal (Limited Gaming)

#	RESPONSES	DATE
1	There are 3 bills that are being introduced this year which better address & remedy the problem better than a casino would. You should listen to the people	1/29/2021 4:17 PM
2	It appears to me that much time, planning and working on the presentation. Unfortunately, not enough time was allowed to the beneficiaries to discuss this. I felt insulted when I heard it on the news that the commission voted 5-4 without consultation first. Not acceptable. The presentation did not satisfy my taste for a hotel/casino on homestead lands and I do believe there are other ways to get DHHL out of debt.	1/21/2021 5:13 PM
3	Legislation is only as good and sustaining as the legislators in office. I have grave concerns about what may pass a reasonable and sound legislation to support Native Hawaiians will be corrupted and abused by other in future legislatures.	1/20/2021 7:55 PM
4	Allow lease to pay for infrastructure before acquiring lease and option to live on vacant lot with water and power mandatory sewer accommodations and grey water	1/19/2021 6:17 PM
5	Put the Hawaiians back on their lands and not waste money making the state more rich	1/19/2021 6:08 PM
6	We need to cultivate sustainable industries outside of tourism. Casino gaming is a low vibrational industry that would invite and promote corruption and denigrate our community. The Game Commission should have a representative that reflects our Hawaiian spiritual culture not just be a Native Hawaiian. I hope DHHL can find other means for generating revenue that allows us to maintain our dignity and culture. I am grateful to have the opportunity to comment when this goes to the Legislation and has so much more to vet before it would be approved. Your presentation was provocative.	1/19/2021 2:06 PM
7	Hawaiians need to be in homes, not in casinos!	1/19/2021 2:03 PM
8	Q2 should include all options w/their respective costs & application criteria. Q6 - more info & discussion needed. Still concerned that we don't have enough control and may get less then presented. Hawaiian Homes should get 80% and share 20% of the revenues.	1/18/2021 10:54 PM
9	<u>Make Sure the Casino</u> is a full on Casino no Special Restrictions!	1/18/2021 10:25 PM
10	I am seriously concerned about who ultimately makes the decisions impacting us as beneficiaries because DHHL is a state agency. I am not convinced given this presentation that approving one casino will not open doors to another casino coming to Hawaii. I am not convinced that there is no clear link between casinos and increase in crime/trouble to the people of Hawaii. It would be helpful to 1) have a name tag in front of each speaker, 2) have the person that read the questions and comments do it verbatim. Also the microphone for the deputy was off near the end of the Q&A portion so we couldn't hear anything he said or anyone else that was speaking. In regards to the presentation piece related to no clear link to casinos causing problems, were any of those research papers done by indigenous peoples about the impact of having a casino in their communities? Please list the resources.	1/18/2021 8:32 PM
11	I would like to see the gaming gross revenue increase over time with a 80% base revenue from state tax payments per year. I don't want the state to less this percentage over time. What is DHHL position if the state legislators plan to reduce this percentage? How is the department going to prepare for a reduction once the project is making money for the state of Hawaii. Also, what is the projective plan for this potential revenue?	1/18/2021 8:22 PM
12	No I just saw representatives of Hawaiian beneficiaries dictate what will happen with our land raw or not people are dying on this list people would be pleased to even just get that beneficiaries don't need to wait but this casino needs to this wrong on all levels your jobs are not to create revenue so don't make it your priority make the priority the real deal make it your responsibility to get us on our land I strongly oppose this casino it is wrong on all levels the fact that we the beneficiaries were not consulted about something that would affect us 100 years from now no this is wrong	1/18/2021 8:21 PM
13	As a 4th generation homesteader in Nanakuli - (both sets of Mother's grandparents were original homesteaders) this proposal idea is way overdue. Perhaps now, given timing of social/economic strains on our communities, as well as time tested gaming samples nationwide, we can do this with successful efficiency the first time. I appreciate Deputy Gomes's articulation of this gaming proposal. Presentation and answers to Q&A session were clear, concise and optimistic. Clearly, based on some of the questions posed, we as beneficiaries need to be more engaged as topics were repetitive. Going forward should this	1/18/2021 8:19 PM

Beneficiary Consultation: Draft Legislative Proposal (Limited Gaming)

proposal advance, and further discussion is brought before BC in as transparent a format as this meeting was. Mahalo for the hard work and patience! Jan Burns

14	I feel like there is already currently A LOT of mistrust from beneficiaries towards the department...as a new beneficiary I've seen it at meetings that beneficiaries will SHUT DOWN a meeting with past problems and not bring any solutions to the table... which I think whomever the deputy is kinda alluded to at the end of the meeting (which I feel is right) sometimes you're just gonna have to do what you can (in righteousness) until "your worth" is recognized as being "for the beneficiaries"... till then... IDK... Still kind of on the fence about this casino.... but if we don't do it.. I'm pretty sure another entity will jump on it and we will be sitting as the shoulda, coulda woulda but we never take that opportunity! Looking forward to more meetings like this... except I would like to see something actually being done instead of talk talk talk... (sorry) In regards to question #2 as a lessee I would like to see single family home, as a wait lister I would like to just get a lease even if it has no infrastrucuter (I know not everyone wants that) so again GOTTA BE CLEAR in what's available to beneficiaries! MAHALO NUI FOR ALL YOUR HARD WORK IN PROBLEM SOLVING AND BRINGING SOLUTIONS FOR ALL BENEFICIARIES	1/18/2021 8:17 PM
15	Mahalo piha for your time. Will send additional feedback and thoughts via email provided at the end of the presentation. I know you all are trying and I hope our participation shows you we're trying to and we care.	1/18/2021 8:15 PM
16	Lots of info. Good value. Thank you for taking time and bringing idea's to the table.	1/18/2021 8:15 PM
17	The fact that DHHL hasn't been working with OHA and DLNR in Symphony to coordinate Local Hemp and other self sustaining Home Building Material, Food Water, and life giving provisions to provide affordable and environmental housing solutions 20 years ago is pathetic, so get to it, your only 10-15 years behind from working on those beneficiary provided ideas that force the Kingdom to be in control of enough land and assets to separate from the State which isn't providing their share of expenses agreed upon. We have already lost the Medical Cannabis market to non Hawaiian corporate interests, we cannot afford to keep giving these things away.	1/18/2021 8:11 PM
18	Mahalo Deputy Director for the presentation and Q&A that followed. This meeting has nudged me a little into the agree section but, not enough to say that I'm in full agreement. I appreciate the out of the box/forward thinking in generating funds. I too worry about the state taking a chunk of revenue and screwing us like they have for so long. I look forward to more information and hopefully there will be other opportunities to have more meetings like this. Chat is perfect...Mahalo nui kakou!	1/18/2021 8:09 PM
19	Some of the casinos in Northern CA are making sooo much money, yet the tribes that allowed it are being EXPLOITED with touristy kinds of items being sold to benefit the person who owns the gift shop/store in the casino. IT DOESN'T BENEFIT THE GROUP THAT IT'S SUPPOSED TO!!! EXPLOITATION IS NOT AN ANSWER!!!	1/18/2021 8:08 PM
20	I'd like to see other possible proposals/options for beneficiaries such as looking into the hemp, or medical marijuana (recreational?), food resiliency. These may not bring in the \$\$\$ that 1 proposal (casino) may bring in, however these ideas I share with you will be around even during times similar to what the world is facing .	1/18/2021 8:06 PM
21	The dept and the commission need to speak with Gov. and legislatures on the Hawaii Constitution and their kuleana to fund the dept.	1/18/2021 8:04 PM
22	It could be a start to something great but is it really? Will our native people be given the opportunity before others to be employed? If they have no experience will they be trained to be given the opportunity? It's not just about the money but about the people and means to provide in all aspects of life.	1/18/2021 8:04 PM
23	You have not asked Native Hawaiians involved for solutions to funding. I have heard many questions that were valid and the answer to them was one sided discussion. This should have been a more interactive platform for discussion. It's obvious that you have already made your decisions.	1/18/2021 8:04 PM
24	I just have a hard time understanding why it is important to pull financial concepts from outside versus tapping into the talent we have in our native community.	1/18/2021 8:03 PM
25	My name is Kauai Kalama Akana. I am from a family of 11 brothers and sisters who have been raised in Kailua all of our lives. My parents Charles and Elizabeth Lani Kalama never made it on this list when they were alive because of mishaps caused by your organization. First from	1/18/2021 8:03 PM

Beneficiary Consultation: Draft Legislative Proposal (Limited Gaming)

missing files, then a fire which supposedly caused the lost of many files. When we the children started to apply on our parent's behalf then our Hawaiian quantum was questioned although her sisters and brothers were on the list already As well as many other Kalama families from all over this island. My father has been gone for 30 years and my mother 22 years. With a lot of hard work and proving our blood line everything finally got cleared in 2018. This is how long it took to get on this list at no fault of ours but of yours for the mishandling of our parents paperwork way in the 60's or even earlier. You state you want input regarding the building of a single casino hotel which will bring in money to take care of us Hawaiians that have not been able to get land or housing. This is not what will happen. Although there our people that like to gamble. They go to Las Vegas. Las Vegas is where it should stay. This will not help us Hawaiians. This will create more homelessness from the people that will take the last money they have or their whole paycheck to try for that dream of hitting it big. We should not be in this situation. If you follow the agreement, the state should have been and should be paying 20% of the leasehold income for all of our seeded lands. Example: Kaneohe Marine Base, Bellows, the airport also sand island. There is millions of millions of dollars owed to us. You can say there was an agreement that was settled. Some things were taken cared of but not this. Where is the money? I know thru the grapevine, you folks have not received any of this nor are trying to go after it. We would not be in this situation if you do your job that you were commissioned for. This money would not just take care of the people that does not have homestead but it would help those that can't afford building their home once given land because your structure right now only takes care of ½ of a construction loan. If you want to start solving this problem, go and get the money that we are due. Go and get the money that was promised in exchange for leasing our land. If not start taking back land so that all Hawaiians can be placed. As long as you are on the list, it is you folks to figure out how to put us Hawaiians in homes that should be built by Hawaiian Homelands also. I speak on behalf of the Kalama Ohana from Kailua do what is right, don't create a bigger problem for our island.

26	Keep the monies in Hawaii. If the state is not helpful they won't change . Our children need a future and you are on the right track. Thanks for the efforts and ideas. It's hard enough to get the let alone getting the facts together. Don't give up!	1/18/2021 8:03 PM
27	Work on getting us Hawaiians back on our land.	1/18/2021 8:01 PM
28	It's not an easy thing to come up with alternative options for raising usable income. I do agree that this idea will generate more income than conventional sources. I appreciate what you do for our kanaka/beneficiaries.	1/18/2021 8:01 PM
29	Invest monies in holding State financially accountable. (Sue) and let them build the Casino. NOT on Hawaiian Lands.	1/18/2021 8:01 PM
30	I appreciate all that you do. I am from the mainland-born and raised. I am on the waitlist. I am 75% Hawaiian. I believe and love my Hawaiian people. However, coming from the mainland, I appreciate what you do. I know that there are more compliants than support. However, I have to be proud of my people that the way in which we preserve our land is not the haole way. However, we do need more creative ways of generating funding especially with covid AND we need want to be mindful NOT to forget who are! Great presentation but from what I heard in the comments the beneficiaries don't sound very supportive. Maybe find the energy to bring people in to help DHHL in small ways and build from that. Use college internship and volunteers to help with a program from charitable gifts, scholarships, etc. Build this program...it gives a buy in. Just a suggestion	1/18/2021 8:00 PM
31	n/a	1/18/2021 8:00 PM
32	As a means of a funding mechanism ... enforcement of the thounds of acres of awarded ag land NOT BEING USED... is a tangible first step to reform or give alternative for a lessee to use or lose... the Act already says that...follow it	1/18/2021 7:59 PM
33	I'll be back tomorrow night to listen in, thank you.	1/18/2021 7:58 PM
34	Information on how to influence our lawmakers would be helpful - letters, phone calls, petitions, etc.	1/18/2021 7:58 PM
35	I think the Department should think about other ideas to generate income, and of the department can not come up with ideas them maybe its time for the Department to consult community! I think the Department forgets who they represent.	1/18/2021 7:58 PM
36	Although its an idea to generate money, it also puts more of a tourist strain on the islands.	1/18/2021 7:57 PM

Beneficiary Consultation: Draft Legislative Proposal (Limited Gaming)

37	Very informative, Mahalo for all the good work you do!	1/18/2021 7:57 PM
38	Geothermal creates more revenue and less damage plus it's an essential sustainability	1/18/2021 7:56 PM
39	More information on the breakdown of the revenue of the casino.	1/18/2021 7:56 PM
40	I enjoyed the spirit of your staff with "knowing" comfortably how, where & Why? Awesome job you folks!	1/18/2021 7:54 PM
41	DHHL is moving in the right direction can't wait for State Of Hawaii and Federal Government HELP	1 /18/20217:54 PM
42	Mahalo nui loa for conducting this session,	1/18/2021 7:52 PM
43	The presentation was done very well and after participating , I strongly agree that we should move forward with the casino. The presentation addressed and planned for the challenges brought up by the community and demonstrated the need for a funding source that can provide for more housing and get people off of the list. Thank you for doing a great job on this. Mahalo	1/14/2021 8:53 AM
44	I trust that the Lord will guide your efforts. Thank you for thinking outside the box and having the courage to do this.	1/13/2021 10:18 PM
45	Explaining that no one is coming to save us, including the state, was key in changing my mind.	1/13/2021 8:58 PM
46	We are very appreciative of the work that your hui has put into brainstorming solutions to current problems so that our keiki can have a better tomorrow. With all change or proposed change, there are worries, but you did a great job citing facts and presenting hard data to help ease some of the worries.	1/13/2021 8:55 PM
47	I will see my legislature	1/13/2021 8:49 PM
48	Is it possible to revisit the idea of Marijuana Dispensary since the legalization in 13 more states. Is it a possibility that beneficiaries can receive a stipend just as native Americans do?	1/13/2021 8:47 PM
49	Need more information to understand impacts to communities.	1/13/2021 8:46 PM
50	New to Hawaii & Kapolei & a little shocked but webinar ver informative. Not against but not sure I'm for it as a Resident of Kapolei.	1/13/2021 8:45 PM
51	To make the casino everything must be Hawaiian!..workers, gambling commission...to make sure the money flows back to DHHL to support the beneficiaries and leasee	1/13/2021 8:43 PM
52	Great job Deputy, Cedric, Andrew, Lehua, and Chair	1/13/2021 8:43 PM
53	Main concern is social impact.	1/13/2021 8:42 PM
54	I support the idea of a limited casino gaming. However, I would like the negotiation with State to be transparent. I strongly agree with 75% going to HHL and no less.	1/13/2021 8:42 PM
55	Excellent presentation	1/13/2021 8:41 PM
56	Mahalo!	1/13/2021 8:40 PM

HAWAIIAN HOMES COMMISSION
MARCH 15 & 16, 2021
TELECONFERENCE
9:30 A.M.

H – ITEMS
ADMINISTRATIVE SERVICES OFFICE

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

March 15, 2021

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 Third Quarter, FY 2021

RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of March 31, 2021 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 March 31, 2021, the estimated balance in the Hawaiian Home Receipts Fund is \$1,000,000. Based on the on-going loan requirements for fiscal year 2021, it is recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending March 31, 2021 be transferred to the Hawaiian Home General Loan Fund.

**HAWAIIAN HOMES COMMISSION
MARCH 15 & 16, 2021
TELECONFERENCE
9:30 A.M.**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

From:
Sent: Monday, February 08, 2021 4:04 PM
To:
Cc:
Subject: RE: [EXTERNAL] Re: Is Ka 'Ohana o Kalaupapa still wishing to present to Hawaiian Homes Commission next week?

From: Joseph Lapilio
Sent: Monday, February 8, 2021 4:01 PM
To: McPherson, Nancy M <
Subject: [EXTERNAL] Re: Is Ka 'Ohana o Kalaupapa still wishing to present to Hawaiian Homes Commission next week?

Hi, Nancy. Thanks for the meeting as well. Regarding the HHC meeting presentation, let's do March. I will complete the form and submit it.

On Mon, Feb 8, 2021 at 3:50 PM McPherson, Nancy M

~~Aloha e Joseph - I really enjoyed meeting to talk story with you on Feb. 2. However, I should have mentioned the deadline to request to be on the J Agenda to present to the Commission, which Lori Buchanan had spoken to them about when she talked about Kalaupapa during the January HHC Meeting. That deadline was last Friday, unfortunately.~~

At this point, of Ka 'Ohana still would like to present in February, the Planning Office can offer you **5-10 minutes** for a **short presentation** virtually to share Ka' Ohana's work, concerns about the NHP, Section 106, whatever you think is most important. I would just ask that you submit what the topic(s) are that you will be presenting, and who will be presenting, and that we get this info no later than **tomorrow morning by 9 a.m.** I am sorry for the short notice, e kala mai ia'u but this request had totally slipped my mind.

Otherwise, if you can wait until March to present to the Commission, you will have the full 15 minutes to make a presentation. There is a process for getting onto the J agenda, and a form to fill in on the DHHL website, here:

Burrows-Nuuanu, Leatrice W

From: dhhl.icro1@hawaii.gov
Sent: Friday, February 05, 2021 10:31 AM
To: Burrows-Nuuanu, Leatrice W
Subject: HCC Contact:

Follow Up Flag: Flag for follow up
Flag Status: Flagged

First Name
Bob
Last Name
Douglas
Phone
Email

Subject
To Commission Secretary
Message
<p>Aloha Lea,</p> <p>I would like to address the commission in regards to loans for DHHL lessees. The two issues that I believe need addressing are the unavailability of conventional loans and the improper application of PMI/MI for loans with LTVs under 75%. I understand that the loans are bound by the requirements within the HHA of 1920 and would require a possible amendment. I was informed that conventional loans were available prior to the financial meltdown, the question is why aren't they available once again.</p> <p>How do you recommend communicating thee concerns with the commission?</p> <p>Aloha,</p> <p>Bob Douglas</p>

Burrows-Nuuanu, Leatrice W

From: Burrows-Nuuanu, Leatrice W
Sent: Tuesday, March 02, 2021 10:55 AM
To: Kekoa
Subject: RE: [EXTERNAL] Re: Request to address the Hawaiian Homes Commission - March 15, 2021
Attachments: 2021 HHC J Agenda Testimony Instructions (003).pdf

From: Kekoa <
Sent: Monday, March 01, 2021 4:50 AM
To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: [EXTERNAL] Re: Request to address the Hawaiian Homes Commission - March 15, 2021

Aloha mai e Leah,

For the 3/15/21 Hawaiian Homes Commission meeting, I would like to RSVP for live (via Microsoft Meetings, per email below) J-Agenda advocacy, as follows:

. Norman Abihai will speak on behalf of Pa`upena Community Development Corporation.

. I will testify on behalf of the Maui/Lana`i Mokuupuni Council.

Mahalo for your attention to this request,

-`Anake Kekoa Enomoto

cell/text (808)

From: G K <>
Sent: Monday, January 18, 2021 8:36 PM
To: Burrows-Nuuuanu, Leatrice W
Subject: [EXTERNAL] Re: Request to address the Hawaiian Homes Commission - January 19, 2021

Aloha Leah,

I apologize for the late response. I been waiting for Mr. Ross Kapeliela, Kana'i or his supervisor Juan Garcia to respond. The last email I received was on December 11, 2020. I have been trying to reach them since to see what is the status, however, no response.

Can you please remove my name from your agenda if possible?

I would like to request to reschedule my request until March 2021 to give me further time to obtain a status from Kana'i or Juan.

Mahalo for all your help.

Sincerely,
Gina & Herbert Kaniaupio
Phone: (808)
Email:

O

Robert and Sharmaine Taua

Wai'anae, HI 96792

Email: _____

Department of Hawaiian Homelands Commission
91-5420 Kapolei Parkway
Kapolei, HI 96707

February 25, 2021

Dear Department of Hawaiian Homelands Commission,

We are requesting the Department of Hawaiian Homelands to investigate leasee, Benjamin K. Weiss of 89-1130 Naniahiah Place, Wai'anae, HI 96792, for harassment, trespassing, criminal property damage and unauthorized computer access.

In 1999 our family acquired a homestead lease in Nanakuli. Before purchasing the home, we got a chance to speak with the previous owner, Mrs. Sniffen. Due to all of the renovations that were made, my husband asked why they were selling the home. Mrs. Sniffen said that the neighbor was ni'ele and would watch when they would leave and return home. The neighbor would also listen to their conversations and speak badly about them to other neighbors. During a conversation, Ben told my husband that before the rock wall and fence were built, he would sneak into the Sniffen's yard to steal soursop fruit, then take it home to eat. Ben laughed while he hold this to my husband as if it was okay. This explained why Mrs. Sniffen installed 4' x 8' plywood along the fence on that side of the yard. Mrs. Sniffen and her family felt that the neighbors did not like them, so she did not tell them she was selling their home.

We noticed our yard tools missing, weed eater exhaust packed with mud, water sprinklers packed with debris, my daughter's bedroom window was shot with a b.b. gun, plants walked through in our yard, plants matted down from people hiding in them, plywood on our fence moved, plants cut, plant pot poked with holes, fence leaning from people climbing into and out of our yard, security lights and extension cords cross-wired, holes drilled in water pipes, water hose cut, nails in our car's tires, holed in our car's radiator, tools stolen from our toolbox in the garage, and our dogs were poisoned.

We know that our home has been broken into because our kitchen screen is broken and the window frame is loose from missing a screw. The strike plate in our daughter's bedroom was flipped so that the door would not close. The ceiling fan in the master bedroom disconnected, the water line for our refrigerator had a hole drilled into it spewing water onto the floor. The power to our home was shorted out and Hawaiian Electric was called, and temporary power was installed to our home.

Since 2018, we have called and filed multiple police reports with HPD. On advice of HPD, we installed a surveillance system. Shortly after, we noticed tampers, video loss, time changed, remote logins and configurations on our logs. On December 18, 2019, we filed a police report for unauthorized computer access. We contacted Detective Maddock and scheduled for him to come to our home. He looked at our system, took it apart, ran a program on it and left. We contacted Detective Maddock for an update to our case via email at which time he told us to check our firewall/whitewall, call technical support for our

cameras because there was a glitch, and to disconnect from the internet if we did not want to continue being hacked. We contacted tech support and were told that there was no glitch due to more than one thing going on. We wondered why he had not checked our firewall/whitewall while he was at our home. Disconnecting from the internet is like calling a plumber to fix a leak and he tells you to turn off your water. When we contacted Detective Maddock, we found that our case was closed, and no further action would be taken. This would be the extent of their investigation. Now when we file a police report for events that happen and provided additional evidence, our case is being deemed as investigated. We are never contacted, or our evidence is not taken into consideration for an investigation as they keep referring to our first report. HPD precludes our reports from being investigated and infers that subsequent reports we submit are additions to our first report. In fact, each subsequent report corroborates a different instance of criminal property damage, vandalism or harassment.

We have worked hard and made sacrifices in order for us to own a home. We do not own a home because we are the beneficiaries of our parents. We are blessed that our decisions have given us the opportunity to become homeowners. Jealous neighbors have put their time and energy into provoking us to retaliate against their actions so that they can defame us in this neighborhood. It has been an injustice to our family that HPD has disregarded our family's safety. We feel that HPD has neglected us Hawaiians and we seek DHHL's authority to put an end to the harassment, trespassing, criminal property damage and unauthorized computer access that our family continues to endure.

Cordially,

Robert and Sharmaine Taua

From: Leimamo Kaaihue <leimamoplus5@gmail.com>
Sent: Friday, January 29, 2021 6:22 PM
To: Yee Hoy, Louise K <louise.k.yeehoy@hawaii.gov>
Subject: [EXTERNAL] Request to be on J. Agenda

Aloha,

I would like to request to be on the J.Agenda for February 2021. My name is Emily Naeole and the reason I would like to be on the agenda is because Makuu Hawaiian Homes, has 50 lots that hasn't been given out for 35 years. I was concerned about all of our Hawaiian people who still remains on the waiting list. And who are dieing an not able to have property. The mana'o is, why are we going to have casinos instead of helping out our own people get land? If not, I am willing to take matters into my own hands. I've talked for 4 years and till this day I haven't seen any progress.

Mahalo,
Emily Naeole

From:
Sent: Tuesday, January 19, 2021 8:28 AM
To:
Subject: [EXTERNAL] Re: Request to address the Hawaiian Homes Commission - January 19, 2021

Aloha Kakahikaka Leah,
I am so sorry for not responding on your first email. I will not be speaking today on the J Agenda, I did not prepare and was feeling a little anxious about the meeting. I will be ready next month.
Mahalo,

○

J-8

February 24, 2021

To Chairman William Gila
of the Hawaiian Homes Commission,

I am requesting to appear before the
Commission via "Zoom" Telecommunication
on your March agenda.

This request concerns the death
of my sister, Williamae Hiramani Plawa,
who passed away on December 13, 2020.

I am claiming an interest in the place of
residence, located at 2260 Moaia
Street where my children and grand-children
previously resided before my sister received
a transfer of lease from the DHH in 2010,
prior to the approval of the Hawaiian Homes
Commission scheduled meeting.

My sister had boarded up the entire two-
story house and never resided in the home
till the day she died, December 13, 2020.

It is too sad to mention that she abandoned
my father's home for 7 years, neglecting to take
care of the house.

Honors Truly,
Mahiela Kabanian

DEPT. OF HAWAIIAN
HOME LANDS

2021 FEB 24 4 16 PM