

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**  
Hilton Garden Inn Kauai Wailua Bay, Kuhio Ballroom, 3-5920 Kūhiō Highway, Kapa‘a, Kaua‘i,  
Hawai‘i and Zoom: Meeting ID: 609 754 2925  
Monday, August 21, 2023, at 9:30 a.m. to be continued, if necessary, on  
Tuesday, August 22, 2023, at 9:30 a.m.  
*Livestream available at [www.dhhl.hawaii.gov/live](http://www.dhhl.hawaii.gov/live)*

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov) by Wednesday, August 16, 2023.*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes:
  - a. July 17 & 18, 2023 Regular Meeting
- D. Public Testimony on Agendized Items – see information below

Public testimony on any item **relevant to this agenda** may be taken at this time, or a testifier may wait to testify at the time the agenda item is called for discussion. Pursuant to section 92-3, Hawaii Revised Statutes, and section 10-2-11(c), Hawaii Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

**II. ITEMS FOR DECISION MAKING**

**A. CONSENT AGENDA**

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Ratification of Loan Approvals (see exhibit)
- D-4 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-5 Approval to Certify Applications of Qualified Applicants for the Month of July 2023 (see exhibit)
- D-6 Approval of Assignment of Leasehold Interest (see exhibit)
- D-7 Approval of Amendment of Leasehold Interest (see exhibit)
- D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-9 Commission Designation of Successor – **GEORGE STEVEN K. MIKAELE**, Residential Lease No. 1650, Lot No. 100, Nanakuli, Oahu

**B. REGULAR AGENDA**

Office of the Chairman

- C-1 Approval of DHHL Emergency Rental Assistance Program Pursuant to Disaster Declaration Relating to Wildfires in Maui County
- C-2 Approval of Lease Awards Keaukaha Preowned Home Residential Lot, Hilo, Hawaii; Pu‘ukapu Farm Lot, Agricultural Vacant Lot, Kamuela, Hawai‘i; Pana‘ewa House and Farm Lots, Subsistence Agricultural Lots, Hilo, Hawai‘i (see exhibit)
- C-3 Acceptance of the 2023 Annual Performance Report (APR) – Native Hawaiian Housing Block Grant

- C-4 Approval of Report and Recommendations from the Permitted Interaction Group, Appointed Pursuant to HRS § 92-2.5 and HAR §10-2-16(b)(1), to Study, Evaluate, and Recommend Strategies Related to Geothermal Exploration, Feasibility, Extraction, and/or Use on Hawaiian Home Lands
- C-5 Request to hold a Limited Meeting of the Hawaiian Homes Commission on September 17, 2023 to DHHL Parcels in Maku‘u, Ka Lae and Discovery Harbor, Hawaii Island.
- C-6 Request to hold a Limited Meeting of the Hawaiian Homes Commission to DHHL Parcels in Ke‘anae and Wākiu, East Maui.

#### Land Management Division

- F-1 Approval to Annual Renewal of Right of Entry Permit(s), Kaua‘i Island (see exhibit)
- F-2 Approval to First Amendment to Right of Entry Permit No. 714, Prometheus Construction, Pūowaina, Punchbowl, O‘ahu, TMK: (1) 2-2-005:035 (por.)
- F-3 Approval to Third Amendment to Right of Entry Permit No. 704, Hawaiian Telcom, Inc., Portions of Various Tax Map Keys, Island of Kaua‘i, O‘ahu, Moloka‘i, Maui, Hawai‘i, State of Hawai‘i
- F-4 Approval to Issue a License to Five Mountains Hawai‘i, Inc., dba Kipuka O Ke Ola (KOKO), Pu‘ukapu, Waimea, Island of Hawai‘i, TMK No. (3) 6-4-038:011 (por.)
- F-5 Approval to Issue a Right of Entry Permit to Akana Brothers Construction, LLC, Mapunapuna, Island of O‘ahu, TMK Nos. (1) 1-1-064:033 and 1-1-064:021
- F-6 Approval to Condominium Property Regime, General Lease No. 294, Pivot Energy, Kalaeloa, O‘ahu, TMK No. (1) 9-1-013:029

### 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 the following matters:

1. Update on *Kalima, et al. v. State of Hawaii*, Civil No. 99-4771-12
2. Discussion on Memorandum of Agreement for Broadband Infrastructure Planning, Design, and Deployment services to be provided to the Department of Hawaiian Home Lands by AMERIND Critical Infrastructure, a Division of AMERIND, a Federally Chartered Tribal Nation Corporation

### IV. ITEMS FOR INFORMATION/DISCUSSION

#### A. REGULAR ITEMS

##### Office of the Chairman

- C-7 For Information Only – Report and Recommendation from the Permitted Interaction Group Appointed Pursuant to HRS § 92-2.5 and HAR § 10-2-16(b)(1) to Study and Recommend Strategies Related to Fairness in Lease Transfers
- C-8 For Information Only – DHHL’s Draft Legislative Package

##### Homestead Services Division

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



Land Development Division

- E-1 For Information Only – Kaua‘i Project Updates
- E-2 For Information Only – Act 279 Implementation Update

Land Management Division

- F-7 For Information Only – Anahola Hawaiian Homes Association License No. 609.

Planning Office

- G-1 For Information Only – Status Update on Plan Implementation on the Island of Kaua‘i
- G-2 For Information Only – DHHL Kaua‘i Water Projects and Issues
- G-3 For Information Only – Ka Pa‘akai O Ka ‘Aina Framework Analysis

**V. ANNOUNCEMENTS AND RECESS**

- A. DHHL Community Meeting August 21, 2023- King Kaumuali‘i Elementary School  
4380 Hanama‘ulu Road, Lihu‘e, Hawai‘i 96766

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**  
91-5420 Kapolei Parkway, Kapolei, O‘ahu, Hawai‘i, and Zoom: Meeting ID: 609 754 2925  
Tuesday, August 22, 2023, at 9:30 a.m.  
*Livestream available at [www.dhhl.hawaii.gov/live](http://www.dhhl.hawaii.gov/live)*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Public Testimony on Agendized Items - see information below

Public testimony on any item **relevant to this agenda** may be taken at this time, or a testifier may wait to testify at the time the agenda item is called for discussion. Pursuant to section 92-3, Hawaii Revised Statutes, and section 10-2-11(c), Hawaii Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

**II. ITEMS FOR INFORMATION/DISCUSSION**

**A. GENERAL AGENDA**

Requests to Address the Commission

- J-1 Sherri Cummings – Albizia, Water Restoration, Recreational Space
- J-2 Jeremie Makepa – Anahola Makai Management Plan
- J-3 Donald Fujimoto & Bryan Davidson Earthworks Pacific, Inc.– Analoha Rivermouth Maintenance/Flood Mitigation
- J-4 Abraham Makanui – Anahola Farm Lot Water Hookup
- J-5 Kanoe Ahuna – Kanuikapono Charter School
- J-6 Germaine Meyers – Various Concerns
- J-7 Maile and Butch Ramos – Papakolea Lease Issue
- J-8 Irene Plunkett - Rescind Lease at Waiohuli
- J-9 Blossom Feitiera – Various Concerns
- J-10 Rufino Agliam -Hoolehua Agricultural Lot Successorship
- J-11 Raelene Like – Kauluokahai Retaining Wall
- J-12 Kekoa Enomoto and Norman Abihai –Paupena Community Development Corp.


**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 the following matters:

1. Discussion on *Yokoyama v. Hawaiian Homes Comm’n, et al.*, Civ. No. 1CCV-23-000942
2. Discussions pertaining to Lease No. 03092, Lot No. 28, Papakolea, Oahu

**IV. ANNOUNCEMENTS AND ADJOURNMENT**

- B. Next HHC Meeting – September 17, 2023 Na‘alehu Community Center, and September 18 & 19, 2023, Grand Naniloa Resort Sandalwood Room
- C. Next DHHL Community Meeting –September 18, 2023 Keaukaha Elementary School.
- D. Adjournment



Kali Watson, Chairman  
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui  
Pauline N. Namu‘o, O‘ahu  
Michael L. Kaleikini, East Hawai‘i  
Vacant, Oahu

Zachary Z. Helm, Moloka‘i  
Makai Freitas, West Hawai‘i  
Dennis L. Neves, Kaua‘i  
Vacant, Oahu

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 620-9512, or michael.l.lowe@hawaii.gov, as soon as possible, preferably August 17, 2023. If a response is received after then, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats.

**Public Testimony on Agendized Items** can be provided either as: (1) in person at the meeting location, by filling out a form at the reception table, (2) written testimony mailed to *Commission Testimony, P.O. Box 1879, Honolulu, HI, 96815*, or emailed to *DHHL.icro@hawaii.gov* by August 17, 2023, or (3) live, oral testimony online by joining the Zoom meeting and relabeling your profile to include the agenda item you wish to testify on. Please keep your computer muted and your camera off until you are called. You will need a computer with internet access, video camera and microphone to participate. Testimony may be limited to a maximum of three (3) minutes per person.

**Disruption of Interactive Teachnology** – If audiovisual communication cannot be maintained by all participating Commissioners and a quorum is lost, the meeting will automatically be recessed for 30 minutes. During that time, an attempt to restore audiovisual communication will be made. If such an attempt to restore is unsuccessful within 30 minutes, all Commissioners, members of the public, staff, and other interested individuals shall log on again to the Zoom link on this Notice, whereby audio communication will be established for all participants and the meeting will continue. If reconvening the meeting is not possible because audio and visual communication cannot be re-established, the meeting will be terminated.

**ITEM C-2****APPROVAL OF LEASE AWARD KEAUKAHA PREOWNED HOME, RESIDENTIAL LOT HILO,  
HAWAII**

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
TESSA M.A. AKAO	05/30/1986	143B	(3) 2-1-023-146	13028

**APPROVAL OF LEASE AWARD PUUKAPU FARM LOT AGRICULTURAL VACANT LOT,  
KAMUELA, HAWAII**

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
HARVEY K. AKI	08/19/1968	11	(3) 6-4-008-031	13045

**APPROVAL OF LEASE AWARDS PANAEWA HOUSE AND FARM LOTS-SUBSISTENCE  
AGRICULTURAL VACANT LOTS, HILO, HAWAII**

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
CHARLOTTE L.M.SEALES	10/2/1975	185-M	(3) 2- 2- 061:002	13040
DELBERT A WHITNEY	3/4/1976	185-K	(3) 2- 2- 061:002	13038
VICTORIA K CARVALHO-YUEN	9/2/1977	185-P	(3) 2- 2- 061:002	13042
BRENDA S WRIGHT	6/5/1978	185-B	(3) 2- 2- 061:002	13030
SOLOMON K PERRY JR	8/25/1978	185-L	(3) 2- 2- 061:002	13039
GARY K AKIMSEU	12/5/1978	185-A	(3) 2- 2- 061:002	13029
SHARLEEN I KAHALEWAI	5/7/1981	185-N	(3) 2- 2- 061:002	13041
HANNAH L KAHEE	5/14/1980	185-J	(3) 2- 2- 061:002	13037
GAIL S.M. WAGNER	7/10/1980	185-Q	(3) 2- 2- 061:002	13043
WENDELL L.A. KUALAAU	9/16/1980	185-R	(3) 2- 2- 061:002	13044
FRANCISCO K SAN JOSE	9/26/1980	185-E	(3) 2- 2- 061:002	13033
ANN F KUPAU	12/26/1980	185-F	(3) 2- 2- 061:002	13034
DELL H OTSUKA	3/18/1981	185-C	(3) 2- 2- 061:002	13031
BRIAN K KAULUPALI	9/9/1981	185-G	(3) 2- 2- 061:002	13035
FREDERICK L PALEA	2/10/1982	185-H	(3) 2- 2- 061:002	13036

**ITEM D-2 EXHIBIT****APPROVAL OF CONSENT TO MORTGAGE**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
AIKALA, Joseph K.	9979	Princess Kahanu Estates, Oahu
AKIMA MAYO, Rhonda M. K.	6656	Waiahole, Oahu
ALMEIDA, Chariss M. K.	7658	Waiohuli, Maui
BOSWELL, Jordan K.	2355Z	Hoolehua, Molokai
BOSWELL, Kaleikaumaka S.	2355Z	Hoolehua, Molokai
CHONG, Mark K.	5154	Nanakuli, Oahu
DISTAJO, Alex K.	2932A	Nanakuli, Oahu
GASPAR, Dennis K., Jr.	11680	Kanehili , Oahu
KAAIHUE, Robert K.	11061	Anahola, Kauai
KAILIEHU-LEAL, Robyn G. N.	10036	Waiehu Kou 3, Maui
KAMAE, Darlene K.	12851	Kauluokahai, Oahu
KAMANU, Aaron	12580	Kanehili , Oahu
KAPULE, James K.	12981	Waimanalo, Oahu
KAUHAHAHA, Kahiapo	9948	Waiehu Kou 3, Maui
KEPA, Jameson K.	11757	Kanehili , Oahu
LEONG, Calvin	9850	Maluohai, Oahu
SIMONS, Shirleen L.	9838	Waiakea, Hawaii

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

LESSEE	LEASE NO.	AREA
MATTSON, Lance K.	7163	Kawaihae, Hawaii

**ITEM D-4 EXHIBIT**  
APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AKAMINE, Jewel K.	Oahu IW Res
AKAMU, Roberta L.	Oahu IW Agr to Hawaii IW Agr
AKAMU, Roberta L.	Oahu IW Res to Hawaii IW Res
AONA, Crystina K.	Oahu IW Agr to Kauai IW Agr
AONA, Crystina K.	Oahu IW Res to Kauai IW Res
ARMITAGE, Sandra K.	Oahu IW Res
AYAU, Lana P.	Hawaii IW Pas to Kauai IW Pas
BOYD, William K.	Kauai IW Res
CALL, Louise W.	Hawaii IW Agr to Oahu IW Agr
CALL, Louise W.	Hawaii IW Res to Oahu IW Res
CAMARA, Geraldine	Waimanalo Area / Oahu IW Res
CUMMINGS, Charleene L.	Kauai IW Res
ENRIQUE, Jowell Y.L.	Kauai IW Res
FLORES, Margarita	Waimanalo Area / Oahu IW Res
GARCIA, Nelissa K.	Oahu IW Res
GOO, Christian K.C., Jr.	Kauai IW Res
HASHIMOTO, Saadia L.	Waimanalo Area / Oahu IW Res
JOHNSON, Edith	Waimanalo Area / Oahu IW Res
KAHALEWAI, Charlotte	Waimanalo Area / Oahu IW Res
KAMAHELE, Wilhelmina K.	Keaukaha / Waiakea / Hawaii IW Res
KAMAKEEAINA, Buddy P.	Hawaii IW Agr
KAMOKU, Lydia P.	Oahu IW Res
KANOHO, Harry K.	Kauai IW Res
KAULUPALI, Rodney K.	Hawaii IW Agr to Oahu IW Agr
KAULUPALI, Rodney K.	Hawaii IW Res to Oahu IW Res
KEKAUOHA, Harriet T.S.	Maui IW Agr
KEKAUOHA, Harriet T.S.	Maui IW Res
KEKAWA, Noreen	Nanakuli Area / Oahu IW Res
KELLY, Ada N.	Anahola Area / Kauai IW Res
LEMN, Luella L.H.	Kauai IW Res
LIBRES, Vincent Jr.	Oahu IW Agr
LINO, Dagmar L.	Molokai IW Agr
LUM, Charla A.H.	Kauai IW Agr
LUM, Charla A.H.	Kauai IW Res
MACLOVES, Sarah H.	Maui IW Pas
MANAOLE, De Mont K.	Maui IW Pas to Oahu IW Agr
MARTIN, Deldrien M.K.	Oahu IW Agr
MEHEULA, Rita K.	Hawaii IW Res
MELEMAI, Faye Starr P.	Kauai IW Agr

MILLER, Juby J.P.	Hawaii IW Res
MOKU, Duane R.K.	Oahu IW Res
MONIZ, Gertrude	Hawaii IW Agr
NAIHE, Lillian K.	Hawaii IW Agr
NAPEAHI, Jack M.	Hawaii IW Agr
NIZO, Thomas M.	Kauai IW Res
PAYAPAYA, Bernadette K.	Hawaii IW Res
PELEKANE, Primrose L.	Hawaii IW Agr
PENROSE, Margaret Spinney	Hawaii IW Agr
PENROSE, Margaret Spinney	Hawaii IW Res
PUA, David K., Jr.	Hawaii IW Pas
PUAA, Arthur C.	Molokai IW Agr
PUAA, Arthur C.	Molokai IW Res
PUKAHI, Martha M.	Maui IW Agr
PUKAHI, Martha M.	Maui IW Res
RAMOS, John Jr.	Hawaii IW Res
REYES, Marian R.	Hawaii IW Pas
REYES, Marian R.	Hawaii IW Res
ROMUALDO, Audwin K.	Oahu IW Agr
ROMUALDO, Audwin K.	Oahu IW Res
ROSEHILL, Markham K., Sr.	Hawaii IW Res
SEXTON, John R.H.	Oahu IW Res
SEXTON, John R.H.	Kauai IW Agr
SHANNON, Jacqueline I.	Oahu IW Res
SPENCER, William K., Jr.	Hawaii IW Res to Oahu IW Res
STEPHENS, Charleen M.	Maui IW Res
STINEMAN, Lowellyn O.P.	Oahu IW Res
STINEMAN, Lowellyn O.P.	Hawaii IW Agr
TORRES, Taryn M.	Oahu IW Res
WONG, Albert Jr.	Kauai IW Res
WONG, Josanne M.	Hawaii IW Agr

\* IW = Islandwide

#### **ITEM D-5 EXHIBIT**

APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS FOR THE MONTH OF  
July 2023

<b>APPLICANT</b>	<b>AREA</b>
AIWOHI, Sherrie Jane L.	Oahu IW Res
AIWOHI, Sherrie Jane L.	Maui IW Agr
BENNETT, Patricia N.Y.S.	Oahu IW Agr
BENNETT, Patricia N.Y.S.	Oahu IW Res
BORJA, Doraine K.	Maui IW Agr
BORJA, Doraine K.	Maui IW Res
BRIOSIO, Clifford	Oahu IW Agr
BRIOSIO, Clifford	Oahu IW Res
BURNS, Pamela L.	Maui IW Agr

CHUN, Wayne C.K.	Oahu IW Res
HARRIS, Gregory K.P.	Maui IW Agr
HARRIS, Gregory K.P.	Maui IW Res
KAHEE, Leroy K.	Oahu IW Res
KAILIPAKA, Kaipo K.	Hawaii IW Agr
KAILIPAKA, Kaipo K.	Hawaii IW Res
KAILIPAKA, Kelii I.	Hawaii IW Agr
KAILIPAKA, Kelii I.	Hawaii IW Res
KAILIPAKA, Kamahao H.	Hawaii IW Agr
KAILIPAKA, Kamahao H.	Hawaii IW Res
KAPONO, Namelemanukukalao	Hawaii IW Agr
KAPONO, Namelemanukukalao	Hawaii IW Res
LAAMEA, Kingston K.	Kauai IW Agr
LAAMEA, Kingston K.	Kauai IW Res
LEE, Myrna	Oahu IW Agr
MAHAULU, Daverney Gioia K.	Oahu IW Res
MAHAULU, Daverney Gioia K.	Maui IW Agr
MAHAULU, Daniel K.	Oahu IW Res
MAHAULU, Daniel K.	Maui IW Agr
MAHAULU, Derek K., Jr.	Oahu IW Res
MAHAULU, Derek K., Jr.	Maui IW Agr
MOISA, Leonora K.	Oahu IW Agr
MOISA, Leonora K.	Oahu IW Res
MOMOA, Allyn K.	Oahu IW Res
PAHUKOA, Raymond Li K.	Oahu IW Agr
PAHUKOA, Raymond Li K.	Oahu IW Res
RICHARDSON, Bobbie-Rose K.K.S.	Oahu IW Agr
RICHARDSON, Bobbie-Rose K.K.S.	Oahu IW Res
WAIPA, Harvey	Hawaii IW Agr
WONG, Randy A.K.	Maui IW Res
WOODLYN, Bronco K.K.	Oahu IW Agr
WOODLYN, Bronco K.K.	Oahu IW Res

\* IW = Islandwide

**ITEM D-6 EXHIBIT**  
**APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST**

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
KAHELE, Paul M.	8671	Anahola, Kauai
KAMAI, Rosaleen K.	3533	Waimanalo, Oahu
NAONE, Sarah C. L.	13004	Waianae, Oahu
OMEROD, John P.	8962	Keaukaha, Hawaii
SPOTKAEFF, Maryknoll K. K. L.	11680	Kanehili, Oahu
THOMPSON, Serena K. A.	4974	Waimea, Hawaii
VERA CRUZ, Louis, Jr.	12817	Laiopua, Hawaii
MEDINA, Valarie G.	11151	Anahola, Kauai



**ITEM D-7 EXHIBIT**  
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
CLUNEY, Lydia K.	2355	Hoolehua, Molokai
MEDINA, Talia	11151	Anahola, Kauai
NAIHE, Cy K.	11145	Anahola, Kauai
NAPEAHI, Jack M.	4040	Waiakea, Hawaii
ORNELLAS, Kainalu K. C.	11125	Anahola, Kauai
PA, Alyssa	11021	Anahola, Kauai

**ITEM D-8 EXHIBIT**  
APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC  
SYSTEMS FOR CERTAIN LESSEES

<b>LESSEE</b>	<b>LEASE NO.</b>	<b>AREA</b>
CACHO-KEKAHUNA, Kaleoikamakamae L	12937	Kauluokahai, Oahu
DELIMA, Leini K.	11207	Kakaina, Oahu
GARZA, Lael K.	598	Papakolea, Oahu
GONSALVES, Angie L.	12854	Kauluokahai, Oahu
HANOHANO, Rani Ann N.	413-A	Nanakuli, Oahu
HOLT, Allen O, Jr.	328	Nanakuli, Oahu
KAHOONEI, William M., III	567	Nanakuli, Oahu
KEONE, Kamaehu B.	12466	Kauluokahai, Oahu
SOARES, Bryan L.	11967	Kaupea, Oahu
SOLOMON, Mark K.	8174	Waimanalo, Oahu
WAKINEKONA, Ezekiel R. H.	1968	Nanakuli, Oahu
YOUNG, Chanel K.	12700	Kaupuni, Oahu

**ITEM F-1 EXHIBIT**  
ANNUAL RENEWAL OF RIGHT OF ENTRY PERMITS – KAUAI ISLAND

<b>NO.</b>	<b>ACRE</b>	<b>USE</b>	<b>PERMITTEE</b>	<b>LOCATION</b>	<b>TMK</b>	<b>Date Started</b>
533	11	Agriculture	* Don Mahi	Anahola	(4) 4-8-018:031	10/1/1990
550	0.344	Agriculture	* Kuini Contrades	Anahola	(4) 4-8-008:001 (p)	5/1/2003
554	8	Agriculture	* Linda Kaauwai-Iwamoto	Anahola	(4) 4-8-005:042 (p)	11/1/2000
558	1.07	Agriculture	*Frank S. Rivera, Sr. and Amber Rivera	Anahola	(4) 4-8-003:020 (p)	5/1/2005
543	20	Agriculture	Palahiko Farms	Kekaha	(4) 1-2-002:023 (p)	7/28/2009
575	18	Agriculture	Gary Cummings, Jr.	Anahola	(4) 4-8-008:049 (p)	7/23/2013
565	12	Agriculture	Angelina Koli	Anahola	(4) 4-8-005:038 & :044	7/1/2005
540	0.25	Caretaker	* Michael J. DeMotta	Hanapepe	(4) 1-8-007:021 (p)	9/1/2002
549	0.188	Caretaker	*William Leleo	Anahola	(4) 4-8-003:018 (p)	9/1/2005
569	0.164	Caretaker	* Puanani Cummings	Anahola	(4) 4-8-003:020 (p)	9/1/2022
553	0.092	Caretaker	* Sunny L. Honda	Anahola	(4) 4-8-009:010 (p)	6/1/1992
560	3.6	Caretaker	Valerie Woods	Anahola	(4) 4-8-006:046 (p)	3/8/2002
536	0.009	Commercial	*Patricia Contrades	Anahola	(4) 4-8-011:045 (p)	7/23/2013

564	0.023	Commercial	*Woodrow K. Contrades	Anahola	(4) 4-8-011:045 (p)	4/1/1994
572	0.34	Community	*Hokuaelele Canoe Club dba Na Molokama'o Hanalei	Anahola	(4) 4-8-012:010 (p)	9/1/2022
703	0.917	Community	Kukulu Kumuhana O Anahola	Anahola	(4) 4-8-005:026 (p)	4/12/2023
709	432.00	Community	Aina Alliance	Anahola	(4) 4-8-03:018, 019(p), 021 & 036; (4) 4-8-014:003; (4) 4-7-004:003,004 & 007	4/12/2023
722	103.07	Community	Kahu O Ka Paka Kahakai O Anahola	Anahola	(4) 4-9-003:011 & 017; (4) 4-8-010:003, 005, 006 & 010; (4) 4-8-014:005	3/3/2023
707	1.49	Education	Hosea Lovell Foundation	Anahola	(4) 4-8-012:001 & 010 (p)	4/15/2022
710	3.44	Education	Keakai Kauai, Inc.	Anahola	(4) 4-8-008:016 & 080	5/9/2022
475	16.072	Industrial	Honsador Lumber, LLC/Mona Lisa Boyer	Kapaa	(4) 4-5-015:003 (p) & 034	
538	0.46	Industrial	Kauai Habitat for Humanity	Hanapepe	(4) 1-8-008:035 (p)	7/1/1996
542	0.58	Industrial	* Wallace Rita	Hanapepe	(4) 1-8-008:081 (p)	4/1/2007
574	0.059	Industrial	Jesse Lam/Paul T. Esaki	Kapaa	(4) 4-5-015:048	2/1/1986
537	0.23	Industrial	*Roger Palama	Hanapepe	(4) 1-8-008:035 (p)	10/1/1995
541	0.344	Industrial	*Wallace Rita and Clyde Odo	Hanapepe	(4) 1-8-008:035 (p)	7/1/2005
544	0.367	Industrial	Akita Enterprises, Ltd.	Hanapepe	(4) 1-8-008:035 (p)	7/1/1999
546	0.55	Industrial	Akita Enterprises, Ltd.	Kapaa	(4) 4-5-005:006 (p)	7/22/2013
566	0.918	Industrial	* Jack L. and Margaret C. Phillips	Kapaa	(4) 4-5-005:006 (p)	3/1/2001
531	3.264	Pastoral	* Solomon Lovell	Anahola	(4) 4-8-006:004	12/1/1981
532	14.903	Pastoral	*Esther K. Medeiros/Kalei Medeiros	Anahola	(4) 8-011:005, 006, 011, 013 & 049	2/1/1984
535	13.00	Pastoral	*Gordon Rosa	Anahola	(4) 4-8-005:038 (p)	4/1/1994
545	2.866	Pastoral	*Clay Kelekoma	Anahola	(4) 4-8-015:024 to 026	4/15/1982
547	50.00	Pastoral	* Patrick Kelekoma and Clay Kelekoma	Anahola	(4) 4-7-004:022 (p)	7/5/2005
552	2.849	Pastoral	* Lono K.M. Fu	Anahola-Kamalomaloo	(4) 4-8-003:020 (p)	9/1/2005
556	0.55	Pastoral	Richard and Kuulei Ornellas	Anahola/Kamalomaloo	(4) 4-8-011:063 (p)	8/1/2003
557	173.00	Pastoral	Tarey Low	Anahola/Kamalomaloo	(4) 4-7-002:004 (p)	4/1/2004
562	21.03	Pastoral	Joseph Borden	Anahola/Kamalomaloo	(4) 4-8-003:004 (p)	7/23/2013
567	45.023	Pastoral	* William & Allison Sanchez	Wailua	(4) 3-9-002:003	9/1/2022
568	5.00	Pastoral	* Henry Aviguetero	Hanapepe	(4) 1-8-007:003	9/1/2022
571	11.6	Pastoral	* Norman & Ruby Cummings	Anahola	(4) 4-8-003:020 (p)	9/1/2022
573	320.00	Pastoral	Ralph Kauai	Wailua	(4) 3-9-002:012 & 025	9/1/2022
578	10.00	Pastoral	Henry Kupihea	Anahola	(4) 4-8-003:006 (p)	9/1/2020
583	80	Pastoral	*Edward K Taniguchi	Anahola/Kamalomaloo	(4) 4-7-002:004 (p)	5/23/2016

\* Denotes Beneficiary

**HAWAIIAN HOMES COMMISSION**  
**AUGUST 21 & 22, 2023**

**C – ITEMS**  
**OFFICE OF THE CHAIRMAN**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Lehua Kinilau-Cano, NAHASDA Govt Relations Program Mgr

Subject: Approval of DHHL Emergency Rental Assistance Program  
Pursuant to Disaster Declaration Relating to Wildfires  
in Maui County

RECOMMENDED MOTION/ACTION:

(1) Approve An Amendment to the DHHL Emergency Housing Assistance Program Policy to include assistance to households that have suffered a physical disaster, i.e., fire, earthquake, hurricane, tsunami, etc.

(2) Authorize the establishment of the DHHL Emergency Rental Assistance Program pursuant to the disaster declaration as a result of wildfires in Maui County utilizing Native Hawaiian Housing Block Grant (NHHBG) funds made available in accordance with the Native American Housing Assistance and Self-Determination Act (NAHASDA) and other federal laws which provide that NHHBG funds may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands.

(3) Authorize DHHL to utilize up to \$5 million of NHHBG funds made available in accordance with NAHASDA and allow the department to increase funding for the program in response to demand and as NHHBG funding or other supplemental funding permits, by informing the HHC.

DISCUSSION

The 2023 Native Hawaiian Housing Plan covering the period from July 1, 2023 thru June 30, 2024 includes Emergency Rental and Utilities Assistance Program as one of the activities that would be supported with NAHASDA funds. The activity envisions providing funds for rental housing vouchers (rent/security deposit) for emergency assistance (rent, rental arrears, utilities, or utility arrears) to mitigate financial hardships associated with the Coronavirus pandemic to ensure housing

stability. The use of NAHASDA funds for this activity has been declining and currently \$7,125,000 in funds remain.

The State of Hawaii's Emergency Proclamations and the Presidential declaration of a major disaster in Hawaii for areas affected by wildfires beginning on August 8, 2023 allows for NHHBG funds to be used to assist eligible Native Hawaiian families in Maui County impacted by wildfires.

The first action requested is to approve an amendment to the DHHL Emergency Housing Assistance Program Policy. The HHC approved the DHHL Emergency Housing Assistance Program Policy on July 19, 2021. This amendment would expand the eligible circumstances for emergency housing assistance to include assistance to households that have suffered a physical disaster, i.e., fire, earthquake, hurricane, tsunami, etc. The policy with the proposed revisions using track changes is attached as Exhibit "A".

The next action is aimed at assisting Native Hawaiian lessees, undivided interest lessees, and those on the Applicant Waiting List who may need temporary housing or may be experiencing difficulty paying rent as a result of income/job loss due to wildfires in Maui County. The DHHL Emergency Rental Assistance Program would provide for the payment of temporary lodging, security deposit and/or rent for up to six months with an additional six months on a case-by-case basis subject to funding availability. The following criteria and eligibility will be applied for this program:

- Native Hawaiian as defined by the HHCA who is a lessee, undivided interest lessee, or on the Applicant Waiting List.
- Loss of housing, qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to the wildfires in Maui County and demonstrates a risk of experiencing homelessness or housing instability.
- An eligible household income is one whose total household annual income does not exceed 120% AMI as defined by HUD for the NHHBG program subject to regulatory and administrative requirement flexibilities available to assist with recovery and relief efforts on behalf of families affected by Presidentially Declared Disasters as detailed in Exhibit "B".

- The temporary housing for which emergency rental assistance is being requested is the individual's primary residence located in the State of Hawaii.
- Not more than six (6) months of payment for emergency rental assistance. An additional six (6) months may be made available on a case-by-case basis to ensure housing stability and subject to funding.
- Emergency rental assistance should not be duplicative of any other assistance provided to the household.

RECOMMENDED MOTION/ACTION:

Staff respectfully requests approval of the motion as recommended.

# EXHIBIT A

HHC Item C-1: Approval of DHHL Emergency Rental Assistance Program  
Pursuant to Disaster Declaration Relating to Wildfires in Maui County



# **DHHL EMERGENCY HOUSING ASSISTANCE PROGRAM POLICY**

**Proposed Update**  
**Submittal to HHC for August 2023**

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## **I. PURPOSE**

The DHHL recognizes the need to establish an Emergency Housing Assistance Program (EHAP) providing homeless prevention assistance and supportive housing services to low-income Native Hawaiians who are in immediate need of shelter and supportive services because they are either homeless or about to become homeless.

## **II. POLICY STATEMENT**

The Emergency Housing Assistance Program (EHAP) Policy establishes guidelines for administration and delivery of housing assistance designed to prevent homelessness by assisting households that have had a substantial reduction in income, ~~or~~ became unemployed due to circumstances beyond their control, or suffered a physical disaster, i.e. fire, earthquake, hurricane, tsunami, etc. This policy provides direction for DHHL NAHASDA staff or a service provider to administer and manage the EHAP. Units occupied or selected by recipients must be located within the State of Hawaii. Additionally, the DHHL Rental Assistance Program Policy shall be complied with as applicable to emergency rental assistance.

## **III. APPLICABILITY**

### **A. Law**

Policies regarding the administration of this program are to be in compliance with Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA), the Native Hawaiian Housing Block Grant Regulations at 24 CFR Part 1006 or any other applicable program requirements.

### **B. Housing Area**

Assistance will be provided in the housing area defined as an area of Hawaiian Home Lands with respect to which DHHL is authorized to provide assistance for affordable housing or otherwise authorized under federal law.

### **C. Funding**

Assistance is subject to the availability of funds.

### **D. Policies**

The eligibility, admission, and occupancy criteria for assistance utilizing this program shall be the same as those described in the Department of Hawaiian Home Lands (DHHL) adopted NAHASDA Admission & Occupancy Policy, Housing Counseling Policy, and Rental Assistance Program Policy as they apply to the type of assistance provided.



#### IV. ELIGIBLE FAMILIES

Eligible families are Native Hawaiian as defined in the Admissions and Occupancy Policy who are determined to be income eligible.

#### V. SELECTION

Applicants will be selected in the order of first-come, first-serve.

#### VI. ELIGIBLE CIRCUMSTANCES

Emergency housing assistance may be provided for the following circumstances that result in a substantial reduction in income, ~~or~~ unemployment due to circumstances beyond their control, or suffered a physical disaster, i.e. fire, earthquake, hurricane, tsunami, etc., -such as but not limited to the following situations:

- a pandemic as defined by the Center for Disease Control and recognized by State of Hawaii Proclamation;
- an inability to earn income as the result of a loss of childcare due to a pandemic or other catastrophic incident;
- a catastrophic illness resulting in inability to maintain essential housing costs;
- a natural disaster recognized by State of Hawaii Proclamation;
- an event which means the death of, or mental incapacity of, or abandonment of the Home by, any of the persons who have executed the agreement as Lessee(s) subject to applicable laws, regulations, and requirements.

#### VII. ELIGIBLE USES OF FUNDS

##### A. Allowable Costs

Allowable costs include, but are not limited to, the following:

- Rental assistance - will be in compliance with the Rental Assistance Policy as applicable.
- Mortgage assistance - will be in compliance with the applicable loan program.
- Security deposit assistance
- First and last month's rent
- Utility assistance
- Relocation costs as determined by DHHL on a case-by-case basis

- Housing services as defined by NAHASDA related to the provision of self-sufficiency

#### **B. Impermissible Use of Funds**

- Assistance may not be used to pay rent to an immediate family member) i.e., father, mother, son, daughter, husband, wife, sibling, or grandparent) or to any person with whom the applicant resides subject to review on a case-by-case basis.
- Assistance may not be used for which duplicate assistance exists.
- Assistance may not be provided outside the housing area defined as an area of Hawaiian Home Lands with respect to which DHHL is authorized to provide assistance for affordable housing or otherwise authorized under federal law.

#### **C. Authorization of Cost**

NAHASDA program staff will determine allowability of costs on a case-by-case basis.

#### **D. Payment of Assistance**

At no time will assistance be made directly to the family unless allowed for under applicable program requirements or the Landlord either refuses to accept payment or fails to respond after several documented attempts. NAHASDA program staff will develop procedures regarding the process for disbursing emergency assistance funds. The following cites typical examples of payment disbursement:

- Directly to a landlord
- Directly to a vendor
- Directly to a financial institution
- Directly to a service provider under an agreement with the DHHL
- Other as determined by NAHASDA program staff

### **VIII. ASSISTANCE AMOUNT**

#### **A. Factors**

The factors used to determine the amount of assistance to be awarded on behalf of the participant are:

- Annual income of the household
- Family budget
- Fair Market Rent (FMR) for areas in the State of Hawaii as determined by HUD

- Family circumstances
- Type of assistance needed

**B. Term of Assistance**

Emergency assistance is temporary, and the duration of assistance will be determined by the DHHL on a case-by-case basis and dependent on the type of assistance needed.

# EXHIBIT B

HHC Item C-1: Approval of DHHL Emergency Rental Assistance Program  
Pursuant to Disaster Declaration Relating to Wildfires in Maui County



\_\_\_\_E. 24 CFR 905.314(j) (*Cost and other limitations; Types of labor*).  
 \_\_\_\_F. 24 CFR 905.400(i)(5) (*Capital Fund Formula; Replacement Housing Factor to reflect formula need for projects with demolition or disposition occurring on or after October 1, 1998, and prior to September 30, 2013*).  
 \_\_\_\_G. 24 CFR 960.202(c)(1) (*Tenant selection policies*) and 982.54(a) (*Administrative plan*).  
 \_\_\_\_H. 24 CFR 982.206(a)(2) (*Waiting List; Opening and closing; Public notice*).  
 \_\_\_\_I. 24 CFR 982.503(c) (*HUD approval of exception payment standard amount*).  
 \_\_\_\_J. 24 CFR 982.401(d) (*Housing quality standards; Space and security*).  
 \_\_\_\_K. 24 CFR 982.633(a) (*Occupancy of home*).  
 \_\_\_\_L. 24 CFR 984.303(d) (*Contract of participation; contract extension*).  
 \_\_\_\_M. 24 CFR part 985 (Section 8 Management Assessment Program (SEMAP)).  
 \_\_\_\_N. Notice PIH 2018–24, Section 8(c) (*Verification of the Social Security Number*).  
 \_\_\_\_O. 24 CFR 970.15(b)(1)(ii) (*Specific criteria for HUD approval of demolition requests*).  
 \_\_\_\_P. 24 CFR 970.15(b)(2) (*Specific criteria for HUD approval of demolition requests*).  
 \_\_\_\_Q. *Waivers not identified in this PIH Notice. My agency seeks waivers of the HUD requirements listed below. None of the requests are to waive a fair housing, civil rights, labor standards, or environmental review requirement. I have included documentation justifying the need for the waivers.*  
 [FR Doc. 2021–28561 Filed 1–4–22; 8:45 am]  
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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7038–N–23]

### 60-Day Notice of Proposed Information Collection: Annual Adjustment Factors (AAF) Rent Increase Requirement, OMB Control Number: 2502–0507

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* March 7, 2022.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**FOR FURTHER INFORMATION CONTACT:** Stephan A. Martin, Director, Assisted Housing Oversight Division, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; 202–708–3000; email: [Stephen.A.Martin@hud.gov](mailto:Stephen.A.Martin@hud.gov). This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:* Annual Adjustment Factors (AAF) Rent Increase Requirement.

*OMB Approval Number:* 2502–0507.

*Type of Request:* Reinstatement, with change, of previously approved collection for which approval has expired.

*Form Number:* HUD–92273–S8.

*Description of the need for the information and proposed use:* Owners of project-based section 8 contracts that utilize the AAF as the method of rent adjustment provide this information which is necessary to determine whether or not the subject properties' rents are to be adjusted and, if so, the amount of the adjustment.

*Respondents:* Business, not for profit institutions.

*Estimated Number of Respondents:* 1,080.

*Estimated Number of Responses:* 8.

*Frequency of Response:* On occasion.

*Average Hours per Response:* 1.5 hours.

*Total Estimated Burden:* 12.

#### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected

parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

#### C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Janet M. Golrick,

*Acting, Chief of Staff for the Office of Housing—Federal Housing Administration.*

[FR Doc. 2021–28562 Filed 1–4–22; 8:45 am]

BILLING CODE 4210–67–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[FR–6301–N–02]

### Regulatory and Administrative Requirement Flexibilities Available to Native American Programs During CY 2022 and CY 2023 to Tribal Grantees To Assist With Recovery and Relief Efforts on Behalf of Families Affected by Presidentially Declared Disasters

**AGENCY:** Office of Assistant Secretary for Public and Indian Housing, U.S. Department of Housing and Urban Development (HUD).

**ACTION:** Notice.

**SUMMARY:** This notification advises the public of waivers and flexibilities from HUD requirements for its Indian Housing Block Grant (IHBG), Indian Community Development Block Grant (ICDBG), and Native Hawaiian Housing Block Grant (NHHBG) grantees located in areas that are covered by Presidentially Declared Disasters (PDDs). A PDD is a major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act that activates an array of federal programs to assist in the

response and recovery efforts. When they occur, disasters and their aftermath impose significant barriers and challenges for housing programs to overcome or operate. To provide relief during such challenging times for its IHBG, ICDBG, and NHHBG grantees, HUD is publishing this standing Notice of regulatory and administrative requirement flexibilities to assist affected grantees. Instructions are provided below on how to apply for flexibilities. A grantee may request a waiver or flexibility of a HUD requirement not listed in this standing Notice and receive an expedited review of the request if the grantee demonstrates that the waiver or flexibility is needed to assist its disaster relief and recovery efforts. Please note that the waivers and flexibilities in this Notice do not apply to the various COVID-relief related programs administered by the Office of Native American Programs (IHBG-CARES, IHBG-ARP, ICDBG-CARES, ICDBG-ARP, and NHHBG-ARP) because HUD has issued separate waivers and alternative requirements that apply to those programs, as further outlined in the Implementation and Waiver Notices governing those programs.

**DATES:** This document announces the waivers and flexibilities set out in this document as of January 1, 2022.

**FOR FURTHER INFORMATION CONTACT:** Hilary Atkin, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4108, Washington, DC 20410-5000, or email [Hilary.C.Atkin@hud.gov](mailto:Hilary.C.Atkin@hud.gov). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

**I. Flexibilities That Are Available to PDD Tribes, Tribally Designated Housing Entities, and the Department of Hawaiian Homelands During CY 2022 and CY 2023**

The following is a list of HUD requirement waivers and flexibilities available for IHBG, ICDBG, and NHHBG grantees located within PDD areas. Grantees may use any of the waivers and flexibilities below to assist their communities in addressing challenges and issues that result from a disaster covered by a PDD.

**A. 24 CFR Part 1000 (IHBG)**

1. Total Development Costs (24 CFR 1000.156, 1000.158, 1000.160, and 1000.162)

The IHBG regulations at 24 CFR part 1000 require that affordable housing under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) be of moderate design with a size and with amenities consistent with unassisted housing offered for sale in the Indian tribe's general geographic area to buyers who are at or below the area median income (AMI). To achieve this requirement the recipient must either: Adopt written standards for its affordable housing programs that reflect the requirement specified, or use total development cost (TDC) limits published periodically by HUD that establish the maximum amount of funds (from all sources) that the recipient may use to develop or acquire/rehabilitate affordable housing. The limits provided by the TDC may not, without prior HUD approval, exceed by more than 10 percent the TDC maximum cost for the project. Non-dwelling structures used to support an affordable housing activity must be of a design, size and with features or amenities that are reasonable and necessary to accomplish the purpose intended by the structures.

Disasters may result in disruptions to supply chains, lead to labor and contractor shortages, and result in overall increases in construction costs. Given this possibility of increased costs of resources and the urgency to rehabilitate homes following a disaster, HUD is waiving the TDC regulatory requirements in 24 CFR 1000.156, 1000.158, 1000.160, and 1000.162 relating to limitations on cost or design standards and TDC with respect to dwelling and non-dwelling units developed, acquired, or assisted with IHBG funding. Under this waiver, an IHBG recipient may exceed the current TDC maximum by 20 percent without HUD review or approval (other than notification by the grantee pursuant to the procedures outlined in Section II of this Notice). The recipient, however, must maintain documentation that indicates the dwelling units and non-dwelling structures developed, acquired, or assisted with this funding will, after the PDD, be for IHBG eligible families and the design, size, and amenities are moderate and comparable to housing in the area. The TDC limits can be exceeded by more than 20 percent if the recipient receives written approval from HUD Headquarters. This waiver applies to both single-family and

multi-family housing, as well as non-dwelling structures.

2. Income Verification (24 CFR 1000.128)

24 CFR 1000.128 requires IHBG recipients to verify that a family is income eligible. Families are required to provide documentation to verify this determination, and a recipient is required to maintain that documentation. Families may be required by the IHBG recipient to periodically verify income after initial occupancy, and the recipient is required to maintain documentation.

As families may be displaced during a disaster and may not have access to their income documentation, HUD is waiving section 1000.128, and allowing the following:

(a) IHBG recipients may deviate from their current written admissions and occupancy policies, and may allow less frequent income recertifications; and

(b) IHBG recipients may carry out intake and other tasks necessary to verify income through alternative means if the IHBG recipient chooses to do so, including allowing income self-certification over the phone (with a written record by the IHBG recipient's staff), or through an email with a self-certification form signed by a family.

3. Assistance to Middle-Income Families Impacted by a Disaster (24 CFR 1000.104, 1000.106, 1000.108, and 1000.110)

Generally, Section 201 of NAHASDA and the IHBG regulations at 24 CFR 1000.104, 1000.106, 1000.108, and 1000.110 require that IHBG recipients limit assistance to low-income Native American families, with some exceptions for non-low-income families at 80-100 percent AMI, families over 100 percent of AMI, and essential families under section 201(b)(3) of NAHASDA. Section 201(b)(2) and 24 CFR 1000.110 provide that an IHBG recipient may aid a non-low-income family upon a documented determination by the recipient that there is a need for housing for such family that cannot reasonably be met without such assistance. 24 CFR 1000.110(c) provides that a recipient may use up to 10 percent of the amount planned for the tribal program year for families whose income falls within 80 to 100 percent of AMI without HUD approval. HUD approval is required if a recipient plans to use more than 10 percent of the amount planned for the tribal program year for such assistance or to provide housing for families with income over 100 percent of AMI. Finally, 24 CFR 1000.110(d) provides that non-low-

income families cannot receive the same benefits provided low-income Indian families. The amount of rental assistance, homeownership assistance, and other assistance that non-low-income families may receive will be determined in accordance with the formula provided in that regulation.

Disasters may devastate and displace Native American families in a community of all incomes, make housing uninhabitable, damage community infrastructure, and result in a loss of life and property. IHBG recipients may find it in the public interest to aid non-low-income families that are displaced due to a disaster, including by using IHBG funds to provide such assistance as temporary rental assistance to otherwise ineligible families in IHBG-assisted housing owned or operated by the recipient, housing such families in hotels/motels, and similar facilities, providing such families with necessary relocation assistance, and more. To help alleviate the impact of disasters on Tribal communities, HUD is waiving 24 CFR 1000.104, 1000.106, 1000.108, and 1000.110 to the extent necessary to allow for the following flexibilities:

(a) IHBG recipients in PDDs may exceed the 10 percent cap on serving Native American families whose income falls within 80 to 100 percent of AMI without HUD approval, provided the recipient decides that the families are impacted by the disaster and that there is a need for housing for such family that cannot reasonably be met without such assistance.

(b) IHBG recipients in PDDs may provide IHBG assistance to middle-income Native American families whose income is at or below 120 percent of AMI without HUD approval, provided the recipient decides that the families are impacted by the disaster and that there is a need for housing for such family that cannot reasonably be met without such assistance.

In all cases, assistance to these non-low-income families must still comply with limits on assistance specified in 24 CFR 1000.110(d). Additionally, all assistance must be temporary in nature. For instance, such families may receive temporary rental assistance that is time-limited pursuant to the recipient's policies but may not receive permanent tenant-based rental assistance with no specified end date. IHBG recipients must ensure that IHBG assistance provided does not result in a duplication of benefits. For example, IHBG recipients should not pay for costs that are already covered by private insurance or other Federal, State, or Tribal funds or programs. Finally, when

providing this assistance, IHBG recipients must also maintain records documenting that all these criteria were met at the time that such assistance was provided.

#### *B. 24 CFR Part 1003 (ICDBG)*

##### *1. Purchasing Equipment (24 CFR 1003.207(b)(1)(i))*

The purchase of equipment with ICDBG funds is generally ineligible under 24 CFR 1003.207(b)(1)(i), with some exceptions. Given the immediate need for certain equipment to carry out ICDBG eligible activities related to disaster recovery, such as construction equipment, necessary for clearance, construction, rehabilitation, and other recovery efforts in the aftermath of a disaster, HUD is waiving 24 CFR 1003.207(b)(1)(i) and authorizing the use of ICDBG funds for the purchase of equipment necessary to carry out ICDBG eligible activities that assist with clearance, rehabilitation, construction, and other uses related to housing, public facilities, improvements, and works, and other disaster-recovery related purposes. Equipment must be used for authorized program purposes, and any proceeds from the disposition of equipment will be considered ICDBG program income. HUD may issue further guidance in the future on the disposition of program income after grant closeout.

##### *2. Emergency Payments for Up to Six Months (24 CFR 1003.207(b)(4))*

Under 24 CFR 1003.207(b)(4), the general rule is that ICDBG funds may not be used for income payments. For purposes of the ICDBG program, income payments mean a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage), or utilities. However, ICDBG may be used to make emergency payments over a period of up to three months to the provider of such items or services on behalf of an individual or family.

Low- and moderate-income families impacted by disasters may have an immediate need for short term rental assistance, mortgage assistance, utility assistance, food, clothing, and similar services.

To provide additional relief to families impacted by disasters, HUD is waiving 24 CFR 1003.207(b)(4) to the extent necessary to allow ICDBG grant funds to be used to provide emergency payments for low- and moderate-income individuals or families impacted by a disaster. These grant funds may be used for items such as food, medicine,

clothing, and other necessities, as well as rental, mortgage, and utility assistance, without regard for the 3-month limitation in 24 CFR 1003.207(b)(4), but for a period not to exceed six months, unless further approved in writing by HUD on a case-by-case basis.

ICDBG grantees may establish lines of credit with third party providers (e.g., grocery stores) on behalf of specific beneficiary families, provided all expenses can be properly documented and all ICDBG funds used for this purpose are expended on eligible activities. In all cases, ICDBG grantees must ensure that proper documentation is maintained to ensure that all costs incurred are eligible. ICDBG grantees using this waiver flexibility must document, in their policies and procedures, how they will determine the necessary and reasonable amount of assistance to be provided.

#### *C. 24 CFR Part 1006 (NHHBG)*

##### *1. Assistance to Middle-Income Families Impacted by Disaster (24 CFR 1006.301(a))*

24 CFR 1006.301(a) describes families eligible for NHHBG assistance as low-income Native Hawaiian families who are eligible to reside on the Hawaiian homelands. Section 809(a)(2) of NAHASDA limits assistance for families who are not low-income to homeownership activities, as approved by HUD, to address a housing need that cannot be reasonably met without that assistance. Section 1006.301(d) requires DHHL to have written policies governing eligibility, admission, and occupancy of families for NHHBG-assisted housing.

Disasters may devastate and displace Native Hawaiian families in a community of all incomes, make housing uninhabitable, damage community infrastructure, and result in loss of life and property. DHHL may find it in the public interest to aid non-low-income families that are displaced due to a disaster by using NHHBG funds to provide such assistance as temporary mortgage assistance, temporary rental assistance on or off the Hawaiian homelands, housing such families in hotels, motels, or similar facilities, providing such families with necessary relocation assistance, and more. To help alleviate the impact of disasters on Native Hawaiian communities, HUD is waiving 24 CFR 1006.301(a) to allow DHHL more flexibility to provide NHHBG assistance to families that are middle income (defined as 120 percent of AMI), provided the assistance is for homeownership activities (which may

include short-term rental assistance to displaced homeowners), is temporary in nature, and DHHL determines that the families are impacted by the disaster and that there is a need for housing for such family that cannot reasonably be met without such assistance.

Under this waiver, Native Hawaiian families impacted by PDD can automatically be served provided their household income does not exceed 120 percent of AMI, there is no duplication of benefits, and all eligible criteria in this waiver are met. All assistance must be temporary in nature. For instance, such families may receive temporary rental assistance that is time-limited pursuant to DHHL's policies but may not receive permanent tenant-based rental assistance with no specified end date. DHHL must ensure that NHHBG assistance provided does not result in a duplication of benefits. For example, DHHL should not pay for costs that are already covered by private insurance or other Federal or State funds or programs. Further, when providing this assistance, DHHL must maintain records documenting that all these criteria were met at the time that such assistance was provided. HUD encourages DHHL to update its written policies to allow middle-income Native Hawaiian families who are impacted by disasters covered by a PDD to be considered eligible for NHHBG homeownership assistance and include a definition for 'temporary' assistance.

## 2. Income Verification (24 CFR 1006.320)

24 CFR 1006.320 requires DHHL to have written policies regarding tenant and homebuyer selection and criteria related to eligibility for NHHBG assistance. Many families whose homes were damaged or destroyed by the disaster may not have any documentation of income. DHHL may modify its policy and procedures to streamline any income verification and documentation requirements for families impacted by PDDs. This may include allowing income self-certification over the phone (with a written record by the DHHL's staff), or through an email with a self-certification form signed by a family. This waiver applies only to families impacted by PDDs whose income documentation was destroyed or made difficult to access by the disaster.

## II. Instructions

To use the waivers or flexibilities, grantees must provide notification in writing, preferably by email, to the Administrator in the ONAP Area Office serving their area before the grantee

anticipates using the waiver or flexibility. The written notification should include the following details:

- Requestor's Tribe/TDHE/DHH, name, title, and contact information.
- Presidentially declared major disaster area(s) where the waivers will be used.
- Date on which the grantee anticipates the first use of the waiver or flexibility, and its expected duration (which must include a specific end date), and
- A list of the waivers and flexibilities the grantee will use.

## III. Exceptions

An IHBG, ICDBG, or NHHBG grantee within in a PDD may request an exception of a HUD requirement not listed in Section I of this notice. HUD will only consider such exception requests subject to statutory limitations and pursuant to 24 CFR 5.110.

## IV. Period of Use for Waivers and Flexibilities

Waivers and flexibilities provided in this Notice will remain available to grantees provided a grantee is using the waivers or flexibilities in response to the PDD or as part of the recovery process effort. HUD recommends that grantees clearly document the need for each waiver and flexibility in their records and ensure that a specific time period for which the grantee will use the waivers and flexibilities that the grantee specifies in its written notification to HUD, described in Section II of this Notice, is reasonably set and ties back to the response and recovery effort. If a grantee finds a need to extend the period for which it will use a waiver or flexibility beyond the end date initially set by the grantee in its initial written notification to aid in its ongoing recovery effort, the grantee should send HUD written notification of its intent to extend the end date. The request must also demonstrate to HUD's satisfaction that the new time period is reasonably set and ties back to the response and recovery effort.

## V. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development,

451 7th Street SW, Room 10276, Washington, DC 20410-0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202-708-3055 (this is not a toll-free number). Hearing or speech-impaired individuals may access this number through TTY by calling the Federal Relay Service at 800-877-8339 (this is a toll-free number).

## VI. Paperwork Reduction Act

The information collections referenced in this Notice have been approved by OMB pursuant to the Paperwork Reduction Act under, OMB Control Number 2577-0292.

**Dominique G. Blom,**

*General Deputy Assistant Secretary for Public and Indian Housing.*

[FR Doc. 2021-28565 Filed 1-4-22; 8:45 am]

BILLING CODE 4210-67-P

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1273]

### Certain Residential Premises Security Monitoring and Automation Control Panels, and Components Thereof; Correction Notice of Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Correction of notice.

Correction is made to notice 82 FR 42879, which was published on August 5, 2021. The notice erroneously does not state that the Office of Unfair Import Investigations is a party to the investigation. The notice should read:

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served: . . . (c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and . . .

Issued: December 30, 2021.

**William Bishop,**

*Supervisory Hearings and Information Officer.*

[FR Doc. 2021-28549 Filed 1-4-22; 8:45 am]

BILLING CODE 7020-02-P

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Oriana Leao, NAHASDA Government Relations Program Specialist

Subject: For Information Only – Summary of Responses to Proposed Legislative Action Request for 2024 & Draft Legislative Proposals

**RECOMMENDED ACTION/MOTION:**

None; For information only.

**DISCUSSION**

Outreach commenced since the June Hawaiian Homes Commission meeting requesting input on DHHL's Legislative Package for the 2024 legislative session. An email was sent to 136 DHHL staff, 195 testifiers on DHHL related measures from the 2016-2023 legislative sessions, 36 legislative talk story attendees, and 133 homestead associations and other stakeholders. The outreach list is attached as Exhibit 'A'. The information was posted on DHHL's website and NAHASDA participated in virtual and in-person community meetings to share outreach for the solicitation of legislative proposals for HHL's 2024 Legislative Package.

23 proposals were received. Here's a summary of the proposals:

Issue	Submitted by	Result
<b>GEOTHERMAL</b>		
Funding for Geothermal research	Chair	Included
Funding for Geothermal research	Commissioner	Included
<b>REPRESENTATION ON CWRM</b>		
Add HHC Chair or Chair's designee to Commission on Water Resource Management	Chair	Included
Add HHC Chair or Chair's designee to Commission on Water Resource Management	Beneficiary	Included
<b>HHCA BLOOD QUANTUM REQUIREMENT</b>		
Direct descendant successorship. Waiting list preference for purchase of leases.	Beneficiary	More review

Petition Congress to amend the HHCA blood quantum requirement to 1/32 for successorship to leases	Beneficiary	Resolution Passed as SCR 104, SD1, HD1
<b>LEGISLATION REINTRODUCED</b>		
Independent Legal Counsel  Allow the Hawaiian Homes Commission to retain independent legal counsel to be paid by the State and use the services of the attorney general as needed when the interests of the State and the department are aligned	Staff	Included
Exemption from General Excise and Use Taxes for DHHL	Chair	Included
Historic Preservation Reviews  Allow the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.	Staff	Included
Create DHHL Compliance Unit	Commissioner	Included
Repeal the July 1, 2024, sunset of Act 197, Session Laws of Hawaii 2021, to make permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees	Staff	Included
Allow for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025	Staff	Included
<b>LENDING AND LOANS</b>		
Provide creative lending opportunities for current lessees to improve and renovate their homes through proper partnerships established with private lenders and other investors	Lessee	More review
Ensure access to conventional loans for beneficiaries. Amend HHCA to remove Private Mortgage Insurance (PMI) requirement for loan with a LTV (loan to value) of 80% or less	Lessee	More review
Create a Corporate Relocation Program that assist beneficiaries in relocating and allows them to sell their home and optionally qualify for a new lease. Ensure access to equity of the home for beneficiaries.  Implement a relocation program that allows the lessee to sell their current home and be offered a new lease at	Lessee	Does not require legislation  Request for amendment to Administrative Rule 10-3-7 –

their destination. If the home does not sell within 90 days, DHHL would purchase it at fair market value, allowing the lessee to find new housing, whether on HHL or fee simple.		PRIORITY AND PREFERENCE FOR AWARD OF LEASES
Strike the Lender of Last Resort Administrative Rule	Staff	Does not require legislation  Request for amendment to Administrative Rule
Remove or increase FHA ½ limit to ¾ in the Hawaiian Homes Commission Act	Staff	Included
Increase allowable loan term to 38 years to align with USDA Section 502 Direct Loan Program for very-low-income households	Staff	Included
<b>OTHER</b>		
Add HHC Chair or Chair's designee to Hawaii Housing Finance and Development Corporation	Chair	Included
Add HHC Chair or Chair's designee to Hawaii Community Development Authority	Chair	Included
Request time extension for encumbrance of funds appropriated in Act 279	Commissioner	More review
Offer leases to designated successors of applicants who died while on the DHHL waiting list	Beneficiary	More review
Funding to extend potable water pipeline from Kawaihae Industrial area to Kailapa	Lessee	Does not require legislation  Sufficient Sums Request
Kailapa Community Association request for funding sources: 1) potable water access and transmission -at least \$25 million 2) funds to construct an evacuation plan and construction of an access road for Kailapa subdivision at least \$20 million. This subdivision is located between 2 gulches. 3) funds to extend community center building and provide adequate parking spaces.	Lessee	Does not require legislation  Sufficient Sums Request



4) funds to construct a Kupuna housing complex in Kawaihae.		
Funding to develop in Lahaina Leialii 1B residential. A matching down payment program	Applicant	Does not require legislation  Sufficient Sums Request
Construct a safety and privacy, tile wall for Kanehili Community Park. This proposal will correct a deficiency by removing the replacement chain link fencing, for a safer type of protective barrier.	Lessee	Does not require legislation  Sufficient Sums Request
<p>Medical Cannabis</p> <p>Resolution submitted on behalf of medical cannabis beneficiaries-</p> <p>WHEREAS, the State of Hawaii exercised its constitutional authority over the intrastate use of cannabis when it created Hawaii's Medical Cannabis Program in 2000; and,</p> <p>WHEREAS, registered medical cannabis patients, who are Hawaiian Home Lands beneficiaries, can possess cannabis for personal medical use on Hawaiian Homes Lands under state law; and,</p> <p>WHEREAS, the Department of Hawaiian Home Lands issued its first guidance on medical cannabis in November, 2021, stating that even if beneficiaries are following state law they can still be subjected to federal prosecution because cannabis is federally illegal; and,</p> <p>WHEREAS, the department's guidance on medical cannabis has created a chilling effect among homestead lessees who fear they could lose their homestead lease if they are caught using cannabis on Hawaiian Home Lands; and,</p> <p>WHEREAS, solutions already exist for the federal situation with cannabis in Hawaii, such as HCR132 (2021), which currently sits with DOH; now, therefore,</p>	Public	More review

BE IT RESOLVED by the Hawaiian Home Lands Commission, that the Governor of Hawaii is hereby respectfully requested to utilize 21 USC 822(d) of the federal Controlled Substances Act to create a source of cannabis in Hawaii that is legal under state and federal law to provide temporary relief until Congress can end the federally illegal status of cannabis.		
Increase funding for additional staff or technological resources to manage the beneficiary database with fairness, consistency, and security measures to prevent data manipulation	Lessee	Does not require legislation  Sufficient Sums Request
Identify and define HBA and HA to be in alignment of 43 CFR Part 47 and 48 as defined during the Obama Administration in 2016. Section 201.6 of the HHCA describes Community based governance on Hawaiian Home Lands, but DHHL has stated that this section of the act needs the consent of Congress. We need to adopt the definitions as already codified in the Code of Federal Regulations for consistency on the State level so that all of our existing HBAs and HAs are defined.	Beneficiary	More Review

After considering the responses received and measures previously approved by the Commission, twelve (12) draft legislative proposals are summarized below and the actual draft of the bills and/or justification sheets are enclosed in Exhibit 'B'.

## PROPOSAL SUMMARIES

### *Proposal HHL-01(24)*

#### *RELATING TO INDEPENDENT LEGAL COUNSEL*

This proposal allows the Hawaiian Homes Commission to retain independent legal counsel to be paid by the State and use the services of the attorney general as needed when the interests of the State and the Hawaiian Homes Commission are aligned.

The Hawaiian Homes Commission has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, the Hawaiian Homes Commission may at times be at odds with the interests of the State. It is at these times that the Hawaiian Homes Commission must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the Hawaiian Homes Commission eliminates any cloud of uncertainty that there is a conflict of interest that the Hawaiian Homes Commission is represented by the Attorney General's office that also represents the State.

This measure has not been part of the Administration's legislative package but has been introduced by several legislators over past years and has not passed.

### *Proposal HHL-02(24)*

#### *RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT*

This proposal adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Commission on Water Resource Management.

The Water Code requires that planning decisions of the Commission on Water Resource Management ensure that sufficient water remain available for current and foreseeable development and use of Hawaiian Home Lands. In order to further the interest of beneficiaries, the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee should serve as an ex officio voting member of the Commission on Water Resource Management.

This measure has not been part of the Administration's legislative package but has been introduced and has not passed.

### *Proposal HHL-03(24)*

#### *RELATING TO TAX EXEMPTION*

This proposal exempts any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

The Department provides homesteads for native Hawaiians at affordable rates when compared to similar development available in Hawaii. In order to further the interest of beneficiaries, any development of homestead lots or housing for the Department should be exempt from general excise and use taxes.

This measure was included in the Administration's legislative package but has not passed.

*Proposal HHL-04(24)*

*RELATING TO HISTORIC PRESERVATION REVIEWS*

This proposal allows the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this proposal would streamline the process by allowing the Department of Hawaiian Home Lands to assume this review .

This measure was included in the Administration's legislative package but has not passed.

*Proposal HHL-05(24)*

*RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS*

This proposal establishes a compliance and enforcement program within the Department to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder as well as all other state laws and rules, and county ordinances on Hawaiian Home Lands.

Illegal activity occurring on Hawaiian Home Lands threatens the health and safety of the community, this proposal is modeled after HRS Chapter 199 (Conservation and Resources Enforcement Program) as a means to respond to the concerns raised by beneficiaries about criminal activity impacting the community.

This measure has not been part of the Administration's legislative package.

*Proposal HHL-06(24)*

*RELATING TO SCHOOL IMPACT FEES*

This proposal repeals the July 1, 2024, sunset of Act 197, Session Laws of Hawaii 2021, to make permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.

The Department of Hawaiian Home Lands currently leases educational facilities for public schools, public charter schools, early learning facilities, and other similar facilities at minimal to no cost. By making permanent the exemption of DHHL from school impact fees, the savings can be allocated toward developing more housing.

This measure was included in the Administration's legislative package but has not passed.

*Proposal HHL-07(24)*

*RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS*

This proposal allows for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025.

The Legislature intended that the funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025. This proposal confirms the legislative intent.

This measure remains under review by the Office of the Attorney General.

*Proposal HHL-08(24)*

*RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS*

This proposal requests \$6,000,000 dollars for the next steps in the investigation, exploration and identification of geothermal resources on Hawaiian Home Lands.

In accordance with Act 205, Session Laws of Hawaii 2022, this proposal will allow DHHL to further investigate, explore, and identify geothermal resources on Hawaiian Home Lands as these resources may be used for the generation, transmission, or production of electricity and renewable energy resources, including but not limited to hydrogen generation.

This measure has not been part of the Administration's legislative package.

*Proposal HHL-09(24)*

*RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION*

This proposal adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Housing Finance and Development Corporation.

The Hawaii Housing Finance and Development Corporation is administratively attached to the Department of Business, Economic Development and Tourism. It is governed by a nine-member Board of Directors which establishes policies and executive direction for the Corporation. This proposal would allow DHHL to have representation on the Board of Directors of the Hawaii Housing Finance and Development Corporation.

This measure has not been part of the Administration's legislative package.

*Proposal HHL-10(24)*

*RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY*

This proposal adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Community Development Authority.

The Hawaii Community Development Authority is a State agency that was established to supplement traditional community renewal methods by promoting and coordinating public and private sector community development. The 1976 State Legislature created the Hawaii Community Development Authority to plan for the future development of underutilized urban areas of Hawaii. This proposal would allow DHHL to have representation on the Hawaii Community Development Authority.

This measure has not been part of the Administration's legislative package.

*Proposal HHL-11(24)*

*RELATING TO THE HAWAIIAN HOMES COMMISSION ACT*

This proposal increases the Federal Housing Administration loan limit from fifty percent to seventy five percent in the Hawaiian Homes Commission Act.

*HHCA Section 215.1*

"At any time, the outstanding amount of loans made to any lessee, or successor or successors in interest, for the repair, maintenance, purchase, and erection of a dwelling and related permanent improvements shall not exceed fifty per cent of the maximum single residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development's Federal Housing Administration (FHA)...The loan limit shall be determined by the department on the basis of the proposed operations and the available security of the association..."

This measure has not been part of the Administration's legislative package.

*Proposal HHL-12(24)*

## *RELATING TO THE HAWAIIAN HOMES COMMISSION ACT*

This proposal increases the allowable loan term limits from 30 years to 40 years, to align with the USDA Section 502 Direct Loan Program for low-income households.

### HHCA Section 215.2

“The loans shall be repaid in periodic installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the department in each case. The term of any loan shall not exceed thirty years.”

This measure has not been part of the Administration’s legislative package.

### CONCLUSION

These draft legislative proposals will be finalized and submitted for approval by the Commission next month and submitted for review by the Governor, Department of the Attorney General, and the Department of Budget & Finance. The proposals are pending final approval and no proposal is considered part of the package until final approval is granted by the Governor. In this phase of the review process, the department may amend or withdraw any measure.

### RECOMMENDED ACTION/MOTION:

None; For information only.



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager

Subject: Acceptance of the 2023 Annual Performance Report (APR) – Native Hawaiian Housing Block Grant

**RECOMMENDATION MOTION/ACTION:**

To accept the 2023 Annual Performance Report (APR) – Native Hawaiian Housing Block Grant (NHHBG) for transmittal to the U.S. Department of Housing & Urban Development (HUD).

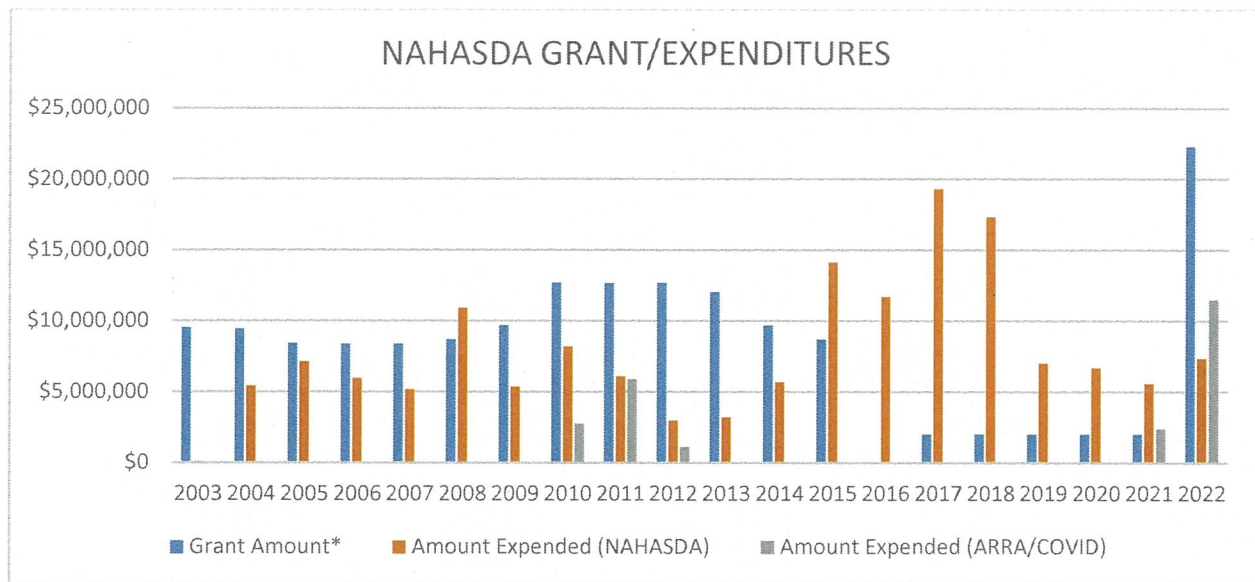
**DISCUSSION**

Title VIII of the Native American Housing Assistance and Self Determination Act requires the Department of Hawaiian Home Lands, as the sole recipient of Native Hawaiian Housing Block Grant funds, to report annually on activities performed in the past year. The report, disseminated for thirty days of public comment on July 21, 2023 will be finalized and submitted to the U.S. Office of Housing and Urban Development by August 23, 2023.

The shaded sections of the APR report on activities as approved in the Annual Housing Plan.

**Fiscal Year 2022 – 2023 Expenditures by AHP Activity:**

AHP 1.	2022 Capital Improvement Projects	\$ 357,096
AHP 2.	Down Payment/Closing Cost Assistance	\$ 0
AHP 3.	Homeowner Financing	\$1,530,473
AHP 4.	Home Assistance Program	\$ 0
AHP 5.	Waimanalo Kupuna Housing Rental Assistance	\$ 767,500
AHP 6-A.	Rental Vouchers	\$ 2,146
AHP 6-B.	Emergency Rental and Utilities Assistance Program	\$1,150,000
AHP 6-C.	DHHL Kupuna Rental Assistance Program	\$ 187,500
AHP 6-D.	DHHL Disability Rental Assistance Program	\$ 0
AHP 7.	Housing Counseling	\$ 34,100
AHP 8.	Homeowner Assistance	\$2,125,000
AHP 9.	Existing Potable Water Infrastructure Improvements	\$ 354,237
AHP 10.	Housing Conversion	\$ 63,039
AHP 11.	Property Acquisition	\$ 70,744
AHP 12.	Crime Prevention	\$ 0
	Planning and Administration	\$ 923,385
	<b>TOTAL</b>	<b>\$7,565,220</b>



Current NAHASDA Balance: \$33,495,514

Encumbered by Contract: \$23,248,838

Available NAHASDA Balance: \$10,246,676

**RECOMMENDED MOTION/ACTION**

Staff respectfully requests approval of the motion as recommended.

For DHHL's Use: July 1, 2022 thru June 30, 2023 Annual Performance Report

## ANNUAL PERFORMANCE REPORT

(NAHASDA §§ 803(b)(1), 803(c)(1) and 820(a)(2))

This form meets the requirements for a Native Hawaiian Housing Plan (NHHP) and Annual Performance Report (APR) required by the United States Department of Housing and Urban Development. The information requested does not lend itself to confidentiality.

Regulatory and statutory citations are provided throughout this form as applicable. The Department of Hawaiian Home Lands (DHHL) is encouraged to review these citations when completing the NHHP and APR sections of the form.

Under Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.), HUD will provide grants under the Native Hawaiian Housing Block Grant (NHHBG) program to DHHL to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands. To be eligible for the grants, DHHL must submit a NHHP that meets the requirements of the Act. To align the NHHBG program with recent improvements made to the Indian Housing Block Grant program, HUD is requiring DHHL to submit the NHHP to HUD at least 75 days prior to the start of its 12-month fiscal year. The APR is due no later than 60 days after the end of DHHL's fiscal year (24 CFR § 1006.410).

The NHHP and the APR (previously two separate forms) are now combined into one form. The sections pertaining to the NHHP are submitted **before** the beginning of the 12-month fiscal year, leaving the APR (shaded) sections blank. If the NHHP has been updated or amended, use the most recent version when preparing the APR. After the 12-month fiscal year, enter the results from the 12-month fiscal year in the shaded sections of the form to complete the APR. More details on how to complete the NHHP and APR sections of the form can be found in the body of this form. In addition, DHHL may find it helpful to refer to the IHP/APR form guidance available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/ih/codetalk/nahasda/guidance](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/nahasda/guidance) until a guidance specific to the NHHP/APR form is made available.

**FORM COMPLETION OPTIONS:** The NHHP/APR form may be completed either in hard copy or electronically. Hard copy versions may be completed either by hand or typewriter. Alternatively, the form may be completed electronically as it is a Word document. It is recommended that the form be completed electronically because it is more efficient to complete, submit, and review the form. Furthermore, electronic versions of the form may be submitted to HUD as an email attachment. To document official signatures on the electronic version, you should sign a hard copy of the pages and either fax (808-457-4694) that signed page or email ([claudine.c.allen@hud.gov](mailto:claudine.c.allen@hud.gov)) it as an attachment to the Office of Native American Programs – Attention: Claudine Allen in the HUD Honolulu Field Office. The sections of the NHHP that require an official signature are the Cover Page and Sections 13 and 14, if applicable. For the APR, the Cover Page requires an official signature.

The NHHP data is used to verify that planned activities are eligible, expenditures are reasonable, and DHHL certifies compliance with related requirements. The APR data is used to audit the program accurately and monitor DHHL's progress in completing approved activities, including reported expenditures, outputs, and outcomes. This form is exempt from OMB Approval pursuant to 5 CFR 1320.3(4)(c).

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**Note:** The page numbers in the Table of Contents can update automatically as the NHHP or APR is completed. To update the page numbers, right-click anywhere in the table, select "Update Field" and select "update page numbers only."

**Native Hawaiian Housing Block Grant (NHHBG)**

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

**NHHP/APR**

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Office of Native American Programs

**COVER PAGE**

(1) Grant Number: **15HBGHI0001; 17HBGHI0001; 18HBGHI0001; 19HBGHI0001; 20HBGHI0001; 21HBGHI0001; 22HBGHI0001**

(2) Recipient Fiscal Year: **2023**

(3) Federal Fiscal Year: **2022**

(4) ☐ Initial Plan (Complete this Cover Page then proceed to Section 1)

(5) ☐ Amended Plan (Complete this Cover Page and Section 14)

(6) ☒ Annual Performance Report (Complete items 24-27 and proceed to Section 3)

(7) Name of Recipient: Department of Hawaiian Home Lands		
(8) Contact Person: Lehua Kinilau-Cano, HHL Legislative Analyst		
(9) Telephone Number with Area Code: 808-620-9486		
(10) Mailing Address: PO Box 1879		
(11) City: Honolulu	(12) State: HI	(13) Zip Code: 96805
(14) Fax Number with Area Code (if available): 808-620-9529		
(15) Email Address (if available): Nicole.L.Kinilau-Cano@hawaii.gov		

(16) Tax Identification Number: 99-0266483
(17) DUNS Number: 809935661
(18) CCR/SAM Expiration Date: 06/05/2022
(19) NHHBG Annual Grant Amount: \$22,300,000
(20) Name of Authorized NHP Submitter: William J. Aila, Jr.
(21) Title of Authorized NHP Submitter: Chairman, Hawaiian Homes Commission
(22) Signature of Authorized NHP Submitter:
(23) NHP Submission Date: 04/27/2022
(24) Name of Authorized APR Submitter: Kali Watson
(25) Title of Authorized APR Submitter: Chairman, Hawaiian Homes Commission
(26) Signature of Authorized APR Submitter:
(27) APR Submission Date: August 23, 2023

**Certification:** The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

**Warning:** If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under 18 U.S.C 1001. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.



## SECTION 1: FIVE YEAR PLAN

The Five Year Plan is intended to cover the Department of Hawaiian Home Lands' (DHHL) long range plans for affordable housing. Each housing plan must contain, for the five-year period beginning with the fiscal year for which the plan is first submitted, the following information.

Five Year Period: **2022** through **2026**

### MISSION STATEMENT (NAHASDA § 803(b)(2)(A))

A Mission Statement describes the mission of the DHHL to serve the needs of Native Hawaiian low-income families.

Enter the DHHL's Mission Statement here:

**To manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. We will partner with others toward developing self-sufficient and healthy communities.**

### GOALS, OBJECTIVES AND PROGRAMS/ACTIVITIES (NAHASDA § 803(b)(2)(B) and (C))

DHHL must provide a statement of the goals, objectives, and programs/activities planned for the beneficiaries over the five year period. The goals are the intended result of the NHHBG activity and are based on the types of outcomes that the DHHL will report in the APR. The objectives are the means or approach that the DHHL will use to reach the goal. The programs/activities are the specific programs/activities that will be funded in order to achieve the goal and the objective.

#### Goals May Include:

- |  |  |
|--|--|
| (1) Reduce over-crowding                 | (6) Assist affordable housing for college students     |
| (2) Assist renters to become homeowners  | (7) Provide accessibility for disabled/elderly persons |
| (3) Improve quality of substandard units | (8) Improve energy efficiency                          |
| (4) Address homelessness                 | (9) Reduction in crime reports                         |
| (5) Create new affordable rental units   | (10) Other   |

#### Objectives May Include:

- |  |   |
|--|---|
| (1) [RESERVED – DO NOT USE THIS NUMBER]                  | (14) Lending subsidies for homebuyers                 |
| (2) [RESERVED – DO NOT USE THIS NUMBER]                  | (15) Other homebuyer assistance activities            |
| (3) Acquisition of rental housing                        | (16) Rehabilitation assistance to existing homeowners |
| (4) Construction of rental housing                       | (17) Tenant based rental assistance                   |
| (5) Rehabilitation of rental housing                     | (18) Other Housing Service                            |
| (6) Acquisition of land for rental housing development   | (19) Housing Management Services                      |
| (7) Development of emergency shelters                    | (20) Operation and maintenance of NHHBG units         |
| (8) Conversion of other structures to affordable housing | (21) Crime Prevention and Safety                      |
| (9) Other rental housing development                     | (22) Model Activities                                 |
| (10) Acquisition of land for homebuyer unit development  | (23) [RESERVED – DO NOT USE THIS NUMBER]              |
| (11) New construction of homebuyer units                 | (24) Infrastructure to support housing                |
| (12) Acquisition of homebuyer units                      | (25) [RESERVED – DO NOT USE THIS NUMBER]              |
| (13) Downpayment/Closing cost assistance                 |   |



Use the sections below to describe the DHHL's goals, objectives, and programs/activities during the five year period.

<b>Goal(s) Number: I.</b>	(2) Assist renters to become homeowners
-------------------------------	---

Select from the goals listed above.

<b>Objective(s) Number: Ia.</b>	(24) Infrastructure to support housing
-------------------------------------	--

Select from the objectives listed above.

<b>Program/Activity Description:</b> Infrastructure Development (Statewide)	To develop lots statewide.
---	----------------------------

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: II.</b>	(10) Other
--------------------------------	------------

Select from the goals listed above.

<b>Objective(s) Number: IIa.</b>	(13) Downpayment/Closing cost assistance
--------------------------------------	--

Select from the objectives listed above.

<b>Program/Activity Description:</b> Downpayment/Closing cost assistance (Statewide)	This activity provides NHHBG-funded down payment assistance or individual development accounts to lessee families for new construction, home purchase, or home repair where NHHBG funds are not the primary loan source.
---	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: III.</b>	(2) Assist renters to become homeowners
---------------------------------	---

Select from the goals listed above.

<b>Objective(s) Number: IIIa.</b>	(14) Lending subsidies for homebuyers
---------------------------------------	---------------------------------------

Select from the objectives listed above.

<b>Program/Activity Description:</b> Homeowner Financing (Statewide)	To provide NHHBG-funded home loans to lessee families for new construction or home purchase.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: IV.</b>	(3) Improve quality of substandard units
--------------------------------	--

Select from the goals listed above.

<b>Objective(s) Number: IVa.</b>	(16) Rehabilitation assistance to existing homeowners
--------------------------------------	---

Select from the objectives listed above.

<b>Program/Activity Description:</b> Home Assistance Program (Statewide)	This activity provides three types of assistance: (1) a deferred, no payment loan up to \$100,000; (2) a small repayment loan (up to \$100,000) for costs exceeding the original \$100,000 amount; or (3) a demolition/new build loan for properties where cost to repair exceed the appraised or tax assessed value.
--	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: V.</b>	(4) Address homelessness
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Select from the goals listed above.

<b>Objective(s) Number: Va.</b>	(17) Tenant based rental assistance
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Select from the objectives listed above.

<b>Program/Activity Description:</b> Waimanalo Kupuna Housing Rental Assistance	The use of NHHBG funds in the project is primarily to supplement tenants rent at the Waimanalo Kupuna Housing so their maximum contribution does not exceed 30% of their gross monthly income. Built in 2002 utilizing Low Income Housing Tax Credits, this subsidy will assist in stabilizing rental increases over the remainder of the project's LIHTC existence.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: VI.</b>	(4) Address homelessness
--------------------------------	--------------------------

Select from the goals listed above.

<b>Objective(s) Number: VIa.</b>	(17) Tenant based rental assistance
--------------------------------------	-------------------------------------

Select from the objectives listed above.

<b>Program/Activity Description:</b> Rental Vouchers	This activity establishes the use of rental housing vouchers for eligible beneficiaries. Provides financial assistance to families facing eviction, experiencing homelessness or at risk of homelessness.
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Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: VII.</b>	(10) Other
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Select from the goals listed above.

<b>Objective(s) Number: VIIa.</b>	(18) Other Housing Service
---------------------------------------	----------------------------

Select from the objectives listed above.

<b>Program/Activity Description:</b> Housing Counseling	At minimum, every family that receives NHHBG assistance will be offered financial literacy education; case management assistance; and servicing by housing counseling vendor.
--	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: VIII.</b>	(10) Other
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Select from the goals listed above.

<b>Objective(s) Number: VIIIa.</b>	(18) Other Housing Service
--	----------------------------

Select from the objectives listed above.

<b>Program/Activity Description:</b> Homeowner Assistance	This activity is aimed at mitigating financial hardships by providing financial assistance to promote housing stability.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: IX.</b>	(3) Improve quality of substandard units
--------------------------------	--

Select from the goals listed above.

<b>Objective(s) Number: IXa.</b>	(24) Infrastructure to support housing
--------------------------------------	--

Select from the objectives listed above.

<b>Program/Activity Description:</b> Potable Water Development (Statewide)	This activity will support the development and delivery of potable water to new and existing homesteads.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: X.</b>	(4) Address homelessness
-------------------------------	--------------------------

Select from the goals listed above.

<b>Objective(s) Number: Xa.</b>	(8) Conversion of other structures to affordable housing
-------------------------------------	--

Select from the objectives listed above.

<b>Program/Activity Description:</b> Housing Conversion	This activity supports the conversion of existing land and structures to affordable housing.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: XI.</b>	(5) Create new affordable rental units
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Select from the goals listed above.

<b>Objective(s) Number: XIa.</b>	(3) Acquisition of rental housing
--------------------------------------	-----------------------------------

Select from the objectives listed above.

<b>Program/Activity Description:</b> Property Acquisition (Oahu – Priority)	This activity will support the purchase of existing structure(s) for rental housing.
---	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

<b>Goal(s) Number: XII.</b>	(9) Reduction in crime reports
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Select from the goals listed above.

<b>Objective(s) Number: XIIa.</b>	(21) Crime Prevention and Safety
---------------------------------------	----------------------------------

Select from the objectives listed above.

<b>Program/Activity Description:</b> Crime Prevention	This activity will provide NHHBG funding for safety, security, and law enforcement measures and activities appropriate to protect residents of homestead communities from crime.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

# ONE YEAR PLAN & ANNUAL PERFORMANCE REPORT

## SECTION 2: HOUSING NEEDS

(NAHASDA § 803(c)(2)(B))

- (1) **Type of Need:** Check the appropriate box(es) below to describe the estimated types of housing needs and the need for other assistance for low-income Native Hawaiian families (columns B and C) and non-low-income Native Hawaiian families, including non-Native Hawaiian essential families [809(a)(2)(B) and (C)] (column D) eligible to be served by DHHL.

(A) Type of Need	Check All That Apply		
	(B) Low-Income Native Hawaiian Families on Hawaiian Home Lands	(C) Low-Income Native Hawaiian Families on Wait List	(D) Non-Low- Income Native Hawaiian Families
(1) Overcrowded Households	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Renters Who Wish to Become Owners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Substandard Units Needing Rehabilitation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Homeless Households	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) Households Needing Affordable Rental Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(6) College Student Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Disabled Households Needing Accessibility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Units Needing Energy Efficiency Upgrades	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Infrastructure to Support Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(10) Other (specify below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**(2) Other Needs.** (Describe the "Other" needs below. Note: this text is optional for all needs except "Other." ):

The Hawaiian Homes Commission Act of 1920, as amended, established the Hawaiian Home Lands Trust and defined the population eligible to reside on Hawaiian home lands as those native Hawaiians with no less than 50% Hawaiian blood and their successors or assignees of less than 50% Hawaiian blood. With approximately 9,209 leases on homesteads stretching from Hawaii Island to Kauai, the Department of Hawaiian Home Lands was created at statehood to assist the commission in meeting its fiduciary obligations.

DHHL, through SMS Research, completed its 2020 Beneficiary Survey detailed in the *DHHL Beneficiaries Study Lessee Report, 2020* and the *DHHL Beneficiaries Study Applicant Report, 2020*.

The native Hawaiian subset for the purpose of this plan is determined as follows:

9,209	Lessees residing on the DHHL lands — as of January 31, 2022 <sup>1</sup>
23,464	Unduplicated waitlist as of January 31, 2022 <sup>2</sup>
21,399	Estimated Potential Applicants based on SMS 2019 respondents <sup>3</sup>
<b>54,072</b>	<b>Total native Hawaiian individuals/households</b>

The *DHHL Beneficiaries Study Lessee Report, 2020* detailed the following about HUD Median Income: “While the median household income has consistently increased, the percentage of Lessee households classified as earning 80 percent or less of the Department of Housing and Urban Development (HUD) Area Median Income (AMI) has risen. In 2008, 46 percent of Lessee households were considered low income according to the HUD guidelines. By 2014, this had increased to 55 percent. The percentage of Lessee households considered low income stayed about the same at 56 percent in 2020.”

The *DHHL Beneficiaries Study Applicant Report, 2020* noted the following about HUD Income Categories: “In 2020, the percent of applicant households below 80 percent of HUD AMI level is back up to 51 percent.”

5,157	Lessees residing on the DHHL Lands – 9,209 x 56%
11,967	Applicants – 23,464 x 51%
12,197	Potential Applicants – 21,399 x 57% (SMS 2019 Study)
<b>29,321</b>	<b>Total native Hawaiian households eligible for NAHASDA</b>

If we extrapolate and say that the average DHHL turnkey home is \$350,000, then the sufficient funding amount for NAHASDA would look like this:

11,967	Applicants – 23,464 x 51%
12,197	Potential Applicants – 21,399 x 57% (SMS 2019 Study)
24,164	x \$350,000 = <b>\$8,457,400,000.00 sufficient funding for NAHASDA</b>

#### *Additional Research - 2017 HUD Report*

Some of the key findings of *the Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs* prepared for HUD and dated May 2017 include the following:

- Native Hawaiian households tend to be larger. In 2010, the average size of a Native Hawaiian’s household was 4.1 people compared with 2.7 people for residents of Hawaii households.

1 Homestead Services Division, 2/22/22 Commission submittal. Includes lessees residing on residential, agricultural and pastoral lots, one lessee per lease, one house per lease/lot, as applicable. 776 Undivided Interest lessees omitted.

2 *Ibid.*

3 The SMS Hawaii Housing Policy Study, 2019 included a category for native Hawaiians with at least 50% blood quantum and not DHHL lessees or applicants.

- Although improvements were made during the 2000-to-2010 decade, Native Hawaiians living in Hawaii continue to be more economically disadvantaged: they have lower incomes, higher rates of assistance receipt, and higher poverty rates than do other residents of Hawaii.
- Native Hawaiian households also experience higher rates of overcrowding (15 percent) compared with residents of Hawaii households (8 percent).
- Homelessness among Native Hawaiians is prevalent. Although not typically chronically homeless, they are overrepresented in Hawaii's homeless population. Homeless Native Hawaiians often have jobs but cannot afford housing, so they double up (hidden homeless) or live in tents, shelters, cars, or garages.
- HHCA beneficiary households on the waiting list are more economically disadvantaged than are Native Hawaiian households overall, residents of Hawaii households, and Native Hawaiian households living on the home lands.
  - HHCA beneficiary households on the waiting list have the lowest median income of all four groups by a substantial margin: \$48,000 compared with more than \$60,000 for all other groups.
  - HHCA beneficiaries on the waiting list also receive public cash assistance at more than twice the rate of the other groups: about 20 percent of households on the waiting list received public cash assistance compared with about 7 percent of Native Hawaiians and those living on the home lands and 3 percent for residents of Hawaii.
- HHCA beneficiary households on the waiting list face more significant housing challenges across all dimensions than do the other groups.
  - Nearly 40 percent of HHCA beneficiary households on the waiting list were overcrowded compared with only 19 percent of households on sampled Hawaiian home lands, 15 percent of the state's Native Hawaiian households, and 8 percent of residents of Hawaii households.
  - About 10 percent of HHCA beneficiary households on the waiting list lack complete plumbing compared with 1 percent for all other groups.
  - Nearly one-half (46 percent) of HHCA beneficiary households on the waiting list experience cost burden compared with 40 percent of Native Hawaiian households, 42 percent of residents of Hawaii households, and only 21 percent of households on the sampled Hawaiian home lands. The much lower rate of cost burden among home lands households is due, at least in part, to the financial benefits of home lands leases, which reduce monthly housing costs, including minimal lease payments for the land and a 7-year exemption from real estate property tax.

#### *Native Hawaiian Rehabilitation*

The statistics shared in preceding paragraphs are not new to the native Hawaiians. Over 100 years ago, moved by the poor living conditions and low incomes of his people, Prince Jonah Kuhio Kalanianaʻole created the Ahahui Puuhonua o Na Hawaii, an organization comprised of royal men of lesser rank than himself who collectively served as the catalyst toward the chronicling of the despair and destitution of the makaainana (commoner) in 1911.

The work of the Ahahui Puuhonua o Na Hawaii and its members provided Prince Kuhio the much-needed data to create support, both in Hawaii and abroad in Washington, D.C. to pass the HHCA.

Through the Prince's leadership and participation in each of these community endeavors, the legacy of the Prince lives on for us today. This housing plan, a descendant of Kuhio's legacy thru the HHCA, is but a small piece of a much broader articulation of need in the State of Hawaii today. By focusing on housing, this most basic of needs acknowledged in the Western world, the department attempts to participate in the rehabilitation of the Hawaiian people. Should every Hawaiian have a safe, affordable, decent home, with fresh water for bathing and eating and cooking and food grown or gathered nearby, we could claim success. But with over \$8 billion in need and as the average 59-year-old applicant dies on the waiting list, it does not seem likely we will be able to make such a claim without immediate and swift monetary assistance in the next few years.

**(3) Planned Program Benefits.** *(Describe below how your planned programs and activities will address the needs of low income families identified above. Also describe how your planned programs will address the various types of housing assistance needs. NAHASDA § 803(c)(2)(B)):*

The planned programs and activities are aimed at assisting as many native Hawaiian households that earn 80% or less of HUD AMI to realize homeownership as part of the ongoing lot awards and production. The 2017 HUD Report noted that "many renters (63 percent) on the HHCA beneficiary waiting list who would prefer to own a home are unable to do so because they cannot afford a downpayment or save enough for a house." Thus, focus will be on homeowner financing, leveraged loans with USDA Rural Housing, or other downpayment assistance options to provide new awardees with the opportunity for safe, affordable and decent housing.

While the 2017 HUD Report noted that HHCA beneficiary households on the waiting list face more significant housing challenges, lessees, especially in our older homestead communities face aging substandard housing. The 2020 Beneficiary Study Lessee Report identified 2,538 lessees that earn 80% or less of HUD AMI with a house needing either minor or major repairs. The planned home assistance program is geared to addressing this need.

DHHL recognizes the need for increased housing stability, especially as families have experienced financial hardships associated with the Coronavirus pandemic and took swift action first by approving the postponement of mortgage loan payments for all DHHL direct loans and loans assigned to DHHL. DHHL also initially utilized NAHASDA funds to provide emergency rental and homeowner assistance and has since received other federal funds for this purpose. The planned rental voucher program will build upon the initial temporary relocation and emergency assistance by expanding to kupuna (elders) and subsequently disabled native Hawaiians who have been on the waiting list the longest in an effort to provide financial assistance for those at risk of homelessness or facing financial hardship.

The 2017 HUD Report identified homelessness among Native Hawaiians as a significant problem, but also acknowledged that data is not available for only Native Hawaiians. In an effort to fill this gap, DHHL entered into a Memorandum of Understanding with Partners in Care – Oahu Continuum of Care to understand how pervasive the situation of homelessness might be among its beneficiaries and especially those on its homestead applicant waiting list. The conversion of an existing structure to a transitional housing facility for beneficiaries is intended to begin addressing this need.



DHHL's Oahu Island Plan noted that approximately 1,390 acres of land suitable for residential development is necessary to meet the homestead needs of all applicants on the residential list that are not otherwise accommodated assuming full implementation of the Oahu Island Plan. One of the program activities would be to develop site selection criteria to screen land and existing structure(s) to identify possible lands and existing structure(s) for residential units.

Infrastructure to support housing on land currently under DHHL's jurisdiction or future land or units acquired is a separate program activity. In addition to existing developments, these areas will likely be expanded to cover lands recently transferred to DHHL in Ewa, Oahu. Water is just as critical to homestead development as land. DHHL secured approved water reservations for DHHL's foreseeable groundwater needs statewide and the potable water infrastructure improvements would allow for improved and increased potable water service delivery.

All NAHASDA assisted activities will be supported by housing counseling for both homeowners and renters.

**(4) Geographic Distribution.** *(Describe below how the assistance will be distributed throughout the geographic area and how this geographic distribution is consistent with the needs of low income families, including the needs for various categories of housing assistance. NAHASDA § 803(c)(2)(B)(i)):*

The 2020 Beneficiary Study Applicant Report provided HUD Income Categories by Island as follows:

80% or > AMI	Oahu		Maui		Hawaii		Kauai		Molokai		Lanai		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
	6824	61%	1282	12%	2048	18%	600	5%	368	3%	36	.3%	11,158	99.3%

This distribution is similar to the % of DHHL Applicants by Island:

	Oahu	Maui	Hawaii	Kauai	Molokai	Lanai	Total
% App	57%	12%	21%	6%	3%	.3%	99.3%

NAHASDA-Assisted units by island to date align closely to this distribution and is expected to continue, but notes that assistance to neighbor islands is above the percent of households classified as earning 80 percent or less of the HUD AMI:

	Oahu	Maui	Hawaii	Kauai	Molokai	Lanai	Total
% Assisted	49%	15%	19%	8%	7%	2%	100%

## SECTION 3: PROGRAM DESCRIPTIONS

(NAHASDA § [803(c)(2)(A)], [802(c)], [820(b)], 24 CFR §1006.410(b)(2) and (3)])

### Planning and Reporting on Program Year Activities

For the NHHP, the purpose of this section is to describe each program that will be operating during the 12-month fiscal year. Each program must include the eligible activity, its planned outputs, intended outcome, who will be assisted, and types and levels of assistance. Each of the eligible activities has a specific, measurable output. The first column in the table below lists all eligible activities, the second column identifies the output measure for each eligible activity, and the third column identifies when to consider an output as completed for each eligible activity. Copy and paste text boxes 1.1 through 1.10 as often as needed so that all of your planned programs are included.

For the APR, the purpose of this section is to describe your accomplishments, actual outputs, actual outcomes, and any reasons for delays.

#### Eligible Activities May Include (citations below reference sections in NAHASDA)

Eligible Activity	Output Measure	Output Completion
(1) RESERVED – DO NOT USE THIS NUMBER		
(2) RESERVED – DO NOT USE THIS NUMBER		
(3) Acquisition of Rental Housing [810(b)(1)]	Units	When recipient takes title to the unit
(4) Construction of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(5) Rehabilitation of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(6) Acquisition of Land for Rental Housing Development [810(b)(1)]	Acres	When recipient takes title to the land
(7) Development of Emergency Shelters [810(b)(1)]	Households	Number of households served at any one time, based on capacity of the shelter
(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(9) Other Rental Housing Development [810(b)(1)]	Units	All work completed and unit passed final inspection
(10) Acquisition of Land for Homebuyer Unit Development [810(b)(1)]	Acres	When recipient takes title to the land
(11) New Construction of Homebuyer Units [810(b)(1)]	Units	All work completed and unit passed final inspection
(12) Acquisition of Homebuyer Units [810(b)(1)]	Units	When recipient takes title to the unit
(13) Down Payment/Closing Cost Assistance [810(b)(1)]	Units	When binding commitment signed
(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]	Units	When binding commitment signed
(15) Other Homebuyer Assistance Activities [810(b)(1)]	Units	When binding commitment signed
(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]	Units	All work completed and unit passed final inspection
(17) Tenant Based Rental Assistance [810(b)(2)]	Households	Count each household once per year
(18) Other Housing Service [810(b)(2)]	Households	Count each household once per year

(19) Housing Management Services [810(b)(3)]	Households	Count each household once per year
(20) Operation and Maintenance of NHHBG-Assisted Units [810(b)(3)]	Units	Number of units in inventory at Fiscal Year End
(21) Crime Prevention and Safety [810(b)(4)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(22) Model Activities [810(b)(5)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(23) RESERVED – DO NOT USE THIS NUMBER		
(24) Infrastructure to Support Housing [810(b)(1)]	Improved Lots	All work completed and lot passed final inspection
(25) RESERVED – DO NOT USE THIS NUMBER		

### Outcome May Include:

(1) Reduce over-crowding	(7) Create new affordable rental units
(2) Assist renters to become homeowners	(8) Assist affordable housing for college students
(3) Improve quality of substandard units	(9) Provide accessibility for disabled/elderly persons
(4) Improve quality of existing infrastructure	(10) Improve energy efficiency
(5) Address homelessness	(11) Reduction in crime reports
(6) Assist affordable housing for low income households	(12) Other – must provide description in boxes 1.4 (NHHP) and 1.5 (APR)

### NHHP: PLANNED FISCAL YEAR ACTIVITIES (NAHASDA § 803(c)(2)(A))

For each planned activity, complete all the non-shaded sections below. It is recommended that for each program name you assign a unique identifier to help distinguish individual programs. This unique number can be any number of your choosing, but it should be simple and clear so that you and HUD can track tasks and results under the program and collect appropriate file documentation tied to this program.

- One way to number your programs is chronologically. For example, you could number your programs 2014-1, 2014-2, 2014-3, etc.
- Or, you may wish to number the programs based on type. For example rental 1, rental 2, homebuyer 1, homebuyer 2, etc. This type of numbering system might be appropriate if you have many programs that last over several years.
- Finally, you may wish to use an outline style of numbering. For example, all programs under your first eligible activity would start with the number 1 and then be consecutively numbered as 1.1, 1.2, 1.3, etc. The programs under the second eligible activity would be numbered as 2.1, 2.2., 2.3, etc.

### APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133<sup>1</sup> audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

<sup>1</sup>DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

<p><b>1.1 Program Name and Unique Identifier:</b> 2022 Capital Improvement Projects (AHP I)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity develops lots for residential use on Trust Lands statewide.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(24) Infrastructure to Support Housing [810(b)(1)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(2) Assist renters to become homeowners</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(2) Assist renters to become homeowners</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Undivided interest lessees and applicants meeting the 80% AMI income guidelines will receive vacant or improved lots for new home construction.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>This activity covers the cost of the infrastructure for projects, including planning, design, engineering, construction, and construction management services. The level of NAHASDA funding for this activity is expected to slightly increase because in addition to the existing contract for engineering services in East Kapolei IIC, Oahu, planning is expected to begin for the lands transferred to DHHL in Ewa, Oahu. Other proposed developments may also require infrastructure funding.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>A contract was awarded for a 127-lot single-family residential subdivision in East Kapolei IIC, Oahu and construction is expected to begin this year. Development of a master plan and preparation of an environmental assessment is underway for the 80 acres of land in Ewa Beach, Oahu. The first beneficiary consultation and community meeting were held in December 2022 and January 2023 respectively. A beneficiary survey and a second round of meetings are scheduled for later this year with the final master plan and environmental assessment expected before the end of the fiscal year.</p>



**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Improved Lots	0	0

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

**1.1 Program Name and Unique Identifier:** Down Payment/Closing Cost Assistance (AHP II)

**1.2 Program Description** *(This should be the description of the planned program.):*

This activity will initially require a review of down payment assistance previously provided by DHHL as well as other entities currently administering similar programs with other federal funds and eventually deploy this program by providing NHHBG funds to various financial institutions and/or through a service provider for down payment/closing cost assistance or to provide matching funds through an individual development account to eligible NAHASDA families for new construction, home purchase, or home repair.

**1.3 Eligible Activity Number** *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(13) Down Payment/Closing Cost Assistance [810(b)(1)]

**1.4 Intended Outcome Number** *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(6) Assist affordable housing for low income households

**Describe Other Intended Outcome** *(Only if you selected "Other" above.):*

**1.5 Actual Outcome Number** *(In the APR identify the actual outcome from the Outcome list.):*

(6) Assist affordable housing for low income households

**Describe Other Actual Outcome** *(Only if you selected "Other" above.):*

**1.6 Who Will Be Assisted** *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Lessees, undivided interest lessees, applicants, or successors/transferees meeting the 80% AMI income guidelines will have the opportunity to qualify for assistance.

**1.7 Types and Level of Assistance** *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

Down payment/closing cost assistance or matching funds through an individual development account with a 5:1 match for every dollar saved up to 5% of the construction cost or home purchase depending on the lender/loan program requirements or up to 20% of the cost of home repair will be made available to eligible NAHASDA families. For the USDA program, down payment/closing cost assistance up to 20% of the cost of construction or home purchase will be available to eligible NAHASDA families.

**1.8 APR:** (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

Guidance from HUD received in June 2022 explained that NHHBG funds used for down payment/closing cost assistance for a purchase or construction loan funded by other sources (e.g., 184A, USDA, etc.) would require prevailing wages be paid to architects, engineers, draftsmen and Davis-Bacon wages be paid to all laborers and mechanics employed, which would likely increase the cost of construction. In light of this guidance, DHHL is considering the use of other funds, not NHHBG funds, for down payment/closing cost assistance at this time. Construction of turn-key development projects in the future could result in the use of NHHBG funds for down payment/closing cost assistance since those projects are expected to be built in accordance with applicable labor requirements. Technical assistance with DHHL staff is currently in process in order to have down payment/closing cost assistance for future homestead awards.

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Units	0	0

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

Guidance from HUD received in June 2022 described above and technical assistance currently underway are expected to result in down payment/closing cost assistance for homestead awards in 2024.

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

DHHL removed this program activity from its Housing Plan in light of the guidance received from HUD and will consider how to incorporate this activity in the future once technical assistance is complete.

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Homeowner Financing (AHP III)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity utilizes the Department's Direct Loan program, providing homeowner financing to eligible NAHASDA families for new construction or home purchase. DHHL is working to identify families in upcoming project areas for direct loans.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(2) Assist renters to become homeowners</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(2) Assist renters to become homeowners</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p><b>Molokai: 2 families</b></p> <p><b>Maui: 4 families</b></p> <p><b>Hawaii: 5 families</b></p> <p><b>Oahu: 10 families</b></p> <p><b>Kauai: 7 families</b></p> <p><b>Lanai: 2 families</b></p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> Financing for home loans statewide utilizing NHHBG funds up to the appraised value for projects in areas listed in 1.6.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>Four homes – 1 in Kakaina, Oahu, 2 in Kanehili, Oahu, and 1 in Waiohuli, Maui were completed in this fiscal year and built in partnership with Habitat for Humanity. The funding for these homes were from prior fiscal years. One additional home in Waiohuli, Maui that was projected to be completed in this fiscal year is near completion and will be included in next year's report.</p>



Homeowner financing was provided in this fiscal year for 4 homes in Waiohuli, Maui and cost increases required additional funding for 2 lessees – 1 in Waiohuli, Maui and 1 in Kawaihae, Hawaii.

Construction is underway for 5 lessees – 3 in Kawaihae on Hawaii Island and 2 in Waiohuli, Maui.

#### 1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Units	5	4

#### 1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

The construction process is lengthy and although an estimate of one year is projected, delays in securing permits, contractors willing to complete the necessary certified payroll to comply with labor requirements, and additional individual wastewater system requirements can extend the construction timeline and increase costs.

#### 1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.**

**1.1 Program Name and Unique Identifier:** Home Assistance Program (HAP) (AHP IV)

**1.2 Program Description** *(This should be the description of the planned program.):*

This program covers the department's attempt to address substandard and/or aging housing on the homelands by providing assistance to low income households to repair their existing homes, including home replacement (demolition & construction), energy retrofit, building code compliance, and home repair.

**1.3 Eligible Activity Number** *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]

**1.4 Intended Outcome Number** *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(3) Improve quality of substandard units

**Describe Other Intended Outcome** *(Only if you selected "Other" above.):*

**1.5 Actual Outcome Number** *(In the APR identify the actual outcome from the Outcome list.):*

(3) Improve quality of substandard units

**Describe Other Actual Outcome** *(Only if you selected "Other" above.):*

**1.6 Who Will Be Assisted** *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Lessee families at or below the 80% AMI income guidelines identified over the past few years are being assisted.

**1.7 Types and Level of Assistance** *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

Deferred, no-payment loans, subject to conditional recapture, as defined by HAP will be provided. NAHASDA eligible families will receive \$100,000 to repair their home according to Housing Quality Standards that would prioritize repairs for the home. Those families whose homes have been identified as needing more than \$100,000 to fix repairs are offered 1% loans on the amount that exceeds the first \$100,000, up to an additional \$100,000. A demolition/new build loan is the third option offered for properties where cost to repair exceed the appraised or tax assessed value.

**1.8 APR:** *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

Three homes – 1 in Papakolea, Oahu, 1 in Nanakuli, Oahu, and 1 in Hoolehua, Molokai were completed in this fiscal year and one was built in partnership with Habitat for Humanity. The funding for these homes were from prior fiscal years.

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Units	2	3

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

As similarly reported under homeowner financing, the construction process for home repair is also lengthy and although an estimate of one year is projected, delays in securing permits and contractors willing to complete the necessary certified payroll to comply with labor requirements can extend the construction timeline.

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Waimanalo Kupuna Housing Rental Assistance (AHP V)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds primarily to supplement tenants rent at the Waimanalo Kupuna Housing so their maximum contribution does not exceed 30% of their gross monthly income.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(17) Tenant Based Rental Assistance [810(b)(2)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist affordable housing for low income households</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(6) Assist affordable housing for low income households</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>NAHASDA eligible elders whose income is at or below 80% AMI and who are tenants of this rental housing project, with up to 85 units, on Trust Lands in Waimanalo.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>This elderly housing project was first occupied in 2002 and constructed with funds from the state's Low Income Housing Trust Fund and Rental Housing Trust Fund along with funds from DHHL and the Office of Hawaiian Affairs. Many of the elderly are living on fixed income and cannot afford current rental rates under Hawaii Housing and Finance Development Corporation (HHFDC) which oversees the project and approves the rates from the developer. The subsidy covers the difference between the NAHASDA required 30% cap on tenant's adjusted gross income and the approved LITHC rent.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3):</i></p> <p>A new subsidy agreement for the Waimanalo Kupuna Housing Project increased the annual subsidy from \$250,000 to \$830,000 to offset increased rental, water, and sewer costs for each unit occupied by a Native Hawaiian Kupuna whose income is at or below eighty percent (80%) of the area median income. Staff of the management company participated in training and began preparing tenants for the upcoming increase in rent during this fiscal year. Despite the increase in rent, Kupuna will pay not more than 30 % of their adjusted gross income toward rent. Rents remained about the same in this fiscal year with the subsidy averaging over \$18,000/month for rents ranging from \$75/month to \$837/month for 78 Kupuna and the remaining funds covered other operating expenses including water and sewer costs in order to maintain the affordability of rents for Kupuna residing within the Project.</p>



**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	70	78

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Rental Vouchers (AHP VI-A)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for rental housing vouchers (first month rent/deposit/emergency rent) for temporary relocation assistance.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(17) Tenant Based Rental Assistance [810(b)(2)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i></p> <p>Native Hawaiian families eligible to reside on the Hawaiian Home Lands whose income is at or below 80% AMI.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>This activity will provide for temporary relocation assistance for duration of time to construct or repair primary residence.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>Assistance for one family in Waimanalo, Oahu occurred this fiscal year, which continued from the prior fiscal year and was completed early in the fiscal year. The additional families that were assisted through the Home Assistance Program (HAP) received rental assistance in the prior fiscal year or were able to reside in their home while the repairs were being done or the new home was under construction.</p>

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	2	<b>1</b>

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Emergency Rental and Utilities Assistance Program (AHP VI-B)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for rental housing vouchers (rent/security deposit) for emergency assistance (rent, rental arrears, utilities, or utility arrears) to mitigate financial hardships associated with the Coronavirus pandemic to ensure housing stability.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(17) Tenant Based Rental Assistance [810(b)(2)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(5) Address homelessness</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Native Hawaiian families eligible to reside on the Hawaiian Home Lands whose income is at or below 80% AMI.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>DHHL will contract with a service provider to provide emergency rental assistance (rent, rental arrears, utilities, or utility arrears) for a period not to exceed 12 months except that assistance may be provided for an additional 6 months only if necessary to ensure housing stability for a household subject to availability of funds. The maximum monthly assistance for an eligible household to receive will be the greater of either the maximum monthly amount set by each County for similar emergency rental and utilities assistance programs or the Fair Market Rent within the island or zip code area.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>DHHL exhausted all other funding sources providing emergency rental and utilities assistance in response to COVID and only has NHHBG funds remaining to assist eligible households. DHHL entered into a contract with CNHA that is scheduled to terminate no later than December 29, 2023. CNHA reported assisting 110 families in this fiscal year – 23 in Hawaii County, 70 in the City and County of Honolulu, 3 in Kauai County, and 14 in Maui County. 76 of the 110 families were reported in the prior fiscal year but continued receiving assistance in this fiscal year.</p>



**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	50	<b>110</b>

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

**1.1 Program Name and Unique Identifier:** DHHL Kupuna Rental Assistance Program (AHP VI-C)

**1.2 Program Description** *(This should be the description of the planned program.):*

This activity involves the set-up of the DHHL Kupuna Rental Assistance Program, procurement of a service provider, and ultimately utilization of NHHBG funds for rental housing vouchers (rent/security deposit) for kupuna (elders) who are sixty-two years of age or older and head of household starting with those who have been on DHHL's waiting list the longest to ensure housing stability.

**1.3 Eligible Activity Number** *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(17) Tenant Based Rental Assistance [810(b)(2)]

**1.4 Intended Outcome Number** *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(5) Address homelessness

**Describe Other Intended Outcome** *(Only if you selected "Other" above.):*

**1.5 Actual Outcome Number** *(In the APR identify the actual outcome from the Outcome list.):*

(5) Address homelessness

**Describe Other Actual Outcome** *(Only if you selected "Other" above.):*

**1.6 Who Will Be Assisted** *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Native Hawaiian kupuna (elders) who are sixty-two years of age or older and head of household starting with those who have been on DHHL's waiting list the longest that are eligible to reside on the Hawaiian Home Lands whose income is at or below 80% AMI.

**1.7 Types and Level of Assistance** *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

DHHL will contract with a service provider to provide rental assistance that will be reviewed on an annual basis subject to availability of funds. The monthly rental assistance will be the difference between no more than 30% of the household's monthly adjusted income which will be paid by the kupuna (elder) of an eligible household and the Fair Market Rent within the zip code area.

**1.8 APR:** (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

DHHL entered into a contract with CNHA and although the DHHL Kupuna Rental Subsidy program was originally scheduled to launch in January 2023, the program actually launched in April 2023. CNHA fully approved 22 households – 21 on Oahu and 1 on Molokai as of June 30, 2023 with an additional 78 applications being considered. The latest updates for this program can be viewed online at <https://www.hawaiiancouncil.org/kupuna/>.

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	40	22

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

DHHL continued to administer funds from multiple sources for COVID rental relief programs in this fiscal year. Rather than launch this program in the midst of completing reporting requirements for these other programs, delaying the launch of the DHHL Kupuna Rental Subsidy program allowed time to complete reporting requirements for the COVID rental relief programs.

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> DHHL Disability Rental Assistance Program (AHP VI-D)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity involves the set-up of the DHHL Disability Rental Assistance Program aimed at utilizing NHHBG funds for rental housing vouchers (rent/security deposit) for persons with a disability who are at least eighteen years of age, but not yet sixty-two and head of household starting with those who have been on DHHL's waiting list the longest to ensure housing stability.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(17) Tenant Based Rental Assistance [810(b)(2)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(5) Address homelessness</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i></p> <p>Native Hawaiian persons with a disability who are at least eighteen years of age, but not yet sixty-two and head of household starting with those who have been on DHHL's waiting list the longest that are eligible to reside on the Hawaiian Home Lands whose income is at or below 80% AMI.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>DHHL will set up the DHHL Disability Rental Assistance Program aimed at providing rental assistance that will be reviewed on an annual basis subject to availability of funds. The monthly rental assistance will be the difference between no more than 30% of the household's monthly adjusted income which will be paid by the person with a disability of an eligible household and the Fair Market Rent within the zip code area.</p>

**1.8 APR:** (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

The research and preparation for the DHHL Kupuna Rental Subsidy program ultimately resulted in surfacing a number of issues for the Disability Rental Assistance program. Given these challenges, resources will be focused on the DHHL Kupuna Rental Subsidy program instead of the Disability Rental Assistance program.

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	0	<b>0</b>

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

DHHL removed this program activity from its Housing Plan in light of the issues that surfaced that would make this program difficult to implement.

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.



<p><b>1.1 Program Name and Unique Identifier:</b> Housing Counseling (AHP VII)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>Independent, expert advice customized to the need of the Native Hawaiian lessee, applicant or household to address housing barriers in order to achieve housing goals through homeownership counseling or rental housing counseling and include the following processes: intake, financial and housing affordability analysis, an action plan, and a reasonable effort to have follow-up communication when possible.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(18) Other Housing Service [810(b)(2)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Native Hawaiian lessee, applicants or households who received or are eligible to receive NAHASDA assistance including but not limited to homeowner financing, home repair assistance, rental and homeowner assistance.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>Families who received NAHASDA assistance will receive either homeownership or rental housing counseling from a HUD-certified Housing Counselor. Homeownership counseling is housing counseling related to homeownership and residential mortgage loans that covers the decision to purchase a home, issues arising during or affecting the period of ownership of a home (including financing, refinancing, default, and foreclosure/lease cancellation, and other financial dispositions), and the sale/transfer or other disposition of a home. Rental housing counseling is counseling related to the rental of residential property, which may include counseling regarding future homeownership opportunities and may also include the decision to rent, responsibilities of tenancy, affordability of renting and eviction prevention. At a minimum, initial contact will be made with lessee, applicants or households who received NAHASDA assistance informing them of the availability of housing counseling services.</p>



**1.8 APR:** (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

DHHL continued its contract with Hawaiian Community Assets (HCA). Housing counseling was provided to 91 clients in this fiscal year – 25 from Hawaii County, 29 from the City and County of Honolulu, 22 from Kauai County, and 15 from Maui County. Education for pre-purchase only was provided to 28 clients – 11 from Hawaii County, 3 from the City and County of Honolulu, 5 from Kauai County, and 9 from Maui County. In addition, HCA followed-up with 9 clients in this fiscal year who received housing counseling in the prior fiscal year – 4 from Hawaii County, 3 from the City and County of Honolulu, 1 each from Kauai County and Maui County.

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	100	<b>128</b>

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Homeowner Assistance (AHP VIII)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for homeowner assistance (mortgage, utilities, insurance, or association fees) to mitigate financial hardships associated with the Coronavirus pandemic to promote housing stability and/or to prevent lease cancellation.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(18) Other Housing Service [810(b)(2)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Native Hawaiian families eligible to reside on the Hawaiian Home Lands whose income is at or below 80% AMI.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>DHHL will contract with a service provider to provide homeowner assistance (mortgage, utilities, insurance or association fees) for a period not to exceed 12 months except that assistance may be provided for an additional 6 months only if necessary to ensure housing stability and/or to prevent lease cancellation on a home subject to availability of funds. The maximum monthly assistance for an eligible household to receive will be the maximum amount set by each County for similar homeowner assistance programs.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>DHHL continued its contract with CNHA to provide homeowner assistance (mortgage, property tax, utilities, insurance and/or association fees) to mitigate financial hardships associated with the Coronavirus pandemic to income eligible lessees who reside on Hawaiian Home Lands. 239 lessees were assisted with NHHBG funds during this fiscal year – 24 from Hawaii County, 180 from the City and County of Honolulu, 13 from Kauai County, and 22 from Maui County. 133 of the 239 lessees assisted were reported in the prior fiscal year but continued receiving assistance in this fiscal year.</p>

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Households	20	<b>239</b>

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

DHHL intends to continue to provide funds for homeowner assistance to promote housing stability and/or to prevent lease cancellation to mitigate financial hardships beyond just those associated with the Coronavirus pandemic.

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Existing Potable Water Infrastructure Improvements (AHP IX)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity will utilize NHHBG funding for engineering, construction, and construction management services for the Anahola Farm Lots Water System and Molokai Water System Improvements. These funds will be leveraged with funding from USDA to improve potable water infrastructure for systems in Anahola, Kauai and Hoolehua, Molokai.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(24) Infrastructure to Support Housing [810(b)(1)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(4) Improve quality of existing infrastructure</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(4) Improve quality of existing infrastructure</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>New and existing lessees in homestead areas with approved USDA DHHL applications would be assisted with potable water infrastructure improvements.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>Improved potable water service delivery and/or new potable water service delivery for lessees in homestead areas with an approved DHHL USDA water application.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>DHHL completed Anahola Water System improvements including the installation of new waterlines, pressure regulator stations, smart meters, lateral connections, and a new 500,000-gallon concrete water tank serving approximately 45 farm lots and 30 residential lots with potable water. The system also acts as a backup for the County of Kauai's area water system. Likewise, if DHHL's well is inoperable, Anahola Farm and residential lessees are backed up through this same interconnection. Additional improvements and upgrades to an existing pump station facility will improve the system's overall efficiency and storage.</p>



Improvements to the Hoolehua Water System that are still underway are aimed at improving reliability and functionality of water delivery, addressing water pressure issues and fire protection deficiencies, and improving water system safety and security while reducing energy costs.

**1.9: Planned and Actual Outputs for 12-Month Fiscal Year**

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Improved Lots	0	0

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Housing Conversion (AHP X)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity involves the selection of a developer and preliminary work to convert existing structures to affordable housing.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(5) Address homelessness</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a <u>separate</u> program within this section.):</i></p> <p>Undivided interest lessees and applicants at or below the 80% AMI income guidelines who are homeless would be assisted through transitional housing.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The assistance will provide funding for preliminary work to rehabilitate an existing building for transitional housing.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>A contractor was selected to renovate the existing approximately 11,000 square-foot multi-family residential building and associated infrastructure to serve homeless native Hawaiian beneficiaries currently on DHHL's Wait List. While the exact renovation work will be determined during the design phase, it will include renovation of 20 studio units with 18 units for transitional housing, 1 unit dedicated as a communal area, and 1 unit dedicated as an office/service support center. In addition to the rehabilitation of the existing building, the project will include repair/rehabilitation of existing parking lot, the integration of a photovoltaic option, and removal of above ground storage tank and ancillary equipment.</p>



### 1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Units	0	0

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Property Acquisition (AHP XI)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for the development of site selection criteria to screen land and existing structure(s) while meeting HUD environmental thresholds. Through GIS analysis, and other real estate assessment tools, this site selection criteria will be used to research and identify possible available lands and existing structure(s) for residential units. Existing structure(s) for rental housing will then be acquired upon completion of the environmental review process.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(3) Acquisition of Rental Housing [810(b)(1)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(7) Create new affordable rental units</p>
<p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(7) Create new affordable rental units</p>
<p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Native Hawaiian families eligible to reside on Hawaiian Home Lands at or below the 80% AMI income guidelines will be assisted when an existing structure(s) is acquired and rental units are made available.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>Existing structure(s) will be purchased to provide rental units to increase affordable housing inventory.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>A report summarizing locations reviewed and analyzed for both potential land purchase and development opportunities on Oahu, Hawaii, Kauai, and Maui islands has been prepared. A majority of the analyzed locations were on the island of Oahu and the locations that were shortlisted are located in the Ewa District. While this review and analysis was in process, DHHL issued an RFP for land acquisition. The owner of one of the locations that was shortlisted submitted a proposal that was accepted by DHHL. The environmental review process is underway for acquisition of a nearly 16-acre parcel in Ewa Beach, Oahu to construct 142 units – 70 single family units and 72 multi-family units. Once the environmental review is complete in late summer 2023, the purchase of the land is expected followed by development.</p>

### 1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter one of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Units	35	0

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

DHHL projected to identify and purchase possible available lands and existing structure(s) for residential units in the current fiscal year. While the land was identified and the process for selection completed, the environmental review is still ongoing and the purchase is expected upon completion in late summer 2023.

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

None

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p><b>1.1 Program Name and Unique Identifier:</b> Crime Prevention (AHP XII)</p>
<p><b>1.2 Program Description</b> <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for the Department to plan, coordinate with law enforcement and homestead communities and where appropriate implement safety and security measures to protect residents of homestead communities from crime. The 2020 Beneficiary Study Lessee Report noted that residents of DHHL Homestead communities generally know and look out for one another and want to remain in their neighborhood with close to eight out of ten residents reporting that they feel safe in their community day and night. Nevertheless, recent incidents like the investigation of illegal activity such as an illegal game room, unauthorized campers necessitating cleanup and the installation of a fence, or illegal dumping requiring removal of intentionally abandoned vehicles and gate installation should be addressed through appropriate crime prevention personnel and measures.</p>
<p><b>1.3 Eligible Activity Number</b> <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(21) Crime Prevention and Safety [810(b)(4)]</p>
<p><b>1.4 Intended Outcome Number</b> <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(11) Reduction in crime reports</p> <p><b>Describe Other Intended Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.5 Actual Outcome Number</b> <i>(In the APR identify the actual outcome from the Outcome list.):</i></p> <p>(11) Reduction in crime reports</p> <p><b>Describe Other Actual Outcome</b> <i>(Only if you selected "Other" above.):</i></p>
<p><b>1.6 Who Will Be Assisted</b> <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p>Homestead communities with a larger percentage of Native Hawaiians with incomes at or below 80% AMI would benefit from funding for programs and services aimed at reducing illegal activity.</p>
<p><b>1.7 Types and Level of Assistance</b> <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The assistance will be tailored to meet the needs and concerns of each homestead community.</p>
<p><b>1.8 APR:</b> <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p> <p>The Hawaiian Homes Commission again approved a legislative proposal establishing a compliance and enforcement program within the Department to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder as well as all other state laws and rules and county</p>



ordinances on Hawaiian Home Lands despite the establishment of a Department of Law Enforcement in Act 278 (2022) consolidating criminal law enforcement and investigation functions of the State including the deployment of adequate resources and coordination with county police departments to protect the health and safety of homestead communities on Hawaiian home lands. In addition, the Hawaiian Homes Commission in the DHHL General Plan Update 2022 identified as a priority obtaining funding to hire staff and establish an enforcement and compliance division to better manage possible unauthorized criminal, administrative, and civil matters on Hawaiian Home Lands. Although legislation was introduced in 2023, the proposal didn't pass, but can be considered next year.

#### 1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: <b>Units; Households; Improved Lots; Acres</b>	Planned Number of <b>Outputs</b> to be completed in Fiscal Year Under this Program	APR: Actual Number of <b>Outputs</b> Completed in Fiscal Year
Dollars	\$100,000	<b>\$0</b>

**1.10: APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

N/A

**1.11: APR:** Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

DHHL removed this program activity from its Housing Plan since the intent is to focus on establishing a compliance and enforcement program through enactment of state legislation and will consider how to incorporate this activity in the future.

**NOTE:** Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

## SECTION 4: AFFORDABLE HOUSING RESOURCES

This section of the NHHP is designed to provide the public with basic background information on the characteristics shaping DHHL's affordable housing programs. Each portion of the text below has several required components that must be discussed. DHHL is encouraged to carefully review the instructions for each section and provide text covering all required elements.

**Housing Market** (NAHASDA § 803(c)(2)(D)(i) and (ii)) *(Describe the key characteristics of the housing market in the State of Hawaii, currently, and in the period of time covered by the plan. Include a description of the availability of housing from other public sources and private market housing, and how this supply of housing affected the DHHL's program/activity choices.):*

The Hawaii Housing Planning Study, 2019 pointed out that the most distinctive characteristic of Hawaii's housing market is high prices. Hawaii also continues to have the highest average rents in the nation, followed by the District of Columbia and New York. For the past decade, Hawaii's median gross rent has consistently been 50 to 55 percent higher than the national median gross rent.

In addition, the Study noted the slowing of residential housing construction. Total housing units grew by about 5,600 units per year (2.2%) between 2009 and 2011. Between 2011 and 2014, growth slowed to 2,800 units per year – half what it was in the previous five years. Between 2014 and 2017, growth slowed further to about 2,675 units per year. In recent years, Hawaii has been building more units that aren't being used for Hawaii families.

The Study also reported that Hawaii has typically been in the top 15 percent of states losing housing units to vacancies. Hawaii ranked 12<sup>th</sup> for percent of total housing units held for seasonal, recreational, and occasional use in 2017. Only two states ranked higher than the counties of Hawaii, Kauai, and Maui with respect to the percent of total units held off the market for seasonal use. Across the State, there were differences in the percent of total housing units counted as housing stock. In Honolulu, 6.8 percent of all units were unavailable. In the other counties, that figure was significantly higher as in 19 percent for Kauai County, 16 percent in the County of Hawaii, and 13 percent for Maui County.

The Study further indicated that one in ten households statewide devotes 30 to 40 percent of their income to shelter costs. For nearly one-quarter of households statewide (23.1%), shelter payments take up more than 40 percent of their income each month. Most disturbing is the evidence that Hawaii's shelter to income ratios are higher than most of the nation. In 2019, the percentage of mortgage holders whose monthly housing cost was greater than 30 percent of monthly income was 40.3 percent, the highest in the nation. The percentage of renters paying more than 30 percent was 55.6 percent, ranking Hawaii third in the nation after Florida (59.0%) and California (57.2%). When you factor Hawaii's Housing Wage (\$36.13) with the average wage of a renter in the state (\$16.16), it is understandable that there are many households with high shelter-to-income. In 2018, Hawaii had the largest shortfall (-\$19.98) between the average renter wage (amount renters earn) and the two-bedroom housing wage (amount required to afford an average two-bedroom rental unit).

Hawaii's crowding rate has long been among the highest in the nation. In 2017, Hawaii was ranked first in crowding for owner-occupied units (6.3%) and second for renter-occupied conditions (12.8%).

The department's NHHBG funded mortgage loans provide single family housing for the same or lower price than a studio in a multi-family high rise built by another housing agency in the urban core. Without NHHBG funding, the department would be unable to build or finance housing for the 80% AMI or below target population.



**Cooperation** (NAHASDA § 803(c)(2)(D)(iii) *(Describe the structure, coordination, and means of cooperation between DHHL and other relevant partners and organizations [including private nonprofit organizations experienced in the planning and development of affordable housing] in the development, submission, or implementation of its housing plan. In addition, DHHL must indicate if it plans to use loan guarantees under Section 184A of the Housing and Community Development Act of 1992 and any other housing assistance provided by the Federal Government.):*

The department currently partners with a number of housing agencies and organizations either thru subject matter meetings or formal MOUs or agreements.

The Section 184A Loan Guarantee Program, which is similar to the Section 184 Loan Guarantee Program giving Native Americans access to private mortgage financing by providing loan guarantees to lenders, was implemented in 2007. Currently, 1<sup>st</sup> Tribal Lending, Bank of Hawai'i, Homebridge Financial Services, Inc., HomeStreet Bank, RoundPoint Mortgage Servicing Corporation, and Cardinal Financial Company are approved lenders for the Section 184A loan program.

DHHL has been utilizing the FHA 247 loan program since 1987. Over \$515 million in mortgage loans are outstanding through the FHA 247 loan program to lessees on Hawaiian home lands. The Veterans Affairs direct loan, Rural Development (U.S. Department of Agriculture) loan programs, and low-income housing tax credits are other financing options and tools utilized on Hawaiian home lands.

**Demolition and Disposition** (NAHASDA § 803(c)(2)(D)(viii), 24 CFR 1006.101(b)(4)(viii) *(Describe any planned demolition or sale of NHHBG-assisted housing units, or any other demolition or disposition that will be carried out with NHHBG funds. Be certain to include a financial analysis of the proposed demolition, the timetable for any planned demolition or disposition and any other information that is required by HUD with respect to the demolition or disposition.):*

There are no 1937 Act housing on Hawaiian home lands. The DHHL does not anticipate demolishing any units funded by the NHHBG.

**Coordination** (NAHASDA § 803(c)(2)(D)(ix) *(Describe how DHHL will coordinate with partners to promote employment and self-sufficiency opportunities for residents of affordable housing.):*

The State of Hawai'i Department of Human Services (DHS) administers individual and family financial assistance programs that provide cash payments to help individuals and families meet their basic needs. The programs include Temporary Assistance to Needy Families (TANF), Temporary Assistance to Other Needy Families (TAONF), General Assistance (GA), Aid to the Aged, Blind and Disabled (AABD) and the Food Stamps program. Medical assistance is provided through the Hawai'i QUEST and Medicaid fee-for-services programs. Vocational rehabilitation services are provided to persons with disabilities. Whenever the DHHL staff is made aware of a lessee in need, the families are referred to DHS or to an appropriate non-profit service provider.

**Safety** (NAHASDA § 803(c)(2)(D)(x)) *(Describe how DHHL will promote crime prevention and resident involvement in affordable housing.):*

The DHHL continues to coordinate efforts with the Police Narcotics Division, the Sherriff's Office and the Attorney General's Office—Investigative Division to do surveillance and to evict the offending occupants whenever there is evidence of drug problems or other crimes in the homestead areas. If investigation results in a conviction, the lessee is taken to a contested case hearing for lease cancellation.

**Capacity** (NAHASDA § 803(c)(2)(D)(xi)) *(Describe the structure, capacity, and key personnel of the entities that will carry out the program/activities of the housing plan.):*

The DHHL was created by the State Legislature in 1964 to administer the Hawaiian home lands program and manage the Hawaiian home lands trust. The DHHL is one of eighteen principal agencies of the Executive Branch of the State of Hawai'i.

The DHHL serves native Hawaiians or individuals of no less than 50% Hawaiian blood, as defined by the Hawaiian Homes Commission Act of 1920, as amended, and their successors and assigns. These native Hawaiians are the beneficiaries of the Hawaiian home lands trust consisting of a land trust of over 200,000 acres, settlement monies from the State for the mismanagement of trust lands, funds received from the State general fund for operating costs, and revenues and earnings from the land leasing program.

The DHHL is governed by a nine-member board of commissioners headed by the Chairman, who also serves as the executive officer of the DHHL. The Governor of the State of Hawai'i appoints each commissioner and Chairman to a four-year term. The terms of the commissioners are staggered.

Currently, there are 121 full time employees in DHHL with six offices statewide. DHHL's main administrative office is located in Kapolei, Oahu and the five (5) district offices are located on neighbor islands. There are two (2) district offices on the Big Island, one in Hilo (East Hawaii) and one in Waimea (West Hawai'i), Hawai'i; one (1) district office in Lihue, Kauai; one (1) district office in Wailuku, Maui; and one (1) district office in Kalamaula, Molokai. DHHL is organized into five offices and three divisions under the Hawaiian Homes Commission and Office of the Chairman. The various offices and divisions are described as follows:

Office of the Chairman (OCH) — 18 staff members

The Office of the Chairman consists of the Chairman of the Hawaiian Homes Commission, who is also the Director of Department of Hawaiian Home Lands; the Deputy to the Chairman, the Executive Assistant; the NAHASDA Manager, NAHASDA Program Specialist, NAHASDA Compliance Specialist, Mortgage Loan Specialist, NAHASDA Clerk; and executive staff.

Administrative Services Office (ASO) – 8 staff members

The Administrative Services Office provides DHHL staff support in the areas of personnel, budgeting, program evaluation, information and communication systems, risk management, facilities management, clerical services and other administrative services. This office also provides support services in preparation of legislative proposals and testimonies, coordinates the preparation of reports to the legislature and facilitates the rule-making process.

Fiscal Office (FO) – 12 staff members

The Fiscal Office provides accounting support for DHHL.

Planning Office (PO) – 7 staff members

The Planning Office conducts research and planning studies required in the development of policies, programs, and projects to benefit native Hawaiians. The PO coordinates and develops the Regional Plans, administers the Native Hawaiian Development Program, provides capacity building training for homestead organizations, and provides community based grants for the implementation of Regional priority projects, community based economic development, and membership development.

Information and Community Relations Office (ICRO) – 4 staff members

The Information and Community Relations Office disseminates information to the public on Department issues, oversees community relations with the various homestead communities and coordinates DHHL's ceremonies. They also publish DHHL's annual reports to the State Legislature.

Homestead Services Division (HSD) – 45 staff members

HSD is composed of three branches: 1) Homestead Applications, 2) District Operations, and 3) Loan Services. HSD is the largest division in DHHL, has staff on all islands, and services more than 25,000 applicants and 9,000 lessees on five islands.

Land Management Division (LMD) – 6 staff members

LMD is responsible for managing Hawaiian home lands that are not used for homestead purposes. Unencumbered lands are managed and disposed of for long and short term uses in order to generate revenues and keep the lands productive while minimizing the occurrence of vegetative overgrowth, squatting or illegal dumping. LMD is responsible for properly managing the lands in DHHL's inventory.

Land Development Division (LDD) – 13 staff members

LDD is charged with the responsibility of developing trust lands for homesteading and income-producing purposes. This is accomplished through the development of properties for residential, agricultural, pastoral, and economic development uses. LDD has three operating branches: 1) Design and Construction – concentrating on the design and construction of off-site and on-site improvements for the various subdivisions; 2) Master-Planned Community – expediting the construction of housing options through partnerships with private sector and exploring other housing opportunities; and, 3) Housing Project—providing turn-key homes and assisting lessees of vacant lots in arranging financing and in contracting with a builder, including self-help and Habitat programs.

The following is a listing of the key personnel responsible for the implementation of DHHL and NAHASDA assisted programs:

Hawaiian Homes Commission (HHC)

William J. Aila, Jr., Chairman

David Kaapu, West Hawaii Commissioner

Michael Kaleikini, East Hawaii Commissioner

Randy Awo, Maui Commissioner

Zachary Helm, Molokai Commissioner

Pauline Namuo, Oahu Commissioner

Patricia (Patty) Kahanamoku-Teruya, Oahu Commissioner

Russell Kaupu, Oahu Commissioner

Dennis Neves, Kauai Commissioner

Department of Hawaiian Home Lands

William J. Aila, Jr., Director

Tyler Iokepa Gomes, Deputy to the Chairman

Jobie Masagatani, Executive Assistant

Rodney Lau, Administrative Services Officer

Pearl Teruya, Fiscal Management Officer

Andrew Choy, Planning Program Manager

Cedric Duarte, Info Community & Relations Officer

Lehua Kinilau-Cano, Legislative Analyst  
Cynthia Rezendes, NAHASDA Program Specialist  
Malia Cox, NAHASDA Compliance Specialist  
Aloha Kaikaina, NAHASDA Mortgage Loan Assistant  
Nadine Pomroy, Clerk (NAHASDA)  
Oriana Leao, Kāko‘o to Deputy Tyler Gomes  
Michelle Hitzeman, HALE Manager  
Juan Garcia, HSD Administrator  
Nina Fisher, East Hawaii Homestead District Supervisor  
James Du Pont, West Hawaii Homestead District Supervisor  
Erna Kamibayashi, Kauai Homestead District Supervisor  
Antonette Eaton, Maui Homestead District Supervisor  
Dean Oshiro, Housing Services Loan Manager  
Kip Akana, Enforcement Officer  
Stewart Matsunaga, Acting Land Development Division Administrator  
Kehaulani Quartero, Labor Compliance Specialist

## SECTION 5: BUDGETS

(1) Sources of Funding (NAHASDA § 803(c)(2)(C)(i) and 820(b)(1)) (Complete the **non-shaded** portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

SOURCE	NHHP					APR					
	(A) Estimated amount on hand at beginning of fiscal year	(B) Estimated amount to be received during 12- month fiscal year	(C) Estimated total sources of funds (A + B)	(D) Estimated funds to be expended during 12- month fiscal year	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	(F) Actual amount on hand at beginning of fiscal year	(G) Actual amount received during 12- month fiscal year	(H) Actual total sources of funding (F + G)	(I) Actual funds expended during 12- month fiscal year	(J) Actual unexpended funds remaining at end of 12- month fiscal year (H minus I)	(K) Actual unexpended funds obligated but not expended at end of 12- month fiscal year
1. NHHBG Funds	14,000,000	22,300,000	36,300,000	17,935,000	18,365,000	13,936,246	22,300,000	36,236,246	2,740,732	33,495,514	23,248,838
2. NHHBG Program Income	0	140,000	140,000	140,000	0		4,213,999	4,213,999	4,213,999		
LEVERAGED FUNDS											
3. Other Federal Funds	0	25,000	25,000	25,000	0		610,489	610,489	610,489		
4. LIHTC											
5. Non-Federal Funds											
TOTAL	14,000,000	22,465,000	36,465,000	18,100,000	18,365,000	13,936,246	27,124,488	41,060,734	7,565,220	33,495,514	23,248,838

### Notes:

- For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). **For the APR, fill in columns F, G, H, I, J, and K (shaded columns).**
- Total of Column D should match the total of Column N from the **Uses Table** on the following page.
- Total of Column I should match the Total of Column Q from the Uses Table on the following page.**
- For the NHHP, describe any estimated leverage in Line 3 below. For the APR, describe actual leverage in Line 4 below (APR).



**(2) Uses of Funding** (NAHASDA § 803(c)(2)(C)(iii)) (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. **Actual expenditures in the APR section are for the 12-month fiscal year.**)

PROGRAM NAME (tie to program names in Section 3 above)	Unique Identifier	NHHF			APR		
		(L) Prior and current year NHHBG (only) funds to be expended in 12- month fiscal year	(M) Total all other funds to be expended in 12- month fiscal year	(N) Total funds to be expended in 12- month fiscal year (L + M)	(O) Total NHHBG (only) funds expended in 12-month fiscal year	(P) Total all other funds expended in 12- month fiscal year	(Q) Total funds expended in 12-month fiscal year (O+P)
2022 CIP	AHP I	250,000		250,000		357,096.44	357,096.44
Down Payment Asst.	AHP II	100,000		100,000			
Homeowner Financing	AHP III	1,335,000	165,000	1,500,000	745,048.78	785,423.83	1,530,472.61
HAP	AHP IV	600,000		600,000			
Waimanalo Kupuna Housing Rental Asst	AHP V	250,000		250,000		767,500.00	767,500.00
Rental Vouchers	AHP VI-A	50,000		50,000		2,145.89	2,145.89
Emergency Rental	AHP VI-B	1,500,000		1,500,000		1,150,000.00	1,150,000.00
Kupuna Rental	AHP VI-C	1,000,000		1,000,000	74,632.22	112,867.78	187,500.00
Disability Rental	AHP VI-D	0		0			
Housing Counseling	AHP VII	500,000		500,000		34,100.00	34,100.00
Homeowner Assistance	AHP VIII	600,000		600,000	1,060,497.37	1,064,502.63	2,125,000.00
Water Infrastructure Improvements	AHP IX	250,000		250,000		354,236.95	354,236.95
Housing Conversion	AHP X	1,000,000		1,000,000		63,038.93	63,038.93
Property Acquisition	AHP XI	10,000,000		10,000,000		70,743.95	70,743.95
Crime Prevention	AHP XII	100,000		100,000			
Planning and Administration Loan Repayment – describe in 3 and 4 below.		400,000		400,000	860,553.52	62,831.88	923,385.40
<b>TOTAL</b>		17,935,000	165,000	18,100,000	2,740,731.89	4,824,488.28	7,565,220.17

**Notes:**

- Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
- Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.**
- Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.**
- Total of Column Q should equal total of Column I of the Sources Table on the previous page.**

**(3) Estimated Sources or Uses of Funding** (NAHASDA § 803(c)(2)(C)). (Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

The department anticipates \$140,000 in program income. The estimated \$25,000 in other federal funds is the repayment of the NHHBG subsidy when the lessee transfers their interest in the lease to a non-income eligible Native Hawaiian purchaser.

**(4) APR** (NAHASDA § 820(b)(1)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any)).

Slightly over \$4.2 million in program income was realized this fiscal year, nearly \$3 million of which is repayment of NHHBG Funds for developer financing in East Kapolei IIB. Over \$600,000 in other refunds were processed.

## SECTION 6: OTHER SUBMISSION ITEMS

- (1) Useful Life/Affordability Period(s)** (NAHASDA § 813, 24 CFR § 1006.305) *(Describe your plan or system for determining the useful life/affordability period of the housing assisted with NHHBG funds. A record of the current, specific useful life/affordability period for housing units assisted with NHHBG funds must be maintained in DHHL's files and available for review for the useful life/affordability period.):*

DHHL has established the following affordability periods to describe the term during which DHHL will keep the unit affordable:

<u>NHHBG Funds Invested</u>	<u>Affordability Period</u>
Up to \$24,999	5 years
\$25,000 to \$100,000	10 years
\$100,001 to \$200,000	20 years
\$200,001 and above	30 years

The affordability period is based on the total amount of NHHBG funds invested in the development and/or rehabilitation of a housing unit. Resale and recapture provisions will be included as a condition of the Hawaiian homestead lease to enforce the affordability restriction for each assisted housing unit.

- (2) Model Housing and Over-Income Activities** (NAHASDA § 810(b)(5) and 809(a)(2)(B), 24 CFR § 1006.225 and 1006.301(b)) *(If you wish to undertake a model housing activity or wish to serve non-low-income households during the 12-month fiscal year, those activities may be described here. Each approved model activity must be included as a separate program in Section 3 (Program Descriptions) and the APR portions of Section 3 must be completed in the APR submission for any approved model activity.):*

None.

- (3) Anticipated Planning and Administration Expenses** (NAHASDA § 802(d), 24 CFR § 1006.230)

Do you intend to exceed your allowable spending cap for Planning and Administration? Yes ☐ No ☒

If yes, describe why the additional funds are needed for Planning and Administration.

**Native Hawaiian Housing Block Grant (NHHBG)**

**NHHP/APR**

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)  
U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Office of Native American Programs

**(4) Actual Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)**

Did you exceed your spending cap for Planning and Administration? Yes ☐ No ☒

If yes, did you receive HUD approval to exceed your spending cap on Planning and Administration? Yes ☐ No ☐

If you did not receive approval for exceeding your spending cap on Planning and Administration costs, describe the reason(s) for exceeding the cap.



## SECTION 7: NATIVE HAWAIIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE (NAHASDA § 803(c)(2)(E))

By signing the NHHP, you certify that you have all required policies and procedures in place in order to operate any planned NHHBG programs.

- (1) In accordance with applicable statutes, the recipient certifies that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out the NHHBG program, to the extent that such Acts are applicable, and other applicable federal statutes.

Yes ☒ No ☐

The following certifications will only apply where applicable based on program activities.

- (2) The recipient will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD.

Yes ☒ No ☐ Not Applicable ☐

- (3) Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐

- (4) Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐ and

- (5) Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐

## SECTION 8: SELF-MONITORING

(NAHASDA § 819(b), 24 CFR § 1006.401)

(1) Do you have a procedure and/or policy for self-monitoring?

Yes ☒ No ☐

(2) Did you conduct self-monitoring, including monitoring sub-recipients?

Yes ☒ No ☐



**(3) Self-Monitoring Results.** *(Describe the results of the monitoring activities, including inspections for this program year.):*

Self-monitoring was conducted with various DHHL staff completing their assigned areas. Following are a few highlights or accomplishments from various self-monitoring audit areas. (1) Organization and Administration of Programs – The findings and conclusions of self-monitoring reiterated the need to improve DHHL’s filing, tracking, and transmission system by building on existing systems starting with standardized naming systems for files. DHHL currently has many different systems and platforms that can be integrated via Salesforce with the objective of modernizing and improving operational efficiencies, creating ease of use, and providing a higher level of customer experience for beneficiaries and the public. Several DHHL employees, including NAHASDA staff are participating in Salesforce training. With the appointment of new leadership at DHHL and hiring of additional staff, HUD provided an overview of Native Hawaiian Housing Programs to the Hawaiian Homes Commission as well as to DHHL staff in May 2023. (2) Eligibility, Admissions, and Occupancy – Admissions and Occupancy training was held in December 2022 for NAHASDA, CNHA, and Waimanalo Kupuna Housing staff primarily in preparation for the launch of the DHHL Kupuna Rental Subsidy program. NAHASDA staff responsible for determining income eligibility repeated several virtual training sessions held subsequently in 2023 to reinforce NAHASDA program requirements. DHHL’s monitoring of service providers evidence that the necessary documents have been collected for the programs being administered. (3) Financial Management and Internal Controls and Audit Reports – DHHL staff provide financial reporting on a monthly basis to track expenditure of funds which is shared with NAHASDA staff. The highest level of federal funding was received in this fiscal year and has already been appropriated for next fiscal year, so the current focus is expenditure of these funds in a timely manner. (4) Procurement and Contract Administration – DHHL continues to comply with State and Federal procurement requirements. During this fiscal year, NAHASDA staff reviewed and updated the special conditions in accordance with 2 CFR Part 200. (5) Labor Standards and Construction Management – DHHL’s Labor Compliance Specialist continues to serve as the primary person for labor standards and construction management. Nevertheless, a NAHASDA Construction Specialist started earlier this year, so Section 3 and Davis-Bacon Labor Standards Training was completed in July 2023. (6) Inspection and Maintenance of Physical Assets – DHHL’s contract with a vendor to conduct home inspections of NAHASDA funded units Statewide is still in place. In addition, DHHL hosted and NAHASDA and CNHA staff attended National Standards for the Physical Inspection of Real Estate (NSPIRE) training session in January 2023. (7) Environmental Compliance – Recommendations from self-monitoring in this area focused more on training for reviewers who are new employees at DHHL and the creation of a self-evaluation checklist beyond the NAHASDA Self-Monitoring Guidebook. (8) Planning and Reporting – Planned activities and actual accomplishments were reviewed as part of self-monitoring. The 2023 Housing Planning Study currently underway should provide updated information on the needs of DHHL beneficiaries. Coordination with State and County staff has continued beyond the pandemic.

## SECTION 9: INSPECTIONS

(NAHASDA § 819(b))

(1) **Inspection of Units** (Use the table below to record the results of inspections of assisted housing.)

(A)		(B)	Results of Inspections	
Activity		Total number of units inspected	Total number of units (Inventory)	
<b>NAHASDA-Assisted Units:</b> Running inventory as of Fiscal Year Beginning (July 1) a 12-month total.				
a.	New Construction Completed	4	599	
b.	Rehab/Repair Completed	3	107	
c.	Rental Assistance (if applicable)	100		
d.	Other			
<b>Total</b>		<b>107</b>	<b>706</b>	

(2) Did you comply with your inspection policy: Yes ☒ No: ☐

(3) If no, why not:



## SECTION 10: AUDITS

(24 CFR § 1006.375(d))

This section is used to indicate whether an Office of Management and Budget Circular A-133\* audit is required, based on a review of your financial records.

Did you expend \$500,000\* or more in total Federal awards during the APR reporting period?

Yes ☒ No ☐

If Yes, an audit is required to be submitted to the Federal Audit Clearinghouse and the Office of Native American Programs.

If No, an audit is not required.

\*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. Audits covering recipients' fiscal years that begin in January 2015 will be subject to the revised audit requirements. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to grants until implementation of the new requirements.

## SECTION 11: PUBLIC AVAILABILITY

(NAHASDA § 820(d), 24 CFR § 1006.410(c))

- (1) Did you make this APR available to the beneficiaries of the Hawaiian Homes Commission Act before it was submitted to HUD?

Check one:    Yes ☒    No ☐

- (2) If you answered "No" to question #1, provide an explanation as to why not and indicate when you will do so.

- (3) Summarize any comments received from the beneficiaries (NAHASDA § 820(d)(2)).

Public comment was received from July 21, 2023 through August 21, 2023. Three comments were received. The first public comment asked for more details on how funds were disbursed across the State of Hawaii. The draft APR was revised to include details about the households assisted by County. The second public comment asked that property acquisition be prioritized to increase trust lands in order to make it easier for the Department to build homes and also that support be provided to combat crime in homesteads. The third public comment related to the DHHL Disability Rental Assistance Program and consideration for the future of Native Hawaiians living in Hawaii especially because about 1 in 6 (17%) children aged 3-17 years were diagnosed with a developmental disability, as reported by parents, during a study period of 2009-2017. These include autism, attention-deficit/hyperactivity disorder, blindness, and cerebral palsy, among others. This number is also increasing every year. Society is becoming more aware and accepting of intellectual disabilities and this population of Native Hawaiians will one day be lessees of DHHL homelands. The commenter was concerned that nothing is being done to address those with disabilities.



**SECTION 12: JOBS SUPPORTED BY NAHASDA**  
**(NAHASDA § 820)**

Use the table below to record the number of jobs supported with NHHBG funds each year (including DHHL staff, Subrecipient staff, Contractors, etc.).

Native Hawaiian Housing Block Grant Assistance (NHHBG)	
(1) Number of <b>Permanent</b> Jobs Supported	36
(2) Number of <b>Temporary</b> Jobs Supported	25

(3) Narrative *(optional)*:

**SECTION 13: NHHP WAIVER REQUESTS**

(NAHASDA § 802(b)(2), 24 CFR 1006.20(b))

THIS SECTION IS ONLY REQUIRED IF DHHL IS REQUESTING A WAIVER OF A NHHP SECTION OR A WAIVER OF THE NHHP SUBMISSION DUE DATE. Fill out the form below if you are requesting a waiver of one or more sections of the NHHP. **NOTE:** This is NOT a waiver of the NHHBG program requirements but rather a request to waive some of the NHHP submission items because DHHL cannot comply due to circumstances beyond its control.

- (1) List below the sections of the NHHP where you are requesting a waiver and/or a waiver of the NHHP due date.  
(List the requested waiver sections by name and section number):

- (2) Describe the reasons that you are requesting this waiver (Describe completely why you are unable to complete a particular section of the NHHP or could not submit the NHHP by the required due date.):

- (3) Describe the actions you will take in order to ensure that you are able to submit a complete NHHP in the future and/or submit the NHHP by the required due date. (This section should completely describe the procedural, staffing or technical corrections that you will make in order to submit a complete NHHP in the future and/or submit the NHHP by the required due date.):

(4) Recipient:	
(5) Authorized Official's Name and Title:	
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	



**SECTION 14: NHHP AMENDMENTS**

(24 CFR § 1006.101(d))

**Use this section for NHHP amendments only.**

Fill out the text below to summarize your NHHP amendment. Copy and paste Section 14 for each amendment. This amendment is only required to be submitted to the HUD Office of Native American Programs when the recipient is adding a new activity that was not described in the current One-Year Plan that has been determined to be in compliance by HUD. All other amendments will be reflected in the APR and do not need to be submitted to HUD.

NOTE: A Cover Page is strongly recommended but not required with a NHHP Amendment submission.

**APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))**

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual OMB Circular A-133' audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

\*DHHL should note that new Federal government regulations on Administrative Requirements, Cost Principles, and Audit Requirements were promulgated on December 26, 2013 at 2 C.F.R. Part 200. HUD intends to update its regulations by December 26, 2014 to implement these new requirements in its programs. In the meantime, applicable OMB Circulars and the regulations at 2 C.F.R. Part 225 will continue to apply to existing grants. After HUD implements the new requirements in 2 C.F.R. Part 200 (after December 26, 2014), all grants will be subject to 2 C.F.R. Part 200, as implemented by HUD.

**(1) Program Name and Unique Identifier:****(2) Program Description** (*This should be the description of the planned program.*):**(3) Eligible Activity Number** (*Select one activity from the Eligible Activities list in Section 3. Do not combine homeownership and rental housing in one activity, so that when units are reported in the APR they are correctly identified as homeownership or rental.*):

# Native Hawaiian Housing Block Grant (NHHBG)

NHHP/APR

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Office of Native American Programs

**(4) Intended Outcome Number** (*Select one Outcome from the Outcome list in Section 3.*):

**Describe Other Intended Outcome** (*Only if you selected "Other" above.*):

**(5) Actual Outcome Number** (*Select one Outcome from the Outcome list in Section 3.*):

**Describe Other Actual Outcome** (*Only if you selected "Other" above.*):

**(6) Who Will Be Assisted** (*Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median income should be included as a separate program within this Section.*):

**(7). Types and Level of Assistance** (*Describe the types and the level of assistance that will be provided to each household, as applicable.*):

**(8). APR:** (*Describe the accomplishments for the APR in the 12-month fiscal year. In accordance with 24 CFR § 1006.410(b)(2) and (3), provide an analysis and explanation of cost overruns or high unit costs.*):

# Native Hawaiian Housing Block Grant (NHHBG)

NHHP/APR

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)  
 U.S. Department of Housing and Urban Development  
 Office of Public and Indian Housing  
 Office of Native American Programs

## (9). Planned and Actual Outputs for 12-Month Fiscal Year

Planned Number of <b>Units</b> to be Completed in Year Under this Program	Planned Number of <b>Households</b> To Be Served in Year Under this Program	Planned Number of <b>Acres</b> To Be Purchased in Year Under this Program	APR: Actual Number of <b>Units</b> Completed in Fiscal Year	APR: Actual Number of <b>Households</b> Served in Fiscal Year	APR: Actual Number of <b>Acres</b> Purchased in Fiscal Year

(10). **APR:** If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

(11) Amended Sources of Funding (NAHASDA § 803(c)(2)(C)(i)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

SOURCE	NHHP					APR					
	(A) Estimated amount on hand at beginning of fiscal year	(B) Estimated amount to be received during 12- month fiscal year	(C) Estimated total sources of funds (A + B)	(D) Estimated funds to be expended during 12- month fiscal year	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	(F) Actual amount on hand at beginning of fiscal year	(G) Actual amount received during 12- month fiscal year	(H) Actual total sources of funding (F + G)	(I) Actual funds expended during 12- month fiscal year	(J) Actual unexpended funds remaining at end of 12- month fiscal year (H minus I)	(K) Actual unexpended funds obligated but not expended at end of 12- month fiscal year
6. NHHBG Funds											
7. NHHBG Program Income											
LEVERAGED FUNDS											
8. Other Federal Funds											
9. LIHTC											
10. Non-Federal Funds											
TOTAL											

**Notes:**

- For the NHHP, fill in columns A, B, C, D, and E (non-shaded columns). **For the APR, fill in columns F, G, H, I, J, and K (shaded columns).**
- Total of Column D should match the total of Column N from the **Uses Table** on the following page.
- Total of Column I should match the Total of Column Q from the Uses Table on the following page.**







**(13) Estimated Sources or Uses of Funding** (NAHASDA § 803(c)(2)(C)). *(Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses Table on the previous page. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):*

**(14) APR** (NAHASDA § 820(b)(1)) *(Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses Table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):*

**Native Hawaiian Housing Block Grant (NHHBG)**

**NHHP/APR**

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)  
U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Office of Native American Programs

(15) Recipient:	
(16) Authorized Official's Name and Title:	
(17) Authorized Official's Signature:	I certify that all other sections of the NHHP approved on _____ are accurate and reflect the activities planned.
(18) Date (MM/DD/YYYY):	

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

TO: Members, Hawaiian Homes Commission ("HHC").

FROM: Russell K. Kaupu; Property Development Agent, Office of the Chairman,  
Department of Hawaiian Home Lands ("DHHL").

SUBJECT: Report and Recommendations from the Geothermal Permitted Interaction  
Group.

RECOMMENDED MOTION/ACTION

None. This report is for information only. It is recommended, however, that the Geothermal PIG remain active to continue to work with the consultant engaged by DHHL to flesh out this opportunity.

DISCUSSION:

On March 20, 2023, Interim HHC Chairman Ikaika Anderson established a Permitted Interaction Group pursuant to HRS Section 92-2.5 and HAR Section 10-2-16(b)(1) to "Study, Evaluate, and Recommend Strategies Related to Geothermal Exploration, Feasibility, Extraction, and or Use on Hawaiian Home Lands" (informally referred to as the "Geothermal PIG" or the "PIG"). The appointed members of the Geothermal PIG were Oahu Commissioner Russell Kaupu (Chair) and Hawaii Commissioners Michael Kaleikini and Makai Freitas. DHHL staff that have participated in meetings of the Geothermal PIG include Katie Ducatt, Brian Furuto, Kahana Albinio, Andrew Choy and Hokulei Lindsey. It is noted that Russell Kaupu (Chair) submitted a resignation from his HHC office this past June so he could accept a staff position at the Department of Hawaiian Home Lands (as noted above). As such, it is incumbent upon the HHC Chairman to appoint a replacement Commissioner to the PIG, to designate a new Chair for the PIG, and to direct Russell Kaupu to remain active with the PIG as a DHHL staff member.

The Committee has met a total of four times: on April 13, 2023, May 1, 2023, May 18, 2023, and July 6, 2023. Guests who have made presentations to the Geothermal PIG or otherwise participated in discussions include:

- Don Thomas (Geothermal Researcher/Advocate and Professor, UH-Hilo Center for the Study of Active Volcanoes);

- Nicole Lautze (Geothermal Researcher/Advocate and Professor, Director, Hawai'i Groundwater & Geothermal Resources Center; Professor, Hawai'i Institute of Geophysics & Planetology;
- Robbie Cabral (Principal, WAIKA CONSULTING LLC);
- Malama Solomon (Principal, WAIKA CONSULTING LLC); and
- Mililani Trask (Principal, WAIKA CONSULTING LLC).

Professors Thomas and Lautze summarized the findings of a study they conducted for the Hawaii Groundwater and Geothermal Resources Center (HGGRC). Principals Cabral, Solomon and Trask presented information on the geothermal development work they have done in New Zealand and would like to do in Hawaii via their WAIKA CONSULTING LLC entity. The Geothermal PIG members also viewed a Renew & Rebuild Hawaii presentation by Nona Taute, PhD, University of Auckland Engineering, regarding geothermal development in Aotearoa, NZ and the Maori perspective on same.

Early on, the Geothermal PIG agreed upon the following four points/questions to focus discussions and, ultimately, to be addressed in this report:

1. What is the state of the technology and industry for geothermal power generation?
2. Are DHHL lands suitable sites for geothermal power generation (any early signs and what is the process for confirming)?
3. What should DHHL's role be in developing this resource (just make land available, or also capital and political support)?
4. What are some alternative economic models and potential returns on investment?

It was later determined that point #4 is premature – better left to be worked on by the PIG going forward. It was also decided that the PIG should assist Kahana Albinio with getting the consultant contract for the legislatively funded field survey for geothermal exploration in order and executed (which was done – mahalo Commissioner Kaleikini). Without going into technical detail, which is beyond the scope of this report and will ultimately require the assistance of retained consultants to understand, the Geothermal PIG reports its findings on points 1 – 3 above as follows:

**State of Technology and Industry.** The processes by which: (a) preliminary studies are conducted to provide hints (*i.e.*, higher probabilities) of sites where sufficient geothermal resource are present; (b) exploration wells are drilled to confirm site feasibility; and (c) electricity is ultimately generated using a binary, closed loop system are all “mature” technologies that are proven to be reliable. Such technology has successfully been employed in Hawaii at Puna Geothermal Venture since the early 1990s. There is a considerable amount of engineering that goes into a venture such as geothermal power production, but it is not the

proverbial “rocket science”. As is true with select other ventures, success is primarily dependent upon location, location, location.

**Suitability of DHHL Lands for Geothermal.** While studies conducted by the Hawaii Groundwater and Geothermal Resources Center (HGGRC) show active geothermal activity (*i.e.*, heat from the earth) at a number of DHHL properties, the sites with the highest probability of viable electricity generation are in the Humuula (Mauna Kea) and Upper Kawaihae (Kohala Mountain) areas, with Humuula being most roadway accessible. Projects built in Aotearoa, NZ have shown that careful, thoughtful geothermal development can be done in a way that is respectful of native people and culture. Per Mililani Trask, what makes DHHL lands suitable and acceptable for geothermal development – though she actively opposed such development on Hawaii island in the 70s and 80s – is that native people who own the resource are at the table and will receive a fair share of the economic return (Note: the Geothermal PIG was made aware of a March 17, 2014 Hawaii Attorney General’s Opinion that confirms that DHHL is entitled to 100% of royalties from geothermal projects on DHHL lands).

**DHHL’s Role in Developing Geothermal.** It was the consensus of the PIG that DHHL should not try to develop its geothermal resources on its own, but should, instead, work with a private party with both industry knowledge/experience and the ability to finance the venture. Two alternative models to venture with a private party were discussed: (1) Private Public Partnership (PPP), and (2) straight ground lease with a royalty-based concession. In either case, DHHL’s contribution to the venture should primarily be limited to making its land available, lending political support for the project (including identifying and pursuing government funding - both grants and loans), and providing cultural competency, native community relations, and beneficiary consultation.



STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Andrew Choy, Planning Program Manager

Subject: Request to hold a Limited Meeting of the Hawaiian Homes Commission on September 17, 2023 to DHHL Parcels in Maku'u, Ka Lae and Discovery Harbor, Hawaii Island.

RECOMMENDED MOTION/ACTION:

Approval to hold a Limited Meeting of the Hawaiian Homes Commission on September 17, 2023 to DHHL Parcels in Maku'u, Ka Lae and Discovery Harbor, Hawaii Island.

DISCUSSION:

Pursuant to Hawaii Revised Statutes §92-3.1, a board may hold a "limited meeting" that is not open to the public when it determines it is necessary to do so and specifies that the meeting location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable, and the OIP Director concurs in that determination. Prior to the limited meeting, the board must publicly deliberate in a regular meeting on the need for the limited meeting, and two-thirds of all members to which the board is entitled must adopt the determination specified above.

**HRS §92-3.1 Limited meetings.**

- (1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies the reasons for its determination that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;
- (2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and
- (3) Notice of the limited meeting is provided in accordance with section 92-7.

BACKGROUND:

The Department of Hawaiian Home Lands has approximately 11,266 acres in the Kamā'oa-Pu'u'eo 'ahupua'a in the district of Ka'ū. Approximately 710 acres of the area has been designated as a National Historic Landmark because it provides "the longest and most complete record of human occupation in the Hawaiian Islands." Important cultural sites include Pu'u Ali'i, Kalalea Heiau, Lua o Palahemo, canoe mooring holes, and Lua Makalei.

In October 2016 the Commission approved the South Point Resources Management Plan, Kamā'oa, Ka'ū. The Commission's last visit to the area was in 2015. The site visit will consist of a walking tour of several wahi pana along the South Point Cliffs, the area known as "the Barracks", and if time permits, Kaulana Bay.

There is no access to water, toilets, or emergency services in the site inspection area. Shade is limited and the Commission will be traveling on uneven, unpaved gravel roads. The Community Meeting will be convened at the Na'alehu Community Center at 3:00 p.m.

NEXT STEPS:

If approved and Pursuant to HRS 92-3.1, the Department will submit a *Request for the Office of Information Practices' Concurrence for a Limited Meeting*, along with the draft minutes showing the Commission's deliberation and vote to adopt the determination.

OIP concurrence is confirmed, a Notice of the limited meeting will be provided in accordance with HRS section 92-7.

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Andrew Choy, Planning Program Manager

Subject: Request to hold a Limited Meeting of the Hawaiian Homes Commission on October 15, 2023 to DHHL Parcels in Ke'anae-Wailua and Wākiu, East Maui.

RECOMMENDED MOTION/ACTION:

Approval to hold a Limited Meeting of the Hawaiian Homes Commission on October 15, 2023 to DHHL Parcels in Ke'anae-Wailua and Wākiu, East Maui.

DISCUSSION:

Pursuant to Hawaii Revised Statutes §92-3.1, a board may hold a "limited meeting" that is not open to the public when it determines it is necessary to do so and specifies that the meeting location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable, and the OIP Director concurs in that determination. Prior to the limited meeting, the board must publicly deliberate in a regular meeting on the need for the limited meeting, and two-thirds of all members to which the board is entitled must adopt the determination specified above.

**HRS §92-3.1 Limited meetings.**

- (1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies the reasons for its determination that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;
- (2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and
- (3) Notice of the limited meeting is provided in accordance with section 92-7.

BACKGROUND:

The Department of Hawaiian Home Lands has approximately 151 acres in the Ke'anae area. There are two separate parcels - a two acre parcel along the shoreline on Ke'anae Peninsula and a 149 acre parcel along Palauhulu Stream mauka of Hana Highway. In Wailua, DHHL holds approximately 90 acres of land, with a larger 656 acre tract in Waiuku.

The Commission's last visit to the area was in 2019. The site visit will consist of a driving tour of the parcels with anticipated stops along Hana Highway including an overlook to view the general topography of the Ke'anae makai parcel. The overlook is open to traffic and may be dangerous to navigate for the public. The Commission will travel to Waiuku, Hana and traverse a private unpaved road to view a portion of the parcel.

There is no access to water, toilets, or emergency services in the site inspection area. Shade is limited and the Commission will be traveling on uneven, unpaved wet roads. The Community Meeting will be convened at the Hana School Cafeteria at 2:00 p.m.

NEXT STEPS:

If approved and Pursuant to HRS 92-3.1, the Department will submit a *Request for the Office of Information Practices' Concurrence for a Limited Meeting* along with the draft minutes showing the Commission's deliberation and vote to adopt the determination.

OIP concurrence is confirmed, a Notice of the limited meeting will be provided in accordance with HRS section 92-7.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Hokulei Lindsey, Administrative Rules Officer  
Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager  
Juan Garcia, HSD Administrator  
Staff to the HHC Permitted Interaction Group Appointed to Study and Recommend Strategies Related to Fairness in Lease Transfers

SUBJECT: Report and Recommendation from the Permitted Interaction Group, Appointed Pursuant to HRS 92-2.5 and HRS 10-2-16(b)(1), to Study and Recommend Strategies Related to Fairness in Lease Transfers

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

At the March 2023 regular meeting of the Hawaiian Homes Commission, the Chairman appointed an investigative committee, pursuant to Hawaii Revised Statutes (HRS) section 92-2.5 and Hawaii Administrative Rules section 10-2-16(b)(1), to study and recommend strategies related to fairness in lease transfers. The committee members were commissioners Patty Teruya and Zachery Helm with Commissioner Dennis Neves to serve as chair of the committee. (See Exhibit "1").

The committee met four times. Staff presented information related to the various types of lease transactions and provided an overview of legislative interest in the specific issue of lessees profiting from lease transfers and then reapplying for a subsequent lease. While some transfer leases for personal gain, existing data indicates that reapplying after transferring a lease is a rarity. Staff also noted that Section 208(5) of the Hawaiian Homes Commission Act (Act) provides in relevant part that,

“the lessee shall not in any manner transfer to, or otherwise hold for the benefit of, any other person or group of persons or organizations of any kind, except a native Hawaiian or Hawaiians, and then only upon the approval of the department, or agree so to transfer, or otherwise hold, the lessee’s interest in the tract to the following qualified relatives of the lessees who are at least one-quarter Hawaiian: husband, wife, child, or grandchild.”

It is the practice of the department to defer all decision-making related to lease transfers to the Commission. The committee discussed several aspects of lease transfers, including a Lessee



being a previous Lessee, the lease transaction is for cash, and a lease sale/transfer is to a non familial relation as indicated in Section 209 of the Act.

Lease transfers that implicate questions of fairness tend to have common characteristics. Three characteristics were considered as being key to identifying unfairness in lessee transactions:

1. Buyer is a previous lessee
2. Transaction is a sale
3. Buyer is not a qualified family member under HHCA section 209

The committee believes that using these criteria to establish an internal process whereby transactions meeting all three criteria would be considered by the Commission as an individual agenda item rather than part of the consent agenda may lead to the development of an administrative rule that can curb unfair Lessee transactions.

#### RECOMMENDATION:

For consideration and discussion at next month's regular HHC meeting, the committee recommends an internal, interim process using the three criteria listed above be implemented to collect specific data regarding these types of lessee transactions. If indicated, an administrative rule may be developed using data collected.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Oriana Leao, NAHASDA Government Relations Program Specialist

Subject: For Information Only – Summary of Responses to Proposed Legislative Action Request for 2024 & Draft Legislative Proposals

**RECOMMENDED ACTION/MOTION:**

None; For information only.

**DISCUSSION**

Outreach commenced since the June 2023 Hawaiian Homes Commission meeting requesting input on DHHL's Legislative Package for the 2024 legislative session. An email was sent to 136 DHHL staff, 203 testifiers on DHHL related measures from the 2016-2023 legislative sessions, 37 legislative talk story attendees, and 116 homestead associations and other stakeholders. The outreach list is attached as Exhibit 'A'. The information was posted on DHHL's website and NAHASDA participated in virtual and in-person community meetings to solicit legislative proposals for DHHL's 2024 Legislative Package.

23 proposals were received. Here's a summary of the proposals:

Issue	Submitted by	Result
<b>GEOTHERMAL</b>		
Funding for Geothermal research	Chair	Included
Funding for Geothermal research	Commissioner	Included
<b>REPRESENTATION ON CWRM</b>		
Add HHC Chair or Chair's designee to Commission on Water Resource Management	Chair	Included
Add HHC Chair or Chair's designee to Commission on Water Resource Management	Beneficiary	Included
<b>HHCA BLOOD QUANTUM REQUIREMENT</b>		
Direct descendant successorship. Waiting list preference for purchase of leases.	Beneficiary	More review

Petition Congress to amend the HHCA blood quantum requirement to 1/32 for successorship to leases	Beneficiary	Resolution Passed as SCR 104, SD1, HD1
<b>LEGISLATION REINTRODUCED</b>		
Independent Legal Counsel  Allow the Hawaiian Homes Commission to retain independent legal counsel to be paid by the State and use the services of the attorney general as needed when the interests of the State and the Hawaiian Homes Commission are aligned	Staff	Included
Exemption from General Excise and Use Taxes for DHHL	Chair	Included
Historic Preservation Reviews  Allow the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction	Staff	Included
Create DHHL Compliance Unit	Commissioner	Included
Repeal the July 1, 2024, sunset of Act 197, Session Laws of Hawaii 2021, to make permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees	Staff	Included
Allow for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025	Staff	Included
<b>LENDING AND LOANS</b>		
Provide creative lending opportunities for current lessees to improve and renovate their homes through proper partnerships established with private lenders and other investors	Lessee	More review
Ensure access to conventional loans for beneficiaries. Amend HHCA to remove Private Mortgage Insurance (PMI) requirement for loan with a LTV (loan to value) of 80% or less	Lessee	More review
Create a Corporate Relocation Program that assist beneficiaries in relocating and allows them to sell their home and optionally qualify for a new lease. Ensure access to equity of the home for beneficiaries.	Lessee	More review  Request for amendment to

Implement a relocation program that allows the lessee to sell their current home and be offered a new lease at their destination. If the home does not sell within 90 days, DHHL would purchase it at fair market value, allowing the lessee to find new housing, whether on HHL or fee simple.		Administrative Rule 10-3-7 – PRIORITY AND PREFERENCE FOR AWARD OF LEASES
Strike the Lender of Last Resort Administrative Rule	Staff	Does not require legislation  Request for amendment to Administrative Rule
Remove or increase FHA ½ limit to ¾ in the Hawaiian Homes Commission Act	Staff	Included
Increase allowable loan term to 38 years to align with USDA Section 502 Direct Loan Program for very-low-income households	Staff	Included
<b>OTHER</b>		
Add HHC Chair or Chair's designee to Hawaii Housing Finance and Development Corporation	Chair	Included
Add HHC Chair or Chair's designee to Hawaii Community Development Authority	Chair	Included
Request time extension for encumbrance of funds appropriated in Act 279	Commissioner	More review
Offer leases to designated successors of applicants who died while on the DHHL waiting list	Beneficiary	More review
Funding to extend potable water pipeline from Kawaihae Industrial area to Kailapa	Lessee	Sufficient Sums Request
Kailapa Community Association request for funding sources: 1) potable water access and transmission -at least \$25 million 2) funds to construct an evacuation plan and construction of an access road for Kailapa subdivision at least \$20 million. This subdivision is located between 2 gulches. 3) funds to extend community center building and provide adequate parking spaces. 4) funds to construct a Kupuna housing complex in Kawaihae.	Lessee	Sufficient Sums Request

Funding to develop in Lahaina Leialii 1B residential. A matching down payment program.	Applicant	Sufficient Sums Request
Construct a safety and privacy, tile wall for Kanehili Community Park. This proposal will correct a deficiency by removing the replacement chain link fencing, for a safer type of protective barrier.	Lessee	Sufficient Sums Request
<p>Medical Cannabis</p> <p>Resolution submitted on behalf of medical cannabis beneficiaries-</p> <p>WHEREAS, the State of Hawaii exercised its constitutional authority over the intrastate use of cannabis when it created Hawaii's Medical Cannabis Program in 2000; and,</p> <p>WHEREAS, registered medical cannabis patients, who are Hawaiian Home Lands beneficiaries, can possess cannabis for personal medical use on Hawaiian Homes Lands under state law; and,</p> <p>WHEREAS, the Department of Hawaiian Home Lands issued its first guidance on medical cannabis in November, 2021, stating that even if beneficiaries are following state law they can still be subjected to federal prosecution because cannabis is federally illegal; and,</p> <p>WHEREAS, the department's guidance on medical cannabis has created a chilling effect among homestead lessees who fear they could lose their homestead lease if they are caught using cannabis on Hawaiian Home Lands; and,</p> <p>WHEREAS, solutions already exist for the federal situation with cannabis in Hawaii, such as HCR132 (2021), which currently sits with DOH; now, therefore, BE IT RESOLVED by the Hawaiian Home Lands Commission, that the Governor of Hawaii is hereby respectfully requested to utilize 21 USC 822(d) of the federal Controlled Substances Act to create a source of cannabis in Hawaii that is legal under state and federal</p>	Public	More review



law to provide temporary relief until Congress can end the federally illegal status of cannabis.		
Increase funding for additional staff or technological resources to manage the beneficiary database with fairness, consistency, and security measures to prevent data manipulation	Lessee	Sufficient Sums Request
Identify and define HBA and HA to be in alignment of 43 CFR Part 47 and 48 as defined during the Obama Administration in 2016. Section 201.6 of the HHCA describes Community based governance on Hawaiian Home Lands, but DHHL has stated that this section of the act needs the consent of Congress. We need to adopt the definitions as already codified in the Code of Federal Regulations for consistency on the State level so that all of our existing HBAs and HAs are defined.	Beneficiary	More Review

After considering the responses received and measures previously approved by the Commission, twelve (12) draft legislative proposals are summarized below and the actual draft of the bills and justification sheets are enclosed in Exhibit 'B'.

## PROPOSAL SUMMARIES

### *Proposal HHL-01(24)*

#### *RELATING TO INDEPENDENT LEGAL COUNSEL*

This proposal allows the Hawaiian Homes Commission to retain independent legal counsel to be paid by the State and use the services of the attorney general as needed when the interests of the State and the Hawaiian Homes Commission are aligned.

The Hawaiian Homes Commission has a trust duty to its beneficiaries and in the fulfillment of its trust obligations, the Hawaiian Homes Commission may at times be at odds with the interests of the State. It is at these times that the Hawaiian Homes Commission must be assured that its counsel provides legal guidance strictly in the interest of its client. Independent counsel that is hired and retained by the Hawaiian Homes Commission eliminates any cloud of uncertainty that there is a conflict of interest that the Hawaiian Homes Commission is represented by the Attorney General's office that also represents the State.

This measure has not been part of the Administration's legislative package but a similar measure has been introduced by several legislators over past years and has not passed.

### *Proposal HHL-02(24)*

#### *RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT*

This proposal adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Commission on Water Resource Management.

The Water Code requires that planning decisions of the Commission on Water Resource Management ensure that sufficient water remain available for current and foreseeable development and use of Hawaiian Home Lands. In order to further the interest of beneficiaries, the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee should serve as an ex officio voting member of the Commission on Water Resource Management.

This measure has not been part of the Administration's legislative package but has been introduced and has not passed.

### *Proposal HHL-03(24)*

#### *RELATING TO TAX EXEMPTION*

This proposal exempts any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

The Department provides homesteads for native Hawaiians at affordable rates when compared to similar development available in Hawaii. In order to further the interest of beneficiaries, any development of homestead lots or housing for the Department should be exempt from general excise and use taxes.

This measure was included in the Administration's legislative package but has not passed.

*Proposal HHL-04(24)*

*RELATING TO HISTORIC PRESERVATION REVIEWS*

This proposal allows the Department of Hawaiian Home Lands to assume review of the effect of any proposed project on historic properties or burial sites for lands under its jurisdiction.

Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this proposal would streamline the process by allowing the Department of Hawaiian Home Lands to assume this review .

This measure was included in the Administration's legislative package but has not passed.

*Proposal HHL-05(24)*

*RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS*

This proposal establishes a compliance and enforcement program within the Department to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended and rules adopted thereunder as well as all other state laws and rules, and county ordinances on Hawaiian Home Lands.

Illegal activity occurring on Hawaiian Home Lands threatens the health and safety of the community, this proposal is modeled after HRS Chapter 199 (Conservation and Resources Enforcement Program) to respond to the concerns raised by beneficiaries about criminal activity impacting the community.

This measure has not been part of the Administration's legislative package but has been introduced and has not passed.

*Proposal HHL-06(24)*

*RELATING TO SCHOOL IMPACT FEES*

This proposal repeals the July 1, 2024, sunset of Act 197, Session Laws of Hawaii 2021, to make permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.

The Department of Hawaiian Home Lands currently leases educational facilities for public schools, public charter schools, early learning facilities, and other similar facilities at minimal to no cost. By making permanent the exemption of DHHL from school impact fees, the savings can be allocated toward developing more housing.

This measure was included in the Administration's legislative package but has not passed.

*Proposal HHL-07(24)*

*RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS*

This proposal allows for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022 until June 30, 2025.

The Legislature intended that the funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025. This proposal confirms the legislative intent.

This measure has not been part of the Administration's legislative package but has been introduced and has not passed.

*Proposal HHL-08(24)*

*RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS*

This proposal requests an appropriation of \$6,000,000 dollars for the next steps in the investigation, exploration and identification of geothermal resources on Hawaiian Home Lands.

To build upon the initial funding provided in Act 205, Session Laws of Hawaii 2022, this proposal will allow DHHL to further investigate, explore, and identify geothermal resources on Hawaiian Home Lands as these resources may be used for the generation, transmission, or production of electricity and renewable energy resources, including but not limited to hydrogen generation.

*Proposal HHL-09(24)*

*RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION*

This proposal adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Housing Finance and Development Corporation.

The Hawaii Housing Finance and Development Corporation is administratively attached to the Department of Business, Economic Development and Tourism. It is governed by a nine-member Board of Directors which establishes policies and executive direction for the Corporation. This proposal would allow DHHL to have representation on the Board of Directors of the Hawaii Housing Finance and Development Corporation.

A similar measure was previously introduced by a legislator.

*Proposal HHL-10(24)*

*RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY*

This proposal adds the Chairperson of the Hawaiian Homes Commission or the Chairperson's designee to the Hawaii Community Development Authority.

The Hawaii Community Development Authority is a State agency that was established to supplement traditional community renewal methods by promoting and coordinating public and private sector community development. The 1976 State Legislature created the Hawaii Community Development Authority to plan development of underutilized urban areas of Hawaii. This proposal would allow DHHL to have representation on the Hawaii Community Development Authority.

*Proposal HHL-11(24)*

*RELATING TO THE HAWAIIAN HOMES COMMISSION ACT*

This proposal increases the Federal Housing Administration loan limit to be seventy-five percent of the maximum single residence loan amount, instead of fifty percent, as currently outlined in Section 215 of the Hawaiian Homes Commission Act, 1920, as amended.

**HHCA Section 215.1**

"At any one time, the outstanding amount of loans made to any lessee, or successor or successors in interest, for the repair, maintenance, purchase, and erection of a dwelling and related permanent improvements shall not exceed fifty per cent of the maximum single residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development's Federal Housing Administration (FHA)."

*Proposal HHL-12(24)*

*RELATING TO THE HAWAIIAN HOMES COMMISSION ACT*

This proposal increases the allowable loan term limit for Federal Housing Administration loans administered by the Department of Hawaiian Home Lands to be forty years, instead of thirty years, as currently outlined in Section 215 of the Hawaiian Homes Commission Act, 1920, as amended.

HHCA Section 215.2

“The loans shall be repaid in periodic installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the department in each case. The term of any loan shall not exceed thirty years.”

CONCLUSION

These draft legislative proposals will be finalized and submitted for approval by the Commission next month and submitted for review by the Governor, Department of the Attorney General, and the Department of Budget & Finance. The proposals are pending final approval and no proposal is considered part of the package until final approval is granted by the Governor. In this phase of the review process, the department may amend or withdraw any measure.

RECOMMENDED ACTION/MOTION:

None; For information only.



# EXHIBIT A

HHC Item C-8: For Information Only – Summary of Responses to Proposed  
Legislative Action Request for 2024 & Draft Legislative Proposals

Name	Organization
<b>TESTIFIERS ON DHHL RELATED MEASURES FROM 2016 - 2023</b>	203 count
Paula Aila	
Kainea Aiwohi	
Micah Alameda	
Aldene Albinio	
Kahana Albinio	
Annelle Amaral	Association of Hawaiian Civic Clubs
Amber	
Kamakana Aquino	Waimanalo Hawaiian Homes Association
Don Aweau	
Natasha Boteilho	
Michelle Brown	
Bill Brown	Pana'ewa Hawaiian Home Lands Community Association
Doreen N. Canto	
S Carreira	
Kathleen Pua Chin	
Demont Conner	Ho`omana Pono, LLC
Leimana DaMate	Aha Moku Advisory Council
Robin Danner	Sovereign Council of Hawaiian Homestead Association
	Association of Hawaiians for Homestead Lands
Rosie F Davis	
Vince Kanai Dodge	
Doreen Gaspar	Kapaakea Hawaiian Homestead Assn
Makanalani Gomes	
Kama Hopkins	
Sharronlee Joseph	
Wilma Noelani Joy	
Kaala	
	Ke One o Kakuhihewa
Patrick Kahawaiolaa	Keaukaha Community Association
Kate Kahoano	
Rachel L. Kailianu	
Carol Lee Kamekona	
Diane Kanealii	Kailapa Community Association
Roger Kanealii	
Lilia Kapuniai	
Marion Kapuniai	
Michelle Kauhane	
Puni Kekauoha	
Kapua Keliikoa-Kamai	
Leimomi Khan	Kalihi Palama Hawaiian Civic Club

Derek Kimura	
Lemonie Kolowena	
Kipukai Kualii	Kauai Councilmember
Stephanie Lauifi	
Joe Kuhio Lewis	Council for Native Hawaiian Advancement
Sybil Lopez	Kalama'ula Mauka Homestead Association
Malcolm Mackey	
Makaha	
Kealii Makekahu	
Leif Mokuahi Jr	
Kaimo Muhlestein	
Viola Mundrick	
Brent Keliokamalu Nakihei	
Madeline Neely	
Dean Oshiro	
Karen Poepoe	
Kilia Purdy-Avelino	
Charlie Kaahanui	
Alice Cabaal Kaahanui	
Claudia Quintanilla	
Loretta Ritte	
Gene Ross Davis	
Homelani Schaedel	
Jame K. Schaedel	
Kehaulani Shintani	
Cappy Solatorio	Kewalo Hawaiian Homes Community Association
Healani Sonoda-Pale	Ka Lahui Hawaii Political Action Committee
Stacelynn	
Wendy Waipa	Keaukaha Community Association
Faye Liko Wallace	
Charlie White	
Allen Yanos	
Lawrence Lasua	Kalamaula Homesteaders Association
Alexander Akana	
Melody Alcon	
Jim Cisler	
Asti Merino	
Teri Heede	
Lorry A Merino	
Stephen Park	
Piilani Akana	
Melissa Rietfors	
Suzanne Marciel	

Kalola Kaulili	
Faataatia Lauifi Jr	
Tanya Lauifi	
Shane Nelsen	
Mapu Kekahuna	
Dawn Tanimoto	
Noelani	
Reis Haitsuka	
Kalani Johnston	
Robert Kaaihue	
Jerry Wayne Flowers Jr	
Solomon P Kahoohalahala	
Crystal Kia Paul	
Jimmy Gomes	
Tyson Kubo	
Verna Uyetake	
Kealakai Knoche	
Sherry Sasada	
Frances Dinnan	
Kahili Norman	
Debbie Kini	
Kimberlee Woodward	
Maxine Anderson	
	League of Women Voters
Melodie Aduja	OCC Legislative Priorities Committee
Kuheia Asiu	
Rhiannon Chandler-lao	
Randy Ching	
Robert Chong	
Kris Coffield	Imua Alliance
Henry Curtis	Life of the Land
Kaipo Gomes	
Jean Lilley	Hawaii Habitat for Humanity
Tina Andrade	Catholic Charities Hawaii
Peter Apo	
Rochelle Kawelo	Waianae Hawaiian Civic Club
Maile Luuwai	Keaukaha Panaewa Farmers Association
Jodi Akau	Kanehili NSW Patrol Coordinator
Josiah Jury	
Linda Jury	
Harold Johnston, Jr.	
Raytan Vares	
Bobby Hall	

Mahealani Cypher	Ko'olaupoko Hawaiian Civic Club
	Kupuna for the Mo'opuna
Lacey Akau	
Kekailoa Perry	
Cheryl Burghardt	
Antoinette Almeida	
Paul Shinkawa	
Jonathan Likeke Scheuer	
Maydeen Lu	
Kapua Medeiros	
Herring Kalua Jr.	
Ku Ching	
Kelii Ioane Jr.	
Lance Nobriga	
Daniel Arias	
Leah Pereira	
Melvin Ioane Hanohano Sr	
Sharon Freitas	
Mele Spencer	
Allyson Dunan	
Kahealani Hanohano-Nunez	
Iwalani Kadowaki	
Kai MacDonald	
Puanani Woo	
Rolina Faagai	
Donna Simpson	
Garrett Ikaika Danner	
Charmaine Bugado	
Kim Balauro	
Larry Kamai	
C. Kuulei Laumauna	
Allen K. Hoe	
Mele Hanohano	
Melody Kapilialoha MacKenzie	
Kirstin Kahaloa	
Patricia Waipa	
Lorilynn Pua	
Peter Pua	
Bob Douglas	
Howard Pea	

Glenn Teves	
Kili Namaau	
Rosanne Goo	
Kamuela Werner	
Malia Nobrega-Olivera	
Kaile C	
Kawai Lopez	
Lu Ann Lankford-Faborito	
Luwella Leonardi	
Madonna Leilani Kailimoku Kaleiohi	
Manuel Aila	
Mary Jane Kahalewai	
Melanie Kala-Hunt	
Purdyka Wahilani	
Renolds Fruean	
Tanya Alana	
Thompson Faboreito	
	Beneficiary Trust Council
Anthony Makana Paris	Prince Kuhio Hawaiian Civic Club
	Partners In Care
Johnnie-Mae L. Perry	
Kenneth R. Conklin, PhD	Center for Hawaiian Sovereignty Studies
Kipukai Kualii and Rolina Faagai	SCHHA Policy Committee
Pamela Tumpap, President	Maui Chamber of Commerce
Mark Cave	William S. Richardson SOL - J.D. Candidate, Class of 2024
Mel Rapozo, Chair Kipukai Kualii, Council Vice Chair	County of Kaua'i - Council Services Division
Kiersten Faulkner, Exec. Dir.	Historic Hawaii Foundation
Elmer Ka'ai, President	Hui Kako'o 'Aina Ho'opulapula
Megan Ching	
Nancy Jones	Hydroponics Alternatives LLC
Jason Okuhama, President	Hawaii Alliance for Community Based Economic Development (HACBED)
Dayne Duke Kealanahale	
Kanani Higbee	
Salvatore Marino	
Walter Ritte	
Linda Chock	
Jojo Tanimoto	



<b>LEGISLATIVE TALK STORY SESSIONS</b>	<b>37 count</b>
April Kealoha	
Lori Buchanan	
Jewellyn Kirkland	
Germaine Toguchi	
Senator Maile Shimabukuro	
Helen N. Wai	
Germaine Meyers	
Sanoe Marfil	
Noe Lopes	
Diane Marshall	
David Keola	
Cheryl Moore	
Nani Kaina	
Kekoa Enomoto	Pa'upena Community Development Inc.
Kai Pelayo	
Kawehilani Enriques	
Kehau Filimoeatu	
Kuulei Nishiyama	
Kaiulani Lambert	
Joanna Howard	
Chanell Omerod	
Carol Catian	
Donna Pomaikai	
Arthur M. Naeole Jr.	
Ron Wise	
Mansha Catian	
Lono Koholua	
Kanani Sang	
Leo Bright	
Kahaunani Mahoe Thoene	
Robert Akau	
Cora Schnackenberg	
Zhan Lindo	
Juanita Reyher-Colon	
Keani Rawlins	
Ardis Farris	
Hala Pakala	
<b>HOMESTEAD ASSOCIATIONS</b>	<b>27 count</b>
Jeffrey Kekoa	Ka'u Hawaiian Home Lands Association
Duncan Kaohu Seto	Kaumana Hawaiian Homes Community Association
Maydean Bowman	Kawaihae Puaka'ilima Community Association
Nalani Reich	Lalamilo Residence Lots Association

Dora Aio	Villages of Laiopua Association
Mike Hodson	Waimea Hawaiian Homesteaders Association, Inc.
Kawai Warren	Kekaha Hawaiian Homestead Association
Karen Kahanu Keawe	Piilani Mai Ke Kai Community Association
Harry Rodrigues	Waiohuli Undivided Interest
Harry Newman	Ka Ohana O Kahikinui
	Kahikinui Hawaiian Homestead Association
Kaulana Mossman	Keokea Homestead Farm Lots Association
Rod Paahana	Villages of Leialii Phase 1A Association
Alapaki Heanu	Waiehu Kou Community Homestead Association
Mark Adams	Waiehu Kou Residence Lots Phase II Association
Perry Artates	Waiohuli Hawaiian Homesteaders Association
Ochie Bush	Hoolehua Homestead Association
Gayla Haliniak-Lloyd	Kalamaula Homesteaders Association
Faith Tuipulotu	MHFA, Inc.
Ronald Davis	Molokai Homestead Livestock Association
Tamar DeFries	Hui Makaainana a Kalawahine
Randy Akau	Kanehili Community Association
Uilani Keliikoa	Kaupuni Village Community Association
Nathan Kaipo Punahele	Kumuhau and Kakaina
Kamaki Kanahele	Nanakuli Hawaiian Homestead Community Association
Avery Choy	Princess Kahanu Estates Association
Lokana Keliikoa-Pua	Waianae Valley Homestead Community Association
<b>OTHER STAKEHOLDERS</b>	<b>89 count</b>
Keeaumoku Kapu	Aha Moku o Maui Inc.
Capsun	Office of Hawaiian Affairs
Olu Campbell	Hawaii Land Trust
Kammy Purdy	Ahupua`a o Moloka`i
Black Ho'ohuli	Ahupua`a o Nanakuli
Dre Kalili	Association of Hawaiian Civic Clubs
Blossom Feiteira	
Samson Brown	Au Puni O Hawaii
Jeff Gilbreath	Hawaiian Community Assets, Inc.
Kealii Lopez	Imua Hawaii
Melissa Pavlicek	Kamehameha Schools
Vivian Ainoa	Kamiloloa One Alii Homestead Association
Roth Puahala	Ke One O Kakuhihewa
Paula Kekahuna	Maku`u Farmers Association
Uilani Kapu	Na Aikane O Maui
Mililani Trask	Na Koa Ikaika Ka Lahui Hawaii
Roxanne Hanawahine	Na Ohana o Puaoli a me Hanawahine
Paige Kapiolani Barber	Nanakuli Housing Corporation
	Native Hawaiian Education Council

Elena Farden	Native Hawaiian Education Council
Pohai Ryan	
	Native Hawaiian Hospitality Association
	Native Hawaiian Legal Corporation
Kaliko Chun	Nelson case
Deja Ostrowski	
Apela Peahi	Peahi Ohana
Ronald Kodani	Piihonua Hawaiian Homestead Community Association
Roy Oliveira	Waiehu Kou Phase 3 Association
Daniel Ornellas	Waiehu Kou Phase 3 Association
Cynthia Rezentes	
Keoni Agard	
Keoni Bunag	
Sharlette Poe	
Carrie Ann Shiota	
Pauahi Hookano	
Nina Fisher	
Kahunawai Wright	
Patti Barbee	
Karen Awana	
Jolyn Ballenti	
Esther Kiaaina	
Geanine Gomes	
Georgie Navarro	
Kaukaohu Wahilani	
	Kapolei Community Development Corporation
	Queens
	Papa Ola Lokahi
	Liliuokalani Trust
Namaka Rawlins	Aha Punana Leo
Angela Correa-Pei	Kamehameha Schools
Sylvia Hussey	Office of Hawaiian Affairs
Lisa Watkins	Office of Hawaiian Affairs
Colin Kippen	Office of Hawaiian Affairs
Sheri Daniels	Papa Ola Lokahi
Sarah Kamakawiwoole	Papa Ola Lokahi
Mervina Cash-Kaeo	Alu Like
Ka'ano'i Walk	Kamehameha Schools
Kau'i Burgess	Kamehameha Schools
Melissa Umemori Hampe	Kamehameha Schools
Sam Kippen	Kamehameha Schools

Kanakolu Noa	Kamehameha Schools
	Lunalilo Home
Hailama Farden	Association of Hawaiian Civic Clubs
Makana Paris	Association of Hawaiian Civic Clubs
Kaiwi Yoon	Bishop Museum
Mehana Hind	Council for Native Hawaiian Advancement
Sterling Wong	Council for Native Hawaiian Advancement
Kaui Sang	Department of Education
Kevin Chang	Kuaaiana Ulu Auamo
Taffi Wise	Kanu o ka Aina Learning Ohana
David Forman	William S Richardson School of Law
Kapua Sproat	William S Richardson School of Law
Kukui Maunakea-Forth	MA'O Organic Farms
Seanna	
Tyler Gomes	-
William Aila, Jr.	-
Keapo Bissen	
Rufino Magliba	Council for Native Hawaiian Advancement
Chansen Fukushima	Kamehameha Schools
Rachel Akana	Kamehameha Schools
Palakiko Chandler	Kamehameha Schools
Annie Aki	Council for Native Hawaiian Advancement
Alex Connelly	Kua'aina Ulu 'Auamo - E Alu Pu
Brenda Asuncion	Kua'aina Ulu 'Auamo - Hui Malama Loko I'a
Malia Heimuli	Kua'aina Ulu 'Auamo - Limu Hui
Ginger	Kua'aina Ulu 'Auamo - Community Engagement & Development
Fukumitsu	Kua'aina Ulu 'Auamo - Lohe Pono
Niegel	Kua'aina Ulu 'Auamo
Chevelle Davis	Papa Ola Lokahi

# EXHIBIT B

HHC Item C-8: For Information Only – Summary of Responses to Proposed  
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\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO INDEPENDENT LEGAL COUNSEL.

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

1       SECTION 1. The legislature finds that Congress through the  
2 Hawaiian Homes Commission Act, 1920, as amended (HHCA), set  
3 aside lands to be used for the benefit of native Hawaiians. As  
4 required by the Admission Act and as a compact with the United  
5 States, the State of Hawaii and the people of Hawaii adopted the  
6 HHCA as a provision of the Hawaii State Constitution and agreed  
7 to faithfully carry out the spirit of the HHCA for the  
8 rehabilitation of the Hawaiian race. These trust  
9 responsibilities remain to this day.

10       Given this unique and significant history, the Hawaiian  
11 homes commission should be allowed to retain independent legal  
12 counsel. At the same time, the option of utilizing the services  
13 of the attorney general as needed remains available.

14       The purpose of this Act is to allow the Hawaiian homes  
15 commission to retain independent legal counsel.

16       SECTION 2. Section 28-8.3, Hawaii Revised Statutes, is  
17 amended as follows:

18       (1) By amending subsection (a) to read as follows:



\_\_\_\_.B. NO.\_\_\_\_

1       "(a) No department of the State other than the attorney  
2 general may employ or retain any attorney, by contract or  
3 otherwise, for the purpose of representing the State or the  
4 department in any litigation, rendering legal counsel to the  
5 department, or drafting legal documents for the department;  
6 provided that the foregoing provision shall not apply to the  
7 employment or retention of attorneys:

8           (1) By the public utilities commission, the labor and  
9 industrial relations appeals board, and the Hawaii  
10 labor relations board;

11          (2) By any court or judicial or legislative office of the  
12 State; provided that if the attorney general is  
13 requested to provide representation to a court or  
14 judicial office by the chief justice or the chief  
15 justice's designee, or to a legislative office by the  
16 speaker of the house of representatives and the  
17 president of the senate jointly, and the attorney  
18 general declines to provide such representation on the  
19 grounds of conflict of interest, the attorney general  
20 shall retain an attorney for the court, judicial, or  
21 legislative office, subject to approval by the court,  
22 judicial, or legislative office;

\_\_\_\_.B. NO.\_\_\_\_

- 1 (3) By the legislative reference bureau;
- 2 (4) By any compilation commission that may be constituted
- 3 from time to time;
- 4 (5) By the real estate commission for any action involving
- 5 the real estate recovery fund;
- 6 (6) By the contractors license board for any action
- 7 involving the contractors recovery fund;
- 8 (7) By the office of Hawaiian affairs;
- 9 (8) By the department of commerce and consumer affairs for
- 10 the enforcement of violations of chapters 480 and
- 11 485A;
- 12 (9) As grand jury counsel;
- 13 (10) By the Hawaii health systems corporation, or its
- 14 regional system boards, or any of their facilities;
- 15 (11) By the auditor;
- 16 (12) By the office of ombudsman;
- 17 (13) By the insurance division;
- 18 (14) By the University of Hawaii;
- 19 (15) By the Kahoolawe island reserve commission;
- 20 (16) By the division of consumer advocacy;
- 21 (17) By the office of elections;
- 22 (18) By the campaign spending commission;

\_\_\_\_.B. NO.\_\_\_\_

(19) By the Hawaii tourism authority, as provided in  
section 201B-2.5;

(20) By the division of financial institutions;

(21) By the office of information practices;

(22) By the school facilities authority; ~~[or]~~

(23) By the Hawaiian homes commission; provided that:

(A) The Hawaiian homes commission may use the  
services of the attorney general as needed; and

(B) Legal fees owed to independent counsel shall be  
paid by the State; or

~~[(23)]~~ (24) By a department, if the attorney general, for  
reasons deemed by the attorney general to be good and  
sufficient, declines to employ or retain an attorney  
for a department; provided that the governor waives  
the provision of this section."

(2) By amending subsection (c) to read as follows:

"(c) Every attorney employed by any department on a full-  
time basis, except an attorney employed by the public utilities  
commission, the labor and industrial relations appeals board,  
the Hawaii labor relations board, the office of Hawaiian  
affairs, the Hawaii health systems corporation or its regional  
system boards, the department of commerce and consumer affairs

\_\_\_\_.B. NO.\_\_\_\_

1 in prosecution of consumer complaints, insurance division, the  
2 division of consumer advocacy, the University of Hawaii, the  
3 Hawaii tourism authority as provided in section 201B-2.5, the  
4 office of information practices, the Hawaiian homes commission,  
5 or as grand jury counsel, shall be a deputy attorney general."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

10 INTRODUCED BY: \_\_\_\_\_

11

BY REQUEST

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

Hawaiian Homes Commission; Independent Legal Counsel

**Description:**

Allows the Hawaiian Homes Commission to retain independent legal counsel. Authorizes the Hawaiian Homes Commission to use the services of the Attorney General as needed. Provides that funds owed to independent legal counsel shall be paid by the State.

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

## JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO INDEPENDENT  
LEGAL COUNSEL.

PURPOSE: To allow the Hawaiian Homes Commission to  
retain independent legal counsel to be  
paid by the State and also use the  
services of the Attorney General as  
needed.

MEANS: Amend section 28-8.3(a) and (c), Hawaii  
Revised Statutes.

JUSTIFICATION: The Hawaiian Homes Commission has a trust  
duty to its beneficiaries and in the  
fulfillment of its trust obligations, the  
Hawaiian Homes Commission may at times be at  
odds with the interests of the State. It is  
at these times that the Hawaiian Homes  
Commission must be assured that its counsel  
provides legal guidance strictly in the  
interest of its client. Independent counsel  
that is hired and retained by the Hawaiian  
Homes Commission eliminates any cloud of  
uncertainty that there is a conflict of  
interest that the Hawaiian Homes Commission  
is represented by the Department of the  
Attorney General that also represents the  
State of Hawaii.

Impact on the public: This proposal further  
protects the interest of beneficiaries of  
the Hawaiian Homes Commission Act by  
allowing the Hawaiian Homes Commission to  
retain independent legal counsel.

Impact on the department and other agencies:  
This proposal could reduce the legal  
services provided by the Department of the  
Attorney General.

GENERAL FUND: \$500,000.



OTHER FUNDS:               None.

PPBS PROGRAM  
DESIGNATION:               HHL 625.

OTHER AFFECTED  
AGENCIES:                 None.

EFFECTIVE DATE:           Upon approval.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

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

1       SECTION 1. The legislature finds that section 174C-101(a),  
2       Hawaii Revised Statutes, requires decisions of the commission on  
3       water resource management to incorporate and protect adequate  
4       reserves of water for current and foreseeable development and  
5       use of Hawaiian home lands. The purpose of this Act is to add  
6       the chair of the Hawaiian homes commission, or the chair's  
7       designee, to the commission on water resource management in a  
8       similar ex officio membership as the director of health or the  
9       director's designee.

10       SECTION 2. Section 174C-7, Hawaii Revised Statutes, is  
11       amended by amending subsections (a) and (b) to read as follows:

12       "(a) There is established within the department a  
13       commission on water resource management consisting of [~~seven~~  
14       eight] members which shall have exclusive jurisdiction and final  
15       authority in all matters relating to implementation and  
16       administration of the state water code, except as otherwise  
17       specifically provided in this chapter.

\_\_\_\_.B. NO.\_\_\_\_

1 (b) Five members shall be appointed by the governor  
2 subject to confirmation by the senate in the manner prescribed  
3 in subsection (d). Each [~~member~~] of these five members shall  
4 have substantial experience in the area of water resource  
5 management; provided that at least one member shall have  
6 substantial experience or expertise in traditional Hawaiian  
7 water resource management techniques and in traditional Hawaiian  
8 riparian usage such as those preserved by section 174C-101. The  
9 chairperson of the board of land and natural resources shall be  
10 the chairperson of the commission. The director of health and  
11 the chair of the Hawaiian homes commission or [~~the director's~~  
12 ~~designee~~] their respective designees shall serve as [~~an~~] ex  
13 officio[+], [+] voting [~~member.~~] members."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

18 INTRODUCED BY: \_\_\_\_\_

19 BY REQUEST

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

Commission on Water Resource Management; Membership

**Description:**

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Commission on Water Resource Management.

Increases number of commission members from seven to eight, with only five of eight required to have substantial experience in water resource management.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT.

PURPOSE: To add the Chair of the Hawaiian Homes Commission or the Chair's designee to the Commission on Water Resource Management.

MEANS: Amend section 174C-7(a) and (b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: The State Water Code requires that decisions of the Commission on Water Resource Management incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian Home Lands. Allowing the Chair of the Hawaiian Homes Commission or the Chair's designee to serve on the Commission on Water Resource Management, would provide an opportunity for the Chair or the Chair's designee to participate in setting policies, defining uses, and establishing priorities and procedures over land-based surface water and ground water resources, which are key components of the development and use of Hawaiian Home Lands.

Clarifies in section 174C-7(b), HRS, that only five water commission members selected by the Governor must have substantial experience in the area of water resource management.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act by allowing the Chair of the Hawaiian Homes Commission or the Chair's designated representative to serve as an ex officio voting member of the Commission on Water Resource Management.

Impact on the department and other agencies:  
An additional member would serve on the  
Commission on Water Resource Management.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: Commission on Water Resource Management.

EFFECTIVE DATE: Upon approval.



\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO HOUSING.

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

1       SECTION 1. The legislature finds that homestead lots or  
2 housing developed for the department of Hawaiian home lands  
3 awarded to native Hawaiians are offered at affordable rates when  
4 compared to similar housing opportunities available in Hawaii.  
5 The purpose of this Act is to exempt any development of  
6 homestead lots or housing for the department of Hawaiian home  
7 lands from general excise and use taxes.

8       SECTION 2. Chapter 237, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11       "§237-   Exemptions for any development of homestead lots  
12 or housing for the department of Hawaiian home lands. (a) Any  
13 amounts related to planning, design, financing, or construction  
14 activities conducted by a qualified person or firm for a new  
15 construction, moderate rehabilitation, or substantial  
16 rehabilitation project for homestead lots or housing for the  
17 department of Hawaiian home lands shall be exempted from the tax  
18 imposed by this chapter. The project may also be developed:

\_\_\_\_.B. NO.\_\_\_\_

(1) Under a government assistance program approved by the department of Hawaiian home lands;

(2) Under the sponsorship of a nonprofit organization providing home rehabilitation or new homes on Hawaiian home lands for qualified families in need of decent, low-cost housing; or

(3) To provide affordable rental housing where at least fifty per cent of the available units are for households with incomes at or below eighty per cent of the area median family income as determined by the United States Department of Housing and Urban Development.

(b) All claims for exemption under this section shall be filed with and certified by the department of Hawaiian home lands and forwarded to the department of taxation by the claimant. Any claim for exemption that is filed and approved shall not be considered a subsidy.

(c) The department of Hawaiian home lands may establish, revise, charge, and collect a reasonable service fee in connection with its approvals and certifications of the exemption under this section. The fees shall be deposited into

\_\_\_\_.B. NO.\_\_\_\_

1 the Hawaiian home operating fund pursuant to section 213(e) of  
2 the Hawaiian Homes Commission Act, 1920, as amended.

3 (d) For purposes of this section:

4 "Homestead lot" means a lot of residential, agricultural,  
5 or pastoral use to be awarded pursuant to the Hawaiian Homes  
6 Commission Act, 1920, as amended, including but not limited to  
7 on- and off-site infrastructure requirements, appurtenances, and  
8 dwelling units.

9 "Moderate rehabilitation" shall have the same meaning at  
10 defined in section 201H-36.

11 "Qualified person or firm" means any individual,  
12 partnership, joint venture, corporation, association, limited  
13 liability partnership, limited liability company, business,  
14 trust, or any organized group of persons or legal entities, or  
15 any combination thereof, that possesses all professional or  
16 vocational licenses necessary to do business in the State.

17 "Substantial rehabilitation" shall have the same meaning as  
18 defined in section 201H-36."

19 SECTION 3. Section 238-3, Hawaii Revised Statutes, is  
20 amended by amending subsection (j) to read as follows:

10

BY REQUEST

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

Department of Hawaiian Home Lands; General Excise Tax Exemption;  
Use Tax Exemption

**Description:**

Exempts any development of homestead lots or housing for the  
Department of Hawaiian Home Lands from general excise and use  
taxes.

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not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HOUSING.

PURPOSE: To exempt any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

MEANS: Add a new section to chapter 237 and amend section 238-3(j), Hawaii Revised Statutes.

JUSTIFICATION: The savings resulting from the exemption from general excise and use taxes that the Department of Hawaiian Home Lands can potentially accrue from this measure would be applied to the development of additional housing and associated infrastructure. This additional saving would allow the Department to more fully commit the funding received toward its mission, encouraging and enabling the production of more homestead lots or housing units for beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by exempting any development of homestead lots or housing for the Department of Hawaiian Home Lands from general excise and use taxes.

Impact on the department and other agencies: More funding could be allocated toward the development of homestead lots or housing.

GENERAL FUND: \$1,000,000 is the estimated amount of lost tax revenue.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES:

Department of Taxation and Department of  
Budget and Finance.

EFFECTIVE DATE:

January 1, 2025.



\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION REVIEWS.

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

1       SECTION 1. The legislature finds that section 6E-8, Hawaii  
2 Revised Statutes, plays an important role in the protection and  
3 management of the State's historic properties and burial sites.  
4 Section 6E-8(b) requires the department of Hawaiian home lands,  
5 prior to any proposed project relating to lands under its  
6 jurisdiction, to consult with the department of land and natural  
7 resources regarding the effect of the project upon historic  
8 property or a burial site. The purpose of this Act is to allow  
9 the department of Hawaiian home lands to assume review of the  
10 effect of any proposed project on historic properties or burial  
11 sites for lands under its jurisdiction.

12       SECTION 2. Section 6E-8, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14       "(b) [The] Notwithstanding subsection (a), the department  
15 of Hawaiian home lands~~[, prior to]~~ may assume review of any  
16 proposed project relating to lands under its jurisdiction~~[~~  
17 ~~shall consult with the department regarding the effect of the~~  
18 ~~project upon historic property or a burial site.]~~ pursuant to

\_\_\_\_.B. NO.\_\_\_\_

this section, and pursuant to any administrative rule adopted  
thereunder; provided that the department of Hawaiian home lands  
shall:

(1) Designate the review to a Hawaiian home lands  
preservation officer who has professional competence  
and experience in the field of historic preservation;  
and

(2) Ensure that copies of all reports, maps, and  
documents, including those reflecting the Hawaiian  
home lands preservation official's comments,  
recommendations, and decisions, are provided to the  
department to be incorporated into the historic  
preservation digital document management system and  
library.

The department shall retain authority for review under this  
section for projects affecting properties listed or nominated  
for inclusion in the Hawaii register of historic places or the  
national register of historic places."

SECTION 3. Statutory material to be repealed is bracketed  
and stricken. New statutory material is underscored.

2

4

HHL-04 (24)

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Historic Preservation; Department of Hawaiian Home Lands;  
Project Reviews of Proposed State Projects

**Description:**

Allows the Department of Hawaiian Home Lands to assume historic preservation review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION REVIEWS.

PURPOSE: To allow the Department of Hawaiian Home Lands to assume review of the effect of any proposed project for lands under its jurisdiction except for projects affecting properties listed or nominated for inclusion in the Hawaii register of historic places or the national register of historic places.

MEANS: Amend section 6E-8(b), Hawaii Revised Statutes.

JUSTIFICATION: Instead of requiring the Department of Hawaiian Home Lands to consult with the Department of Land and Natural Resources regarding the effect of a project upon historic properties or burial sites, this bill would streamline the process by allowing the Department of Hawaiian Home Lands to assume this review, which would allow for the ability to expedite the construction of proposed projects.

Impact on the public: This bill advances the interest of beneficiaries of the Hawaiian Homes Commission Act 1920, as amended, by streamlining the review process for any proposed project on Hawaiian Home Lands.

Impact on the department and other agencies: The Department of Hawaiian Home Lands would assume this function for lands under its jurisdiction freeing up those resources for the Department of Land and Natural Resources to service other agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED

AGENCIES: Department of Land and Natural Resources.

EFFECTIVE DATE: Upon approval.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

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RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS.

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

1       SECTION 1. The legislature finds that illegal activity  
2       occurring on Hawaiian home lands threatens the health and safety  
3       of the community. The purpose of this Act is to establish a  
4       compliance and enforcement program within the department of  
5       Hawaiian home lands to investigate complaints, conduct  
6       investigations, and cooperate with enforcement authorities to  
7       ensure compliance with state law, including the Hawaiian Homes  
8       Commission Act, 1920, as amended, and the rules adopted  
9       thereunder, as well as all other state laws and rules and county  
10      ordinances on Hawaiian home lands.

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

14                                   **"CHAPTER**

15                                   **COMPLIANCE ON HAWAIIAN HOME LANDS**

16      §    -1   **Compliance and enforcement program on Hawaiian home**  
17      **lands; established.** The department of Hawaiian home lands shall  
18      establish a compliance and enforcement program on Hawaiian home



\_\_\_\_.B. NO.\_\_\_\_

1 lands to enforce state laws and rules, and county ordinances on  
2 Hawaiian home lands and shall employ or appoint, and remove, the  
3 following persons, subject to chapter 76 and section 78-1,  
4 Hawaii Revised Statutes, who shall be provided with suitable  
5 badges or insignia of office by the department of Hawaiian home  
6 lands:

- 7 (1) An enforcement chief of the department of Hawaiian  
8 home lands, who shall be the head of the compliance  
9 and enforcement program and shall have charge,  
10 direction, and control, subject to the direction and  
11 control of the chair of the Hawaiian homes commission,  
12 of all matters relating to compliance with the  
13 Hawaiian Homes Commission Act, 1920, as amended and  
14 rules adopted thereunder as well as all other state  
15 laws and rules, and county ordinances on Hawaiian home  
16 lands and such other matters as the chair of the  
17 Hawaiian homes commission may from time to time  
18 direct. The enforcement chief shall be an  
19 administrator experienced in law enforcement and  
20 management; and  
21 (2) Personnel and enforcement officers of the compliance  
22 and enforcement program on Hawaiian home lands,

\_\_\_\_.B. NO.\_\_\_\_

1 including but not limited to enforcement officers on a  
2 voluntary basis and without pay.

3 § -2 Compliance and enforcement program on Hawaiian home  
4 lands enforcement officers. (a) The compliance and enforcement  
5 program on Hawaiian home lands enforcement officers, with  
6 respect to all Hawaiian home lands shall:

7 (1) Investigate complaints, gather evidence, conduct  
8 investigations, and conduct field observations and  
9 inspections as required or assigned;

10 (2) Cooperate with enforcement authorities of the State,  
11 counties, and federal government in development of  
12 programs and mutual aid agreements for compliance and  
13 enforcement activities on Hawaiian home lands;

14 (3) Cooperate with established search and rescue agencies  
15 of the counties and the federal government in  
16 developing plans and programs and mutual aid  
17 agreements for search and rescue activities on  
18 Hawaiian home lands;

19 (4) Check and verify all homestead leases, general leases,  
20 permits, and licenses and all other land dispositions  
21 issued by the department of Hawaiian home lands;

\_\_\_\_.B. NO.\_\_\_\_

1           (5)   Enforce the laws relating to firearms, ammunition, and  
2                   dangerous weapons contained in chapter 134; and

3           (6)   Carry out other duties and responsibilities as the  
4                   department of Hawaiian home lands from time to time  
5                   may direct.

6           §    -3   **Department of Hawaiian home lands; police powers.**

7   (a)   The Hawaiian homes commission shall have police powers.

8   The chair of the Hawaiian homes commission may appoint and  
9   commission enforcement officers within the compliance and  
10   enforcement program on Hawaiian home lands.  Persons appointed  
11   and commissioned under this section shall have and may exercise  
12   all of the powers and authority of a police officer, including  
13   the power of arrest, and may enforce all state laws and rules,  
14   and county ordinances on Hawaiian home lands; provided that such  
15   powers shall remain in force and effect only while in actual  
16   performance of their duties, which shall include off-duty  
17   employment when such employment is for other state departments  
18   or agencies.  These enforcement officers shall consist of  
19   personnel whose primary duty will be the enforcement of state  
20   and local laws on Hawaiian home lands and to carry out work  
21   related to compliance with Hawaiian home lands leases and  
22   permits, and other requirements.

\_\_\_\_.B. NO.\_\_\_\_

1       §    **D Rules.**   The department of Hawaiian home lands may  
2 promulgate rules and regulations, pursuant to chapter 91,  
3 necessary for administration of this chapter."

4       SECTION 3.   There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$500,000 or so much  
6 thereof as may be necessary for fiscal year 2024-2025 for the  
7 compliance and enforcement program on Hawaiian home lands.

8       The sums appropriated shall be expended by the department  
9 of Hawaiian home lands for the purposes of this Act.

10       SECTION 4. This Act shall take effect upon its approval.

11

12                                   INTRODUCED BY: \_\_\_\_\_

13

BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Compliance and Enforcement; Hawaiian Home Lands

**Description:**

Establishes a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with all state laws and rules, and county ordinances on Hawaiian home lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO COMPLIANCE ON HAWAIIAN HOME LANDS.

PURPOSE: To establish a compliance and enforcement program within the Department of Hawaiian Home Lands to investigate complaints, conduct investigations, and cooperate with enforcement authorities to ensure compliance with the Hawaiian Homes Commission Act, 1920, as amended, and rules adopted thereunder as well as all other state laws and rules, and county ordinances on Hawaiian home lands.

MEANS: Add a new chapter to the Hawaii Revised Statutes.

JUSTIFICATION: Criminal activity that is threatening the health and safety of the community must be addressed. The establishment of a compliance program within the Department of Hawaiian Home Lands will help to ensure responsive action is taken to address the noted concerns.

Impact on the public: This proposal protects the health and safety of communities.

Impact on the department and other agencies: Additional resources will be needed to implement this program.

GENERAL FUND: \$500,000.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: Department of Budget and Finance. Department of Law Enforcement.

EFFECTIVE DATE:       Upon approval.



\_\_\_\_.B. NO.\_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO SCHOOL IMPACT FEES.

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

1       SECTION 1. The legislature finds that exempting housing  
2 developed by the department of Hawaiian home lands from school  
3 impact fees allows for more homes to be developed for  
4 beneficiaries. The department of Hawaiian home lands currently  
5 leases educational facilities for public schools, public charter  
6 schools, early learning facilities, and other similar facilities  
7 at minimal to no cost. The purpose of this Act is to make  
8 permanent the exemption of housing developed by the department  
9 of Hawaiian home lands from school impact fees.

10       SECTION 2. Act 197, Session Laws of Hawaii 2021, is  
11 amended by amending section 6 to read as follows:

12       "SECTION 6. This Act shall take effect upon its approval[+  
13 ~~provided that on July 1, 2024, section 1 of this Act shall be~~  
14 ~~repealed and section 302A-1603(b), Hawaii Revised Statutes,~~  
15 ~~shall be reenacted in the form in which it read on the day prior~~  
16 ~~to the effective date of this Act]."~~

17       SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken.

2

4

BY REQUEST

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

School Impact Fees; Housing; Department of Hawaiian Home Lands

**Description:**

Makes permanent Act 197, Session Laws of Hawaii 2021, which excludes housing developed by the Department of Hawaiian Home Lands from school impact fees.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO SCHOOL IMPACT FEES.

PURPOSE: Repeals the July 1, 2024, sunset date of Act 197, Session Laws of Hawaii 2021, to make permanent the exemption of housing developed by the Department of Hawaiian Home Lands from school impact fees.

MEANS: Amend section 6 of Act 197, Session Laws of Hawaii 2021.

JUSTIFICATION: Making permanent the exemption of housing developed by the Department of Hawaiian Home Lands from school impact fees because exempting housing developed by the Department of Hawaiian Home Lands from school impact fees allows for more homes to be developed for beneficiaries. The Department of Hawaiian Home Lands currently leases educational facilities for public schools, public charter schools, early learning facilities, and other similar facilities at minimal to no cost.

Impact on the public: This bill will protect the interests of beneficiaries of the Hawaiian Homes Commission Act by making permanent the exclusion of housing developed by the Department of Hawaiian Home Lands from school impact fees.

Impact on the department and other agencies: By exempting any housing developed by the Department of Hawaiian Home Lands from school impact fee requirements, that savings can be allocated toward developing more housing.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 602.

OTHER AFFECTED

AGENCIES: Department of Education; School Facilities  
Authority.

EFFECTIVE DATE: Upon approval.

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1       SECTION 1. The legislature finds that Act 279, Session  
2 Laws of Hawaii 2022, appropriated out of the general revenues of  
3 the State of Hawaii the sum of \$600,000,000 or so much thereof  
4 as may be necessary for fiscal year 2021-2022 to provide a  
5 multi-pronged approach to reducing the over 28,000 applicants on  
6 the department of Hawaiian home lands waitlist.

7       The legislature further finds that Act 279, Session Laws of  
8 Hawaii 2022, stipulated that any moneys not encumbered for  
9 specific purposes shall lapse to the general fund on June 30,  
10 2025. Article VII, section 11 of the State Constitution  
11 provides that no appropriation shall be for a period exceeding  
12 three years. This provision therefore permits the expenditure  
13 of biennial appropriations one year beyond the biennial period,  
14 so no later than June 30, 2024, for the fiscal biennium 2021-  
15 2023. Accordingly, the purpose of this Act is to allow for the  
16 expenditure of these funds until June 30, 2025, as provided for  
17 by the legislature in Act 279, Session Laws of Hawaii 2022.

\_\_\_\_.B. NO.\_\_\_\_

SECTION 2. Act 279, Session Laws of Hawaii 2022, is amended by amending section 6 to read as follows:

"SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$600,000,000 or so much there of as may be necessary for fiscal year 2021-2022 for the purposes of this Act; provided that any moneys not expended or encumbered for specific purposes shall lapse to the general fund on June 30, [~~2025~~] 2024."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$\_\_\_\_\_ or so much thereof as may be necessary for fiscal year 2024-2025. The sum appropriated shall be expended for the department of Hawaiian home lands for the purposes of this Act.

SECTION 4. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions or this Act are severable.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on June 29, 2024.



\_\_\_\_.B. NO.\_\_\_\_

1

2

INTRODUCED BY: \_\_\_\_\_

3

BY REQUEST

\_\_\_\_.B. NO. \_\_\_\_\_

**Report Title:**

Department of Hawaiian Home Lands; Appropriation

**Description:**

Confirms the intent of the Legislature that funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: Allow for the expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022, until June 30, 2025.

MEANS: Amend Act 279, Session Laws of Hawaii 2022.

JUSTIFICATION: The Legislature intended that funds appropriated in Act 279, Session Laws of Hawaii 2022, be available for expenditure until June 30, 2025. This confirms the legislative intent.

Impact on the public: This proposal further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing for expenditure of funds appropriated in Act 279, Session Laws of Hawaii 2022, until June 30, 2025.

Impact on the department and other agencies: This revision will allow the Department of Hawaiian Home Lands to expend funds by June 30, 2025 as intended by the Legislature instead of the year prior or June 30, 2024.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 602.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

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

1       SECTION 1. The purpose of this Act is to provide follow-up  
2 funding for the next steps in the investigation, exploration,  
3 and identification of geothermal resources on Hawaiian home  
4 lands, as these resources may be used for the generation,  
5 transmission, or production of electricity and renewable energy  
6 resources, including but not limited to, hydrogen generation.

7       SECTION 2. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$6,000,000 or so much  
9 thereof as may be necessary for fiscal year 2024-2025 to fund  
10 water well development for geophysical investigation,  
11 exploration, and identification of geothermal resources on  
12 Hawaiian home lands.

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

15       SECTION 3. This Act shall take effect on July 1, 2024.

17                                   INTRODUCED BY: \_\_\_\_\_

18   BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Department of Hawaiian Home Lands; Hawaiian Home Lands;  
Geothermal Resources; Appropriation

**Description:**

Appropriates funds to the Department of Hawaiian Home Lands for the investigation, exploration, and identification of geothermal resources on Hawaiian home lands.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS.

PURPOSE: To provide follow-up funds for the next steps in the investigation, exploration, and identification of geothermal resources on Hawaiian Home Lands.

MEANS: Appropriates funds.

JUSTIFICATION: There is appropriated out of the general revenues of the State of Hawaii the sum of \$6,000,000 or so much there of as may be necessary for fiscal year 2024-2025 to fund water well development for geophysical investigation, exploration, and identification of geothermal resources on Hawaiian home lands. The sum appropriated shall be expended by the department of the Hawaiian home lands for the purposes of Act 205.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act by providing funds for the investigation, exploration, and identification of geothermal resources on Hawaiian home lands, as these resources may be used for the generation, transmission, or production of electricity and renewable energy resources.

Impact on the department and other agencies: This bill could allow for the department to produce generation, transmission, or production of electricity and renewable energy resources on Hawaiian home lands.

GENERAL FUND: \$6,000,000.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: July 1, 2024.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT  
CORPORATION.

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

1           SECTION 1. The legislature finds that the Hawaii housing  
2 finance and development corporation is tasked with developing  
3 and financing low- and moderate- income housing projects and  
4 administering homeownership programs. The purpose of this Act is  
5 to add the chair of the Hawaiian homes commission, or the  
6 chair's designee to the Hawaii housing finance and development  
7 corporation.

8           SECTION 2. Section 201H-3, Hawaii Revised Statutes, is  
9 amended by amending subsections (a) and (b) and (c) to read as  
10 follows:

11           “(a) There is created a board of directors of the Hawaii  
12 housing finance and development corporation consisting of [~~nine~~]  
13 ten members, of whom six shall be public members appointed by  
14 the governor as provided in section 26-34. At least four of the  
15 public members shall have knowledge and expertise in public or  
16 private financing and development of affordable housing. Public  
17 members shall be appointed from each of the counties of



\_\_\_\_\_.B. NO.\_\_\_\_\_

1 Honolulu, Hawaii, Maui, and Kauai. At least one public member  
2 shall represent community advocates for low-income housing,  
3 affiliated with private nonprofit organizations that serve the  
4 residents of low-income housing. The public members of the  
5 board shall serve four-year staggered terms; provided that the  
6 initial appointments shall be as follows:

- 7 (1) Two members to be appointed for four years;  
8 (2) Two members to be appointed for three years; and  
9 (3) Two members to be appointed for two years.

10 The director of business, economic development, and tourism,  
11 ~~[and]~~ the director of finance, and the chair of the Hawaiian  
12 homes commission, or their designated representatives, and a  
13 representative of the governor's office, shall be ex officio[,]  
14 voting members. The corporation shall be headed by the board.

15 (b) The board of directors shall select a chairperson  
16 and vice chairperson from among its members; provided that the  
17 chairperson shall be a public member. The director of business,  
18 economic development, and tourism, director of finance, chair of  
19 the Hawaiian homes commission, and the governor's representative  
20 shall be ineligible to serve as chairperson of the board.

21 (c) ~~[Five]~~ Six members shall constitute a quorum,  
22 whose affirmative vote shall be necessary for all actions by the

\_\_\_\_\_.B. NO.\_\_\_\_\_

1 corporation. The members shall receive no compensation for  
2 services, but shall be entitled to necessary expenses, including  
3 travel expenses, incurred in the performance of their duties."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

8 INTRODUCED BY: \_\_\_\_\_

9 BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Hawaii Housing Finance and Development Corporation; Membership

**Description:**

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Housing Finance and Development Corporation.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION.

PURPOSE: To add the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Housing Finance and Development Corporation's board of directors.

MEANS: Amend section 201H-3 (a), (b), and (c), Hawaii Revised Statutes.

JUSTIFICATION: Allowing the Chair of the Hawaiian Homes Commission or the Chair's designee to serve on the Hawaii Housing Finance and Development Corporation, would provide an opportunity for the Chair or the Chair's designee to participate in setting policies, defining uses and establishing priorities and procedures for the development, subdivision, and construction of dwelling units in housing projects in which the State, through the corporation, shall participate.

Impact on the public: This bill protects the interests of beneficiaries of the Hawaiian Homes Commission Act by allowing the Chair of the Hawaiian Homes Commission or the Chair's designated representative to serve on the board of directors of the Hawaii Housing Finance and Development Corporation.

Impact on the department and other agencies: An additional member would serve on the Hawaii Housing Finance and Development Corporation.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: Hawaii Housing Finance and Development  
Corporation.

EFFECTIVE DATE: Upon approval.

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

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

1       SECTION 1. The purpose of this Act is to add the chair of  
2 the Hawaiian homes commission, or the chair's designee to the  
3 Hawaii Community Development Authority.

4       SECTION 2. Section 206E-3, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6       “(b) The authority shall consist of the director of  
7 finance or the director's designee; the director of  
8 transportation or the director's designee; the chairperson of  
9 the board of land and natural resources; the chair of the  
10 Hawaiian homes commission or the chair's designee; the director  
11 of planning or planning and permitting of each county in which a  
12 community development district is located or the director's  
13 designee.; a cultural specialist; an at-large member nominated  
14 by the president of the senate; an at-large member nominated by  
15 the speaker of the house of representatives; two representatives  
16 of the Heeia community development district, comprising one  
17 resident of that district or the Koolaupoko district, which  
18 consists of sections 1 through 9 of zone 4 of the first tax map

.B. NO.          

1 key division, and one owner of a small business or one officer  
2 or director of a nonprofit organization in the Heeia community  
3 development district or Koolaupoko district; two representatives  
4 of the Kalaeloa community development district, comprising one  
5 resident of the Ewa zone (zone 9, sections 1 through 2) or the  
6 Waianae zone (zone 8, sections 1 through 9) of the first tax map  
7 key division, and one owner of a small business or one officer  
8 or director of a nonprofit organization in the Ewa or Waianae  
9 zone; two representatives of the Kakaako community development  
10 district, comprising one resident of the district and one owner  
11 of a small business or one officer or director of a nonprofit  
12 organization in the district; and two representatives of the  
13 Pulehunui community development district, consisting of one  
14 resident of the island of Maui, and one owner of a small  
15 business or one officer or director of a nonprofit organization  
16 on the island of Maui.

17 All members except the director of finance, director of  
18 transportation, county directors of planning or planning and  
19 permitting, director of business, economic development, and  
20 tourism, chairperson of the board of land and natural resources,  
21 chair of the Hawaiian homes commission, or their respective  
22 designees, shall be appointed by the governor pursuant to

.B. NO.          

1 section 26-34. The two at-large members nominated by the  
2 president of the senate and speaker of the house of  
3 representatives shall each be invited to serve and appointed by  
4 the governor from a list of three nominees submitted for each  
5 position by the nominating authority specified in this  
6 subsection.

7           The president of the senate and the speaker of the  
8 house of representatives shall each submit a list of six  
9 nominees for each district to the governor to fill the two  
10 district representative positions for each community development  
11 district. For each community development district, the governor  
12 shall appoint one member from a list of nominees submitted by  
13 the president of the senate and one member from a list of  
14 nominees submitted by the speaker of the house of  
15 representatives, and of the two appointees, one shall meet the  
16 district residency requirement and one shall meet the district  
17 small business owner or nonprofit organization officer or  
18 director requirement.

19           The authority shall be organized and shall exercise  
20 jurisdiction as follows:

21           (1) For matters affecting the Heeia community  
22 development district, the following members shall be considered



\_\_\_\_\_.B. NO.\_\_\_\_\_

1 in determining quorum and majority and shall be eligible to  
2 vote:

3 (A) The director of finance or the director's designee;

4 (B) The director of transportation or the director's  
5 designee;

6 (C) The director of business, economic development, and  
7 tourism or the director's designee;

8 (D) The director of planning and permitting for the  
9 county in which the Heeia community development district is  
10 located or the director's designee;

11 (E) The cultural specialist;

12 (F) The two at-large members; and

13 (G) The two representatives of the Heeia  
14 community development district;

15 (2) For matters affecting the Kalaeloa community  
16 development district, the following members shall be considered  
17 in determining quorum and majority and shall be eligible to  
18 vote:

19 (A) The director of finance or the director's  
20 designee;

21 (B) The director of transportation or the  
22 director's designee;

.B. NO.      

1                   (C)   The director of business, economic  
2 development, and tourism or the director's designee;

3                   (D)   The director of planning and permitting for  
4 the county in which the Kalaeloa community development district  
5 is located or the director's designee;

6                   (E)   The chair of the Hawaiian homes commission  
7 or the chair's designee;

8                   [~~(E)~~] (F)   The cultural specialist;

9                   [~~(F)~~] (G)   The two at-large members; and

10                  [~~(G)~~] (H)   The two representatives of the  
11 Kalaeloa community development district;

12                  (3)   For matters affecting the Kakaako community  
13 development district, the following members shall be considered  
14 in determining quorum and majority and shall be eligible to  
15 vote:

16                  (A)   The director of finance or the director's  
17 designee;

18                  (B)   The director of transportation or the  
19 director's designee;

20                  (C)   The director of business, economic  
21 development, and tourism or the director's designee;

.B. NO.          

1                   (D)   The director of planning and permitting for  
2 the county in which the Kakaako community development district  
3 is located or the director's designee;

4                   (E)   The cultural specialist;

5                   (F)   The two at-large members; and

6                   (G)   The two representatives of the Kakaako  
7 community development district; and

8                   (4)   For matters affecting the Pulehunui community  
9 development district, the following members shall be considered  
10 in determining quorum and majority and shall be eligible to  
11 vote:

12                   (A)   The director of finance or the director's  
13 designee;

14                   (B)   The director of transportation or the  
15 director's designee;

16                   (C)   The director of business, economic  
17 development, and tourism or the director's designee;

18                   (D)   The director of planning for the county in  
19 which the Pulehunui community development district is located or  
20 the director's designee;

21                   (E)   The chairperson of the board of land and  
22 natural resources or the chairperson's designee;

\_\_\_\_\_.B. NO.\_\_\_\_\_

- 1                   (F)   The cultural specialist;  
2                   (G)   The two at-large members; and  
3                   (H)   The two representatives of the Pulehunui  
4 community development district.

5                   In the event of a vacancy, a member shall be appointed  
6 to fill the vacancy in the same manner as the original  
7 appointment within thirty days of the vacancy or within ten days  
8 of the senate's rejection of a previous appointment, as  
9 applicable.

10                  The terms of the director of finance; director of  
11 transportation; county directors of planning and permitting;  
12 director of business, economic development, and tourism; ~~and~~  
13 chairperson of the board of land and natural resources; and  
14 chair of the Hawaiian homes commission; or their respective  
15 designees shall run concurrently with each official's term of  
16 office. The terms of the appointed voting members shall be for  
17 four years, commencing on July 1 and expiring on June 30. The  
18 governor shall provide for staggered terms of the initially  
19 appointed voting members so that the initial terms of four  
20 members selected by lot shall be for two years, the initial  
21 terms of four members selected by lot shall be for three years,

\_\_\_\_\_.B. NO.\_\_\_\_\_

1 and the initial terms of the remaining three members shall be  
2 for four years.

3 The governor may remove or suspend for cause any  
4 member after due notice and public hearing.

5 Notwithstanding section 92-15, a majority of all  
6 eligible voting members as specified in this subsection shall  
7 constitute a quorum to do business, and the concurrence of a  
8 majority of all eligible voting members as specified in this  
9 subsection shall be necessary to make any action of the  
10 authority valid. All members shall continue in office until  
11 their respective successors have been appointed and qualified.  
12 Except as herein provided, no member appointed under this  
13 subsection shall be an officer or employee of the State or its  
14 political subdivisions.

15 For purposes of this section, "small business" means a  
16 business that is independently owned and that is not dominant in  
17 its field of operation."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21

22

\_\_\_\_.B. NO.\_\_\_\_

1 INTRODUCED BY: \_\_\_\_\_

2 BY REQUEST

\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Hawaii Community Development Authority; Membership

**Description:**

Adds the Chair of the Hawaiian Homes Commission or the Chair's designee to the Hawaii Community Development Authority.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII  
COMMUNITY DEVELOPMENT AUTHORITY.

PURPOSE: To add the Chair of the Hawaiian Homes  
Commission or the Chair's designee to the  
Hawaii Community Development Authority.

MEANS: Amend section 206E-3 (b), Hawaii Revised  
Statutes.

JUSTIFICATION: Allowing the Chair of the Hawaiian Homes  
Commission or the Chair's designee to serve  
on the Hawaii Community Development  
Authority, would provide an opportunity for  
the Chair or the Chair's designee to  
participate in promoting and coordinating  
public and private sector community  
development and to plan for the development  
of underutilized areas of Hawaii.

Impact on the public: This bill protects  
the interests of beneficiaries of the  
Hawaiian Homes Commission Act by allowing  
the Chair of the Hawaiian Homes Commission  
or the Chair's designated representative to  
serve on the Hawaii Community Development  
Authority.

Impact on the department and other agencies:  
An additional member would serve on the  
Hawaii Community Development Authority.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: HHL 625.

OTHER AFFECTED  
AGENCIES: Hawaii Community Development Authority.

EFFECTIVE DATE: Upon approval.



\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

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

1       SECTION 1. The legislature finds that the department of  
2       Hawaiian home lands provides loans for the repair, maintenance,  
3       purchase, and erection of a dwelling, however the Hawaiian Homes  
4       Commission Act of 1920, as amended (HHCA), stipulates that these  
5       loans cannot exceed fifty per cent of the maximum single  
6       residence loan amount allowed in Hawaii by the United States  
7       Department of Housing and Urban Development's Federal Housing  
8       Administration (FHA). The purpose of this Act is to amend the  
9       HHCA to increase the FHA loan limit to seventy-five percent of  
10      the maximum single residence loan amount.

11      SECTION 2. Section 215, Hawaiian Homes Commission Act,  
12      1920, as amended, is amended by amending subsection (1) to read  
13      as follows:

14      "(1) At any one time, the outstanding amount of loans made  
15      to any lessee, or successor or successors in interest, for the  
16      repair, maintenance, purchase, and erection of a dwelling and  
17      related permanent improvements shall not exceed [~~fifty~~] seventy-  
18      five per cent of the maximum single residence loan amount

.B. NO.          

1    allowed in Hawaii by the United States Department of Housing and  
2    Urban Development's Federal Housing Administration (FHA), for  
3    the development and operation of a farm, ranch, or aquaculture  
4    operation shall not exceed \$50,000, except that when loans are  
5    made to an agricultural or aquacultural cooperative association  
6    for the purposes stated in section 214(a)(4), the loan limit  
7    shall be determined by the department on the basis of the  
8    proposed operations and the available security of the  
9    association, and for the development and operation of a  
10   mercantile establishment shall not exceed the loan limit  
11   determined by the department on the basis of the proposed  
12   operations and the available security of the lessee or of the  
13   organization formed and controlled by lessees; provided that  
14   upon the death of a lessee leaving no relative qualified to be a  
15   lessee of Hawaiian home lands, or the cancellation of a lease by  
16   the department, or the surrender of a lease by the lessee, the  
17   department shall make the payment provided for by section  
18   209(a), the amount of any such payment shall be considered as  
19   part or all, as the case may be, of any such loan to the  
20   successor or successors, without limitation as to the above  
21   maximum amounts; provided further that in case of the death of a  
22   lessee, or cancellation of a lease by the department, or the

\_\_\_\_\_.B. NO.\_\_\_\_\_

1 surrender of a lease by the lessee, the successor or successors  
2 to the tract shall assume any outstanding loan or loans thereon,  
3 if any, without limitation as to the above maximum amounts but  
4 subject to paragraph (3)."

5 SECTION 3. The provisions of the amendments made by this  
6 Act to the Hawaiian Homes Commission Act, 1920, as amended, are  
7 declared to be severable, and if any section, sentence, clause,  
8 or phrase, or the application thereof to any person or  
9 circumstances is held ineffective because there is a requirement  
10 of having the consent of the United States to take effect, then  
11 that portion only shall take effect upon the granting of consent  
12 by the United States and effectiveness of the remainder of these  
13 amendments or the application thereof shall not be affected.

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

17

18 INTRODUCED BY: \_\_\_\_\_

19

BY REQUEST

\_\_\_\_\_.B. NO.\_\_\_\_\_

**Report Title:**

Hawaiian Homes Commission Act; Federal Housing Administration

**Description:**

To increase the Federal Housing Administration loan limit in the Hawaiian Homes Commission Act, 1920, as amended, to be seventy-five per cent of the maximum single residence loan amount.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

PURPOSE: To increase the Federal Housing Administration loan limit to be seventy-five percent of the maximum single residence loan amount.

MEANS: Amend Section 215 (1) of the Hawaiian Homes Commission Act, 1920, as amended.

JUSTIFICATION: With the higher cost to construct or purchase a home, increasing the loan limit from fifty percent to seventy-five percent of the maximum single residence loan amount will allow beneficiaries to purchase or make improvements to their home.

Impact on the public: This bill protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing the FHA loan limit to be seventy-five percent of the maximum single residence loan amount.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.

\_\_\_\_.B. NO.\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO THE HAWAIIAN HOMES COMMISSION ACT

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

1       SECTION 1. The legislature finds that the United States  
2 Department of Agriculture's Section 502 Direct Loan Program for  
3 very- low- income households provides a loan term of thirty-  
4 eight years. In contrast, loans administered by the department  
5 of Hawaiian home lands for the beneficiaries of the Hawaiian  
6 Homes Commission Act, 1920, as amended, is thirty years. The  
7 purpose of this Act is to increase the loan term of loans  
8 administered by the department of Hawaiian home lands for the  
9 beneficiaries of the HHCA, 1920, as amended, to forty years.

10       SECTION 2. Section 215, Hawaiian Homes Commission Act,  
11 1920, as amended, is amended by amending subsection (2) to read  
12 as follows:

13       "(2) The loans shall be repaid in periodic installments,  
14 such installments to be monthly, quarterly, semiannual, or  
15 annual as may be determined by the department in each case. The  
16 term of any loan shall not exceed [~~thirty~~] forty years. Payments  
17 of any sum in addition to the required installments, or payment  
18 of the entire amount of the loan, may be made at any time within

\_\_\_\_\_.B. NO.\_\_\_\_\_

1 the term of the loan. All unpaid balances of principal shall  
2 bear interest at the rate of two and one-half per cent a year  
3 for loans made directly from the Hawaiian home-loan fund, or at  
4 the rate of two and one-half per cent or higher as established  
5 by law for other loans payable periodically or upon demand by  
6 the department, as the department may determine. The payment of  
7 any installment due shall be postponed in whole or in part by  
8 the department for such reasons as it deems good and sufficient  
9 and until such later date as it deems advisable. Such postponed  
10 payments shall continue to bear interest on the unpaid principal  
11 at the rate established for the loan."

12 SECTION 3. The provisions of the amendments made by this  
13 Act to the Hawaiian Homes Commission Act, 1920, as amended, are  
14 declared to be severable, and if any section, sentence, clause,  
15 or phrase, or the application thereof to any person or  
16 circumstances is held ineffective because there is a requirement  
17 of having the consent of the United States to take effect, then  
18 that portion only shall take effect upon the granting of consent  
19 by the United States and effectiveness of the remainder of these  
20 amendments or the application thereof shall not be affected.

21 SECTION 4. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

\_\_\_\_.B. NO. \_\_\_\_\_

1 SECTION 5. This Act shall take effect upon its approval.

2

3

INTRODUCED BY: \_\_\_\_\_

4

BY REQUEST



\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Hawaiian Homes Commission Act; Loan Term

**Description:**

To increase the loan term of loans administered by the Department of Hawaiian Home Lands to forty years.

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

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT.

PURPOSE: To increase the term for loans administered by the department of Hawaiian home lands to forty years.

MEANS: Amend Section 215 (2) of the Hawaiian Homes Commission Act, 1920, as amended.

JUSTIFICATION: Allowing for an increase in the loan term of loans administered by the Department of Hawaiian Home Lands from thirty years to forty years, will allow for loan term to be closer to the loan term of the United States Department of Agriculture's Section 502 Direct Loan Program, which is thirty-eight years and also allow for lower monthly payment amounts.

Impact on the public: This bill protects the interest of beneficiaries of the Hawaiian Homes Commission Act by allowing for a forty-year FHA loan term administered by the Department of Hawaiian Home Lands.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HHL 625.

OTHER AFFECTED AGENCIES: None.


EFFECTIVE DATE: Upon Approval.

**HAWAIIAN HOMES COMMISSION**  
**AUGUST 21 & 22, 2023**

**D – ITEMS**  
**HOMESTEAD SERVICES DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

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

August 21, 2023

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through July 31, 2023

	As of 6/30/23	Add	Cancel	As of 7/31/23
Residential	8,485	14	8	8,491
Agricultural	1,091	0	1	1,090
Pastoral	413	0	0	413
<b>Total</b>	<b>9,989</b>	<b>14</b>	<b>9</b>	<b>9,994</b>

The cumulative number of Converted Undivided Interest Lessees represents an increase of 551 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 6/30/23	Converted	Rescinded/ Surrendered/ Cancelled	As of 7/31/23
Undivided	765	4	3	758

Balance as of 7/31/2023

Awarded	1,434
Relocated to UNDV	7
Rescinded	122
Surrendered	6
Cancelled	4
Converted	<u>551</u>
Balance to Convert	758

Lease Report For the Month Ending July 31, 2023

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL LEASES			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
<b>OAHU</b>																
Kakaia	36	1	0	37	0	0	0	0	0	0	0	0	36	1	0	37
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	175	0	1	174	0	0	0	0	0	0	0	0	175	0	1	174
Kaulaokahai	150	1	0	151	0	0	0	0	0	0	0	0	150	1	0	151
Kaupea	323	0	0	323	0	0	0	0	0	0	0	0	323	0	0	323
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	248	0	0	248	0	0	0	0	0	0	0	0	248	0	0	248
Kumuhau	51	0	1	50	0	0	0	0	0	0	0	0	51	0	1	50
Lualualei	148	1	0	149	30	0	0	30	0	0	0	0	178	1	0	179
Maluohai	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
Nanakuli	1,043	0	0	1,043	0	0	0	0	0	0	0	0	1,043	0	0	1,043
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	269	0	0	269	0	0	0	0	0	0	0	0	269	0	0	269
Walahole	0	0	0	0	17	0	0	17	0	0	0	0	17	0	0	17
Walanae	420	1	2	419	12	0	0	12	0	0	0	0	432	1	2	431
Waianae	714	0	0	714	2	0	0	2	0	0	0	0	716	0	0	716
<b>TOTAL</b>	<b>4,374</b>	<b>4</b>	<b>4</b>	<b>4,374</b>	<b>61</b>	<b>0</b>	<b>0</b>	<b>61</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,435</b>	<b>4</b>	<b>4</b>	<b>4,435</b>
<b>MAUI</b>																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
Kahikui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	64	0	0	64	0	0	0	0	64	0	0	64
Leialii	103	0	0	103	0	0	0	0	0	0	0	0	103	0	0	103
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	113	0	0	113	0	0	0	0	0	0	0	0	113	0	0	113
Waiehu 4	98	0	0	98	0	0	0	0	0	0	0	0	98	0	0	98
Waiohuli	590	0	0	590	0	0	0	0	0	0	0	0	590	0	0	590
<b>TOTAL</b>	<b>1,261</b>	<b>0</b>	<b>0</b>	<b>1,261</b>	<b>64</b>	<b>0</b>	<b>0</b>	<b>64</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>75</b>	<b>1,400</b>	<b>0</b>	<b>0</b>	<b>1,400</b>
<b>EAST HAWAII</b>																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamaea	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunana	43	3	0	46	0	0	0	0	0	0	0	0	43	3	0	46
Keaukaha	471	0	0	471	0	0	0	0	0	0	0	0	471	0	0	471
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	120	0	0	120	0	0	0	0	120	0	0	120
Panawea	13	0	0	13	260	0	0	260	0	0	0	0	273	0	0	273
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waialea	285	0	0	285	0	0	0	0	0	0	0	0	285	0	0	285
<b>TOTAL</b>	<b>838</b>	<b>3</b>	<b>0</b>	<b>841</b>	<b>392</b>	<b>0</b>	<b>0</b>	<b>392</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>25</b>	<b>1,255</b>	<b>3</b>	<b>0</b>	<b>1,258</b>
<b>WEST HAWAII</b>																
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	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193
Laiopua	277	0	3	274	0	0	0	0	0	0	0	0	277	0	3	274
Lalamilo	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 Vii	118	0	0	118	110	0	0	110	218	0	0	218	446	0	0	446
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
<b>TOTAL</b>	<b>874</b>	<b>0</b>	<b>3</b>	<b>871</b>	<b>110</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>285</b>	<b>0</b>	<b>0</b>	<b>285</b>	<b>1,269</b>	<b>0</b>	<b>3</b>	<b>1,266</b>
<b>KAUAI</b>																
Anahola	536	7	0	543	46	0	0	46	0	0	0	0	582	7	0	589
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opa	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
<b>TOTAL</b>	<b>700</b>	<b>7</b>	<b>0</b>	<b>707</b>	<b>46</b>	<b>0</b>	<b>0</b>	<b>46</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>747</b>	<b>7</b>	<b>0</b>	<b>754</b>
<b>MOLOKAI</b>																
Hooilehua	153	0	1	152	345	0	0	345	21	0	0	21	519	0	1	518
Kalamaula	167	0	1	166	70	0	0	70	3	0	0	3	240	0	1	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
<b>TOTAL</b>	<b>394</b>	<b>0</b>	<b>2</b>	<b>392</b>	<b>418</b>	<b>0</b>	<b>0</b>	<b>418</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>27</b>	<b>839</b>	<b>0</b>	<b>2</b>	<b>837</b>
<b>LANAI</b>																
Lanai	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
<b>TOTAL</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>44</b>
<b>STATEWIDE TOTAL</b>																
	<b>8,485</b>	<b>14</b>	<b>9</b>	<b>8,490</b>	<b>1,091</b>	<b>0</b>	<b>0</b>	<b>1,091</b>	<b>413</b>	<b>0</b>	<b>0</b>	<b>413</b>	<b>9,889</b>	<b>14</b>	<b>9</b>	<b>9,904</b>

	07/01/23 Totals	Adds	Deletes	08/01/23 Totals
OAHU				
113 NANAKULI (RES)	155	0	0	155
123 PAKOLEA/KEWALO (RES)	64	0	0	64
133 WAIMANALO (RES)	526	0	2	524
143 WAIANAE (RES)	135	0	0	135
191 OAHU ISLAND-WIDE (AG)	4,110	6	1	4,115
193 OAHU ISLAND-WIDE (RES)	10,552	9	2	10,559
	=====	=====	=====	=====
TOTAL FOR OAHU	15,542	15	5	15,552
MAUI				
213 PAUKUKALO (RES)	50	0	0	50
221 KULA (AG)	4	0	0	4
222 KULA (PAS)	5	0	0	5
291 MAUI ISLAND-WIDE (AG)	4,785	5	0	4,790
292 MAUI ISLAND-WIDE (PAS)	644	1	0	645
293 MAUI ISLAND-WIDE (RES)	3,890	6	0	3,896
	=====	=====	=====	=====
TOTAL FOR MAUI	9,378	12	0	9,390
HAWAII				
313 KEAUKAHA/WAIAKEA (RES)	67	0	1	66
321 PANAHEWA (AG)	16	0	0	16
333 KAWAIHAE (RES)	16	0	0	16
341 WAIMEA (AG)	11	0	0	11
342 WAIMEA (PAS)	46	0	0	46
343 WAIMEA (RES)	44	0	0	44
391 HAWAII ISLAND-WIDE (AG)	7,374	3	0	7,377
392 HAWAII ISLAND-WIDE (PAS)	1,981	2	0	1,983
393 HAWAII ISLAND-WIDE (RES)	5,905	6	2	5,909
	=====	=====	=====	=====
TOTAL FOR HAWAII	15,460	11	3	15,468
KAUAI				
511 ANAHOLA (AG)	3	0	0	3
512 ANAHOLA (PAS)	20	0	0	20
513 ANAHOLA (RES)	40	0	0	40
523 KEKAHA (RES)	8	0	0	8
532 PUU OPAAE (PAS)	7	0	0	7
591 KAUAI ISLAND-WIDE (AG)	2,319	0	0	2,319
592 KAUAI ISLAND-WIDE (PAS)	311	1	0	312
593 KAUAI ISLAND-WIDE (RES)	1,695	2	7	1,690
	=====	=====	=====	=====
TOTAL FOR KAUAI	4,403	3	7	4,399
MOLOKAI				
613 KALAMAULA (RES)	3	0	0	3
621 HOOLEHUA (AG)	17	0	0	17
622 HOOLEHUA (PAS)	1	0	0	1
623 HOOLEHUA (RES)	7	0	0	7
633 KAPAAKEA (RES)	6	0	0	6
643 ONE ALII (RES)	1	0	0	1
691 MOLOKAI ISLAND-WIDE (AG)	1,121	1	0	1,122
692 MOLOKAI ISLAND-WIDE (PAS)	201	0	0	201
693 MOLOKAI ISLAND-WIDE (RES)	801	1	0	802
	=====	=====	=====	=====
TOTAL FOR MOLOKAI	2,158	2	0	2,160
LANAI				
713 LANAI (RES)	70	0	0	70
	=====	=====	=====	=====
TOTAL FOR LANAI	70	0	0	70
GRAND TOTAL	=====	=====	=====	=====
	47,011	43	15	47,039
	=====	=====	=====	=====

DELINQUENCY REPORT - STATEWIDE  
August 21, 2023  
(\$Thousands)

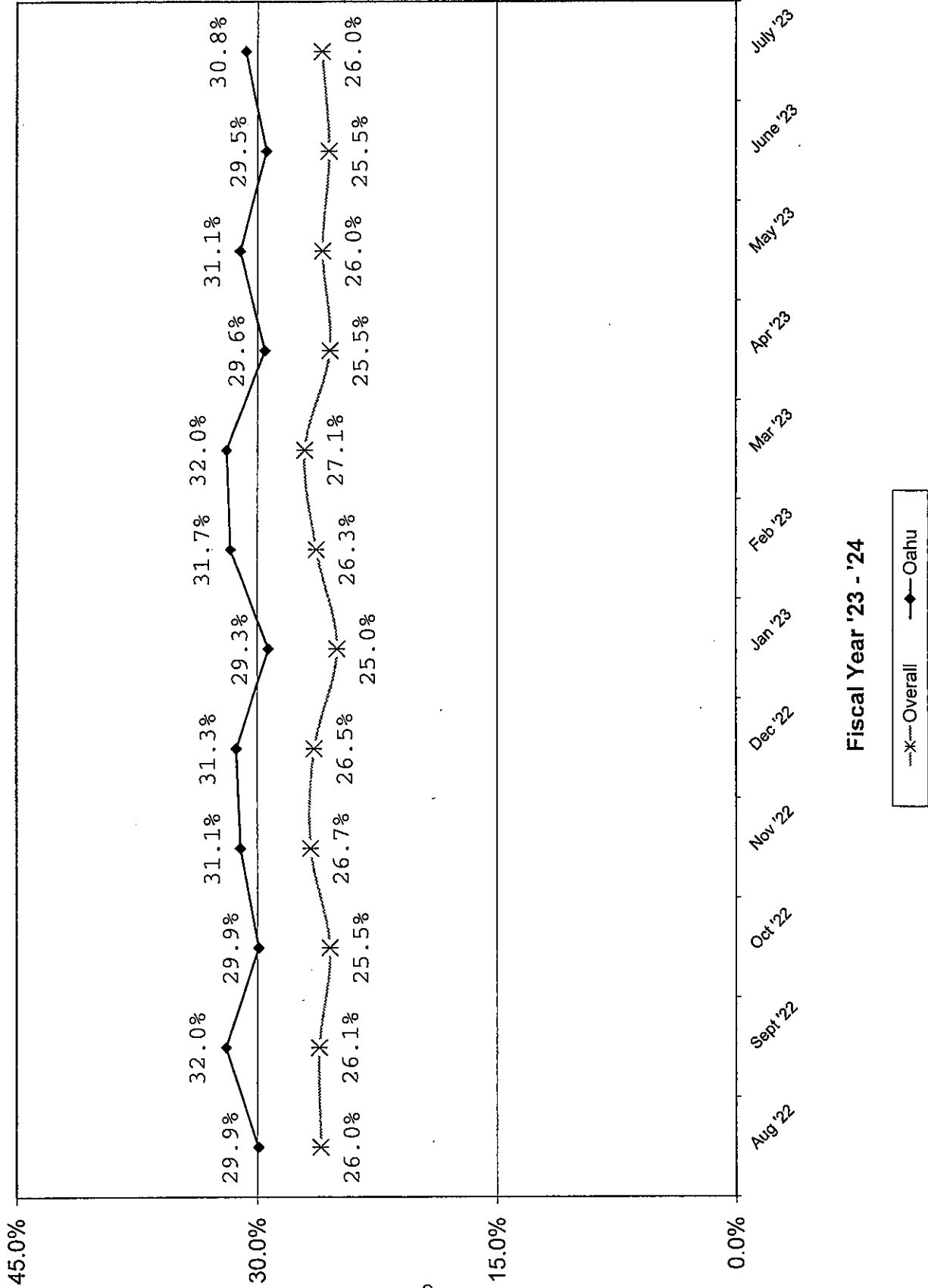
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 7/31/2023	
	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	\$
<b>DIRECT LOANS</b>														
OAHU	370	35,953	115	11,056	19	2,127	10	640	17	1,436	69	6,852	31.1%	30.8%
EAST HAWAII	194	11,700	55	3,791	4	120	2	131	9	536	40	3,004	28.4%	32.4%
WEST HAWAII	77	8,141	13	1,160	5	399	4	403	0	0	4	357	16.9%	14.3%
MOLOKAI	79	6,833	20	881	7	261	3	70	0	0	10	550	25.3%	12.9%
KAUAI	92	7,228	7	402	2	55	0	0	0	0	5	346	7.6%	5.6%
MAUI	111	15,343	35	4,854	5	588	8	918	8	1,085	14	2,263	31.5%	31.6%
<b>TOTAL DIRECT</b>	923	85,199	245	22,144	42	3,551	27	2,163	34	3,057	142	13,373	26.5%	26.0%
	100.0%	100.0%	26.5%	26.0%	4.6%	4.2%	2.9%	2.5%	3.7%	3.6%	15.4%	15.7%		
Advances (including RPT)	244	5,752	244	5,752	0	0	0	0	244	5,752			100%	100%
DHHL LOANS & Advances	1,167	90,951	489	27,897	42	3,551	27	2,163	278	8,809	142	13,373	41.9%	30.7%
<b>LOAN GUARANTEES as of June 30, 2022</b>														
SBA	2	67	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	274	35,831	43	6,613	0	0	0	0	43	6,613			15.7%	18.5%
Habitat for Humanity	32	893	16	429	0	0	0	0	16	429			50.0%	48.0%
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	10	204	10	204	0	0	0	0	10	204			100.0%	100.0%
FHA Interim	6	1,366	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	1	6	1	6	0	0	0	0	1	6			100.0%	100.0%
<b>TOTAL GUARANTEE</b>	331	38,448	71	7,259	0	0	0	0	71	7,259			21.5%	18.9%
PMI Loans	120	16,334	4	564	2	157	1	126	1	281			3.3%	3.5%
HUD REASSIGNED for Recovery	116	12,214	92	10,518	0	0	1	6	6	434	85	10,078	79.3%	86.1%
FHA Insured Loans	2,952	538,950	208	32,898	0	0	0	0	208	32,898			7.0%	6.1%
<b>TOTAL INS. LOANS</b>	3,188	567,498	304	43,980	2	157	2	132	215	33,613	85	10,078	9.5%	7.7%
<b>OVERALL TOTALS(EXC Adv/RP)</b>	4,442	691,145	620	73,383	44	3,708	29	2,295	320	43,928	227	23,450	14.0%	10.6%
<b>ADJUSTED TOTALS</b>	4,686	696,897	864	79,135	44	3,708	29	2,295	564	49,681	227	23,450		11.4%

Note: HUD 184A loan program has 515 loans, with a total outstanding principal balance of \$112,252,547 as of June 30, 2022. 15 Loans, totaling \$3,590,830 are delinquent.

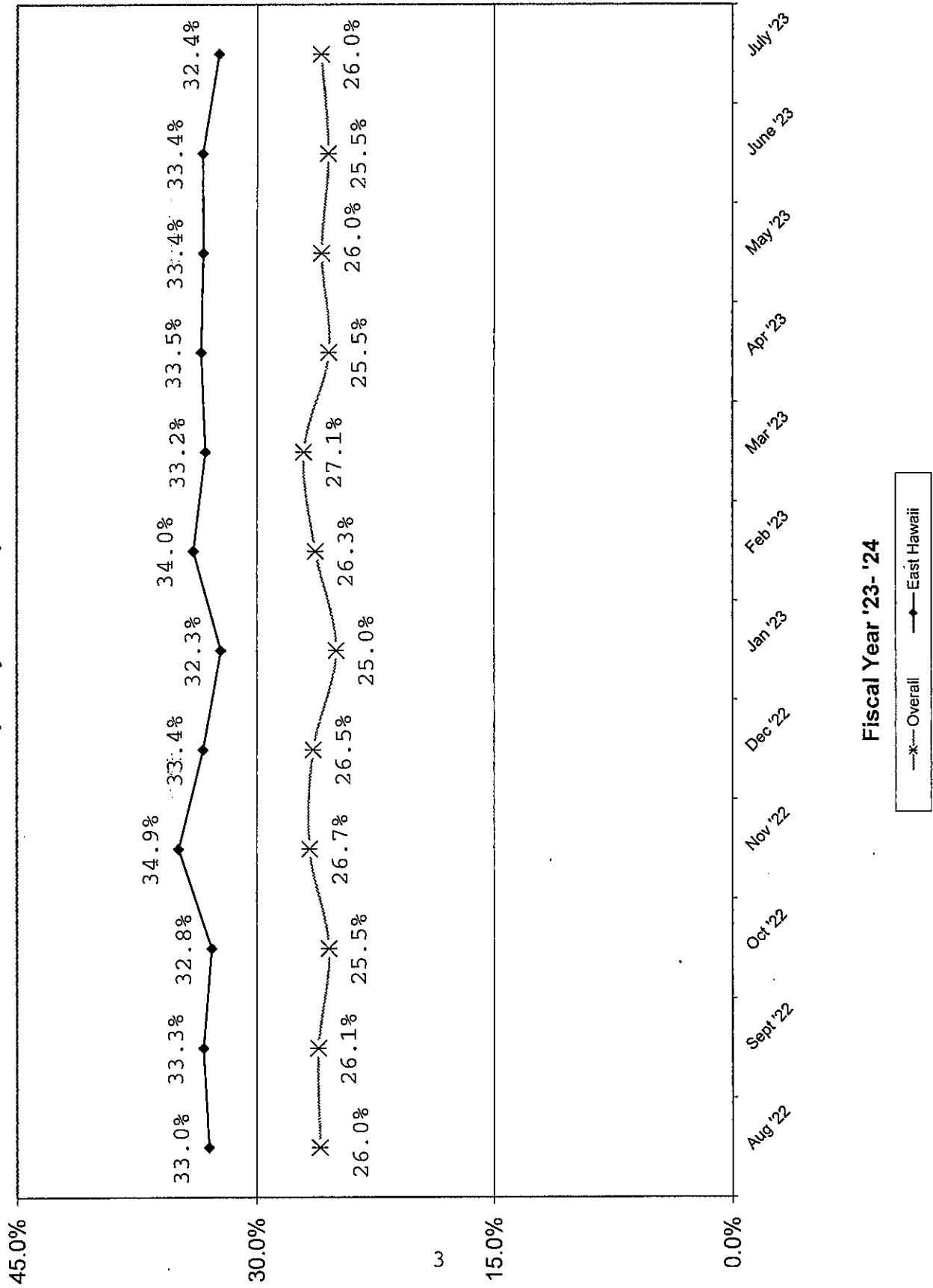
The deferred interest for 458 loans comes out to \$1,977,460.54 as of 7/31/2023.



**OAHU**  
**Direct Loans**  
**Delinquency Ratio Report**



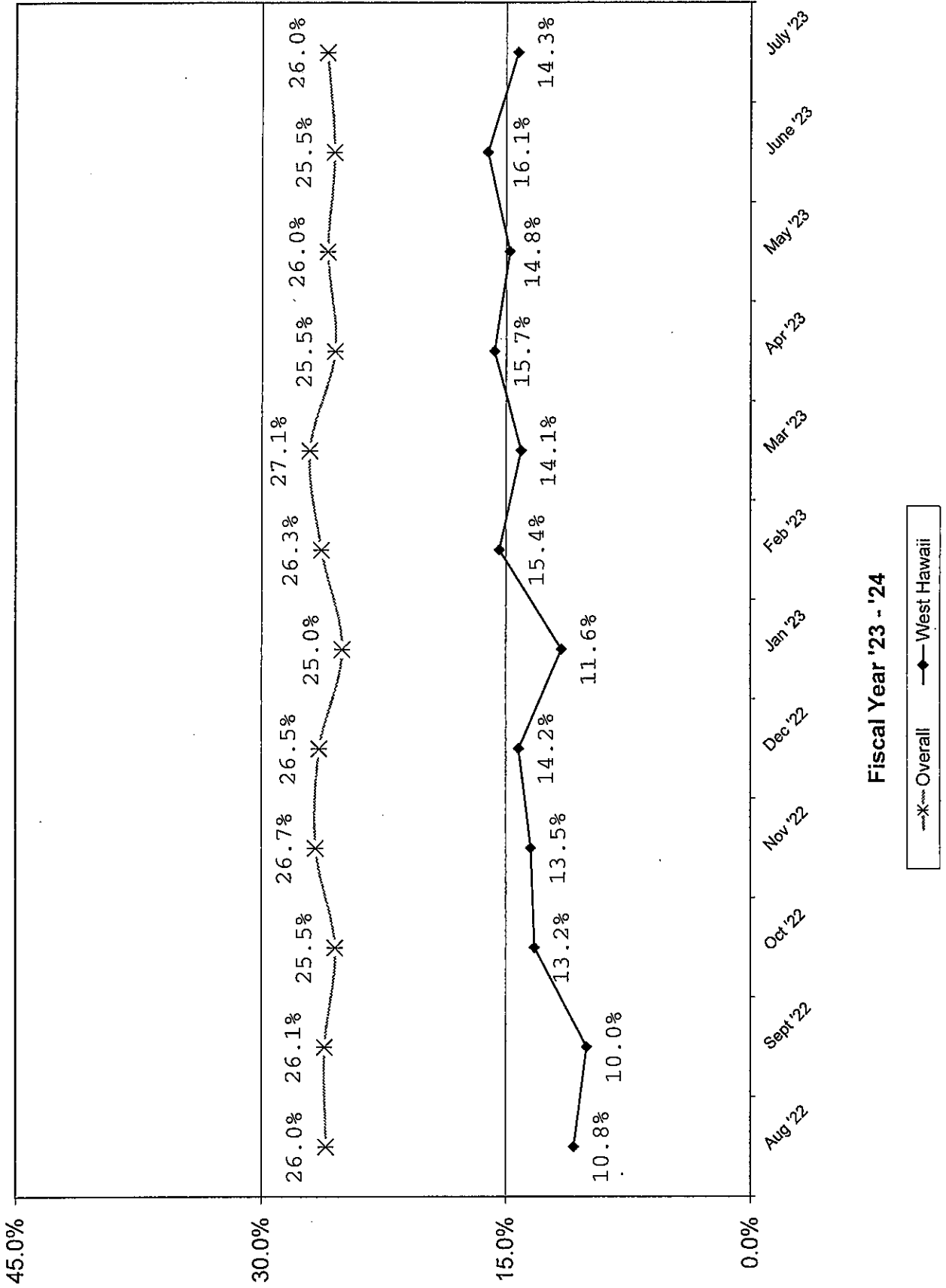
# EAST HAWAII Direct Loans Delinquency Ratio Report



Fiscal Year '23- '24

x Overall    ♦ East Hawaii

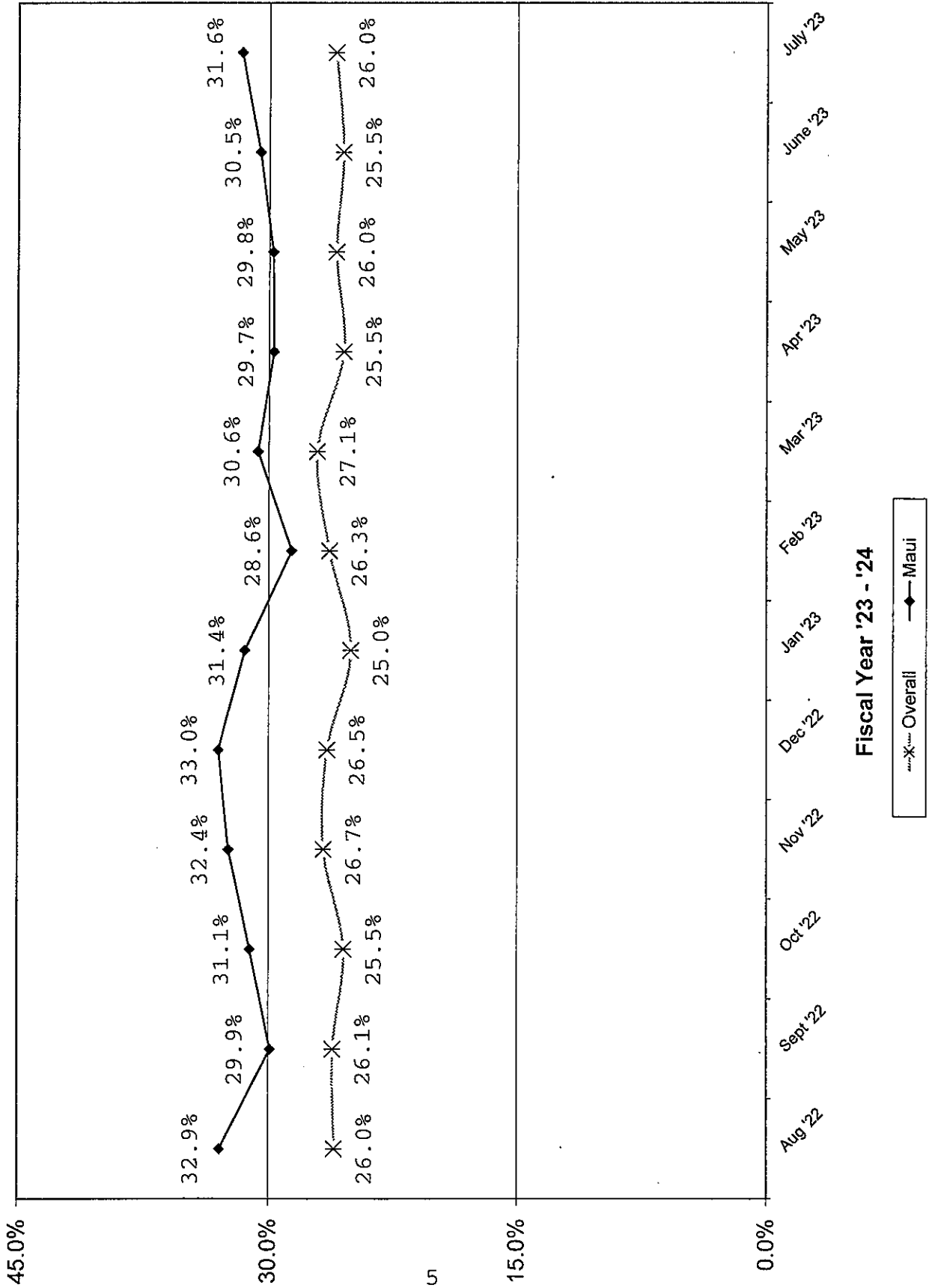
WEST HAWAII  
Direct Loans  
Delinquency Ratio Report



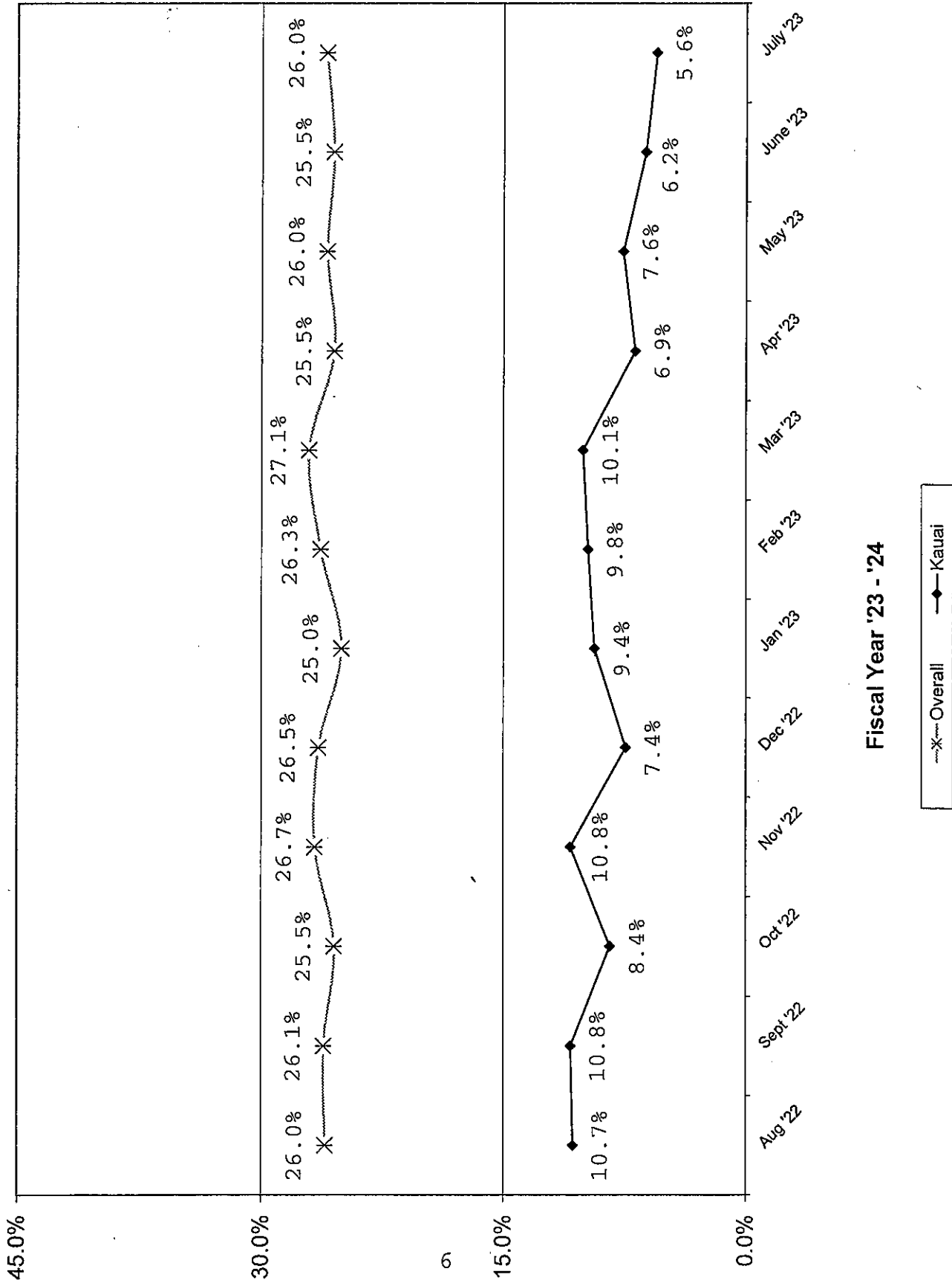
Fiscal Year '23 - '24

→x→ Overall    →◆→ West Hawaii

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

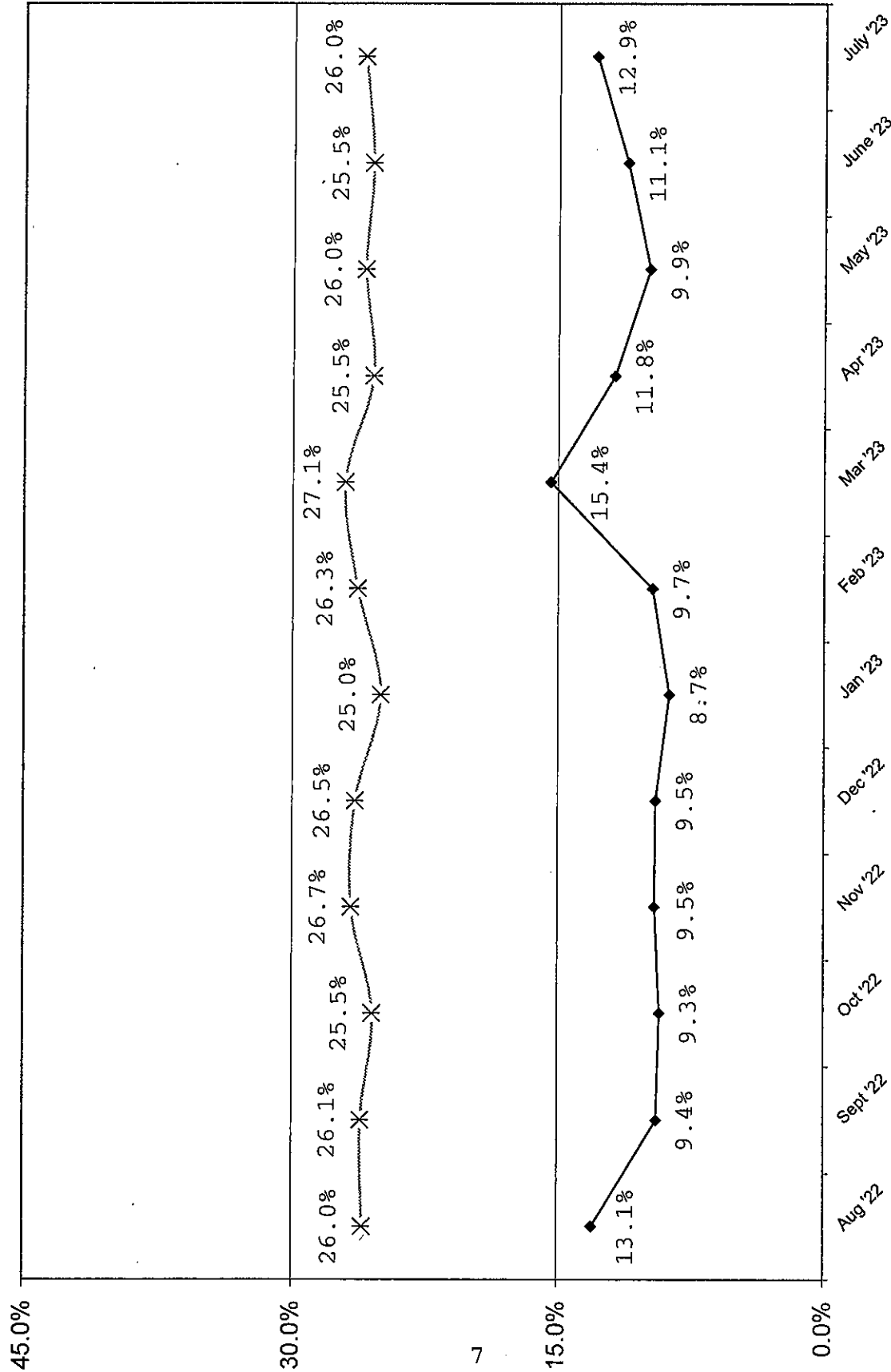


**KAUAI**  
**Direct Loans**  
**Delinquency Ratio Report**



Fiscal Year '23 - '24

**MOLOKAI**  
Direct Loans  
Delinquency Ratio Report



Fiscal Year '23 - '24

---X--- Overall    —◆— Molokai

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

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>			
Kauluokahai Lease No. 12851 TMK: 1-9-1-017:010	KAMAE, Darlene K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 389,250
Nanakuli Lease No. 5154 TMK: 1-8-9-013:003	CHONG, Mark K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 369,787
Princess Kahanu Estates Lease No. 9979 TMK: 1-8-7-042:092	AIKALA, Joseph K. (203K Purchase) FHA	HomeStreet Bank	\$ 623,180

OAHU

Kanehili Lease No. 11680 TMK: 1-9-1-153:048	GASPAR, Dennis K., Jr. (Purchase)FHA	V. I. P. Mortgage Inc.	\$ 340,250
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Waiahole Lease No. 6656 TMK: 1-4-8-011:024	AKIMA MAYO, Rhonda M. K. (Rate/Term Refi) VA	Department of Veterans Affairs	\$ 323,894
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Kanehili Lease No. 11757 TMK: 1-9-1-153:159	KEPA, Jameson K. (Rate/Term Refi) VA	Department of Veterans Affairs	\$ 211,000
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Kanehili Lease No. 12580 TMK: 1-9-1-153:141	KAMANU, Aaron (Cash Out Refi) FHA	HomeStreet Bank	\$ 506,025
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Waimanalo Lease No. 12981 TMK: 1-4-1-041:037	KAPULE, James K. (Cash Out Refi) FHA	Guild Mortgage	\$ 506,250
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Maluohai Lease No. 9850 TMK: 1-9-1-120:001	LEONG, Calvin (Rate/Term Refi) VA	Department of Veterans Affairs	\$ 275,007
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Nanakuli Lease No. 2932A TMK: 1-8-9-003:061	DISTAJO, Alex K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 250,880
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MOLOKAI

Hoolehua Lease No. 2355Z TMK: 2-5-2-015:024	BOSWELL, Kaleikaumaka S. & BOSWELL, Jordan K. (Purchase)FHA	HomeStreet Bank	\$ 255,000
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ITEM NO. D-2



MAUI

Waiohuli	ALMEIDA,	Bank of	\$ 575,000
Lease No. 7658	Chariss M. K. (Cash	Hawaii	
TMK: 2-2-2-027:133	Out Refi) FHA		

Waiehu Kou 3	KAUHAAHAA,	American	\$ 425,000
Lease No. 9948	Kahiapo (Cash Out	Family	
TMK: 2-3-2-024:097	Refi) FHA	Lending	

Waiehu Kou 3	KAILIEHU-LEAL,	V. I. P.	\$ 227,600
Lease No. 10036	Robyn G. N. (Cash	Mortgage	
TMK: 2-3-2-024:007	Out Refi) FHA	Inc.	

KAUAI

Anahola	KAAIHUE,	Department	\$ 367,000
Lease No. 11061	Robert K.	of Veterans	
TMK: 4-4-8-022:054	(Rate/Term Refi) VA	Affairs	

HAWAII

Waiakea	SIMONS,	HomeStreet	\$ 195,194
Lease No. 9838	Shirleen L. (Cash	Bank	
TMK: 3-2-2-063:036	Out Refi) FHA		



<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>
FY Ending 6/30/23	167	\$ 58,188,156	9	\$ 2,325,526
Prior Months	14	\$ 4,894,479	4	\$ 623,149
This Month	12	4,663,416	4	1,176,901
Total FY '23-'24	26	\$ 9,557,895	8	\$ 1,800,050

		<u>HUD 184A</u> <u>AMOUNT</u>		<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/23	23	\$ 8,018,714	3	\$ 1,081,858
Prior Months	0	\$ 0	0	\$ 0
This Month	0	0	0	0
Total FY '23-'24	0	\$ 0	0	\$ 0

ITEM NO. D-2

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division  
FROM: Dean Oshiro, Loan Services Branch Manager   
SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

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

<u>LESSEE</u>	<u>LEASE NO. &amp; AREA</u>	<u>LOAN TERMS</u>
Mattson, Lance K.	7163, Kawaihāe	NTE \$131,500 @ 4% interest per annum, NTE \$628 monthly, repayable over 30 years.

Loan Purpose: Refinance Contract of Loan No. 19064 to reduce the interest rate due to financial hardship. Original loan amount of \$158,030 @ 4.5% per annum, \$801 monthly, repayable over 30 years. A contested case hearing was not held for this account.

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<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	14	\$ 1,732,825
Prior Months	1	54,300
This Month	<u>1</u>	<u>131,500</u>
Total FY '23-'24	2	\$ 185,800

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	3	\$ 1,028,750
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-



<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	1	\$ 143,000
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	3	\$ 524,500
Prior Months	1	182,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	1	\$ 182,000

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
FROM: Nicole F. Bell, Application Branch Supervisor   
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

AKAMU, Roberta L.	08/13/2021	HAWAII	AGR	04/13/2023
AONA, Crystina K.	10/20/2011	KAUAI	AGR	03/28/2023

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AKAMU, Roberta L.	08/13/2021	HAWAII	RES	04/13/2023
AONA, Crystina K.	10/20/2011	KAUAI	RES	03/28/2023

MAUI ISLANDWIDE PASTORAL LEASE LIST

MANAOLE, De Mont K.	09/26/2018	OAHU	AGR	04/28/2023
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

CALL, Louise W.	07/20/2021	OAHU	AGR	04/17/2023
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KAULUPALI, Rodney K.	07/22/1985	OAHU	AGR	03/28/2023
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

AYAU, Lana P.	01/10/1997	KAUAI	PAS	05/10/2023
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

CALL, Louise W.	07/20/2021	OAHU	RES	04/17/2023
KAULUPALI, Rodney K.	07/22/1985	OAHU	RES	03/28/2023
SPENCER, William K., Jr.	02/18/2014	OAHU	RES	04/24/2023

2. Deceased Applicants

NANAKULI AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KEKAWA, Noreen	PN 2022	02/14/1975
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OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

LIBRES, Vincent Jr.	PN 2022	09/03/1993
MARTIN, Deldrien M.K.	PN 2022	03/06/1986
ROMUALDO, Audwin K.	PN 2022	05/04/2005

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ROMUALDO, Audwin K.	PN 2022	05/04/2005
SEXTON, John R.H.	PN 2022	12/15/1999
SHANNON, Jacqueline I.	PN 2022	05/09/2003
STINEMAN, Lowellyn O.P.	PN 2022	11/06/1991

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KEKAUOHA, Harriet T.S.	PN 2022	11/15/1985
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PUKAHI, Martha M.	PN 2022	02/23/1987
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MAUI ISLANDWIDE PASTORAL LEASE LIST

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MACLOVES, Sarah H.	PN 2022	11/20/1987
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

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KEKAUOHA, Harriet T.S.	PN 2022	11/15/1985
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PUKAHI, Martha M.	PN 2022	02/23/1987
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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MONIZ, Gertrude	PN 2022	12/09/1985
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NAIHE, Lillian K.	PN 2022	02/14/1986
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NAPEAHI, Jack M.	PN 2022	01/31/1986
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PELEKANE, Primrose L.	PN 2022	07/23/1986
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PENROSE, Margaret Spinney	PN 2022	05/17/2017
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STINEMAN, Lowellyn O.P.	PN 2022	08/19/1986
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

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PUA, David K., Jr.	PN 2022	03/17/1997
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REYES, Marian R.	PN 2022	12/21/2006
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

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MEHEULA, Rita K.	PN 2022	04/18/1978
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PENROSE, Margaret Spinney	PN 2022	04/25/2012
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RAMOS, John Jr.	PN 2022	03/28/1983
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REYES, Marian R.	PN 2022	12/21/2006
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KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

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LUM, Charla A.H.	PN 2022	09/03/1986
SEXTON, John R.H.	PN 2022	12/15/1999

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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

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LUM, Charla A.H.	PN 2022	09/03/1986
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MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

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LINO, Dagmar	PN 2022	01/06/1986
PUAA, Arthur C.	PN 2022	08/07/1990

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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

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PUAA, Arthur C.	PN 2022	08/07/1990
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3. Awards of Leases

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WAIMANALO AREA /OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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CAMARA, Geraldine	Assigned Residential Lease #12994, Lot 10 in Kakaina, Oahu dated 06/23/2023. Remove application dated 06/15/1964.
FLORES, Margarita	Assigned Residential Lease #12950, Lot 42 in Kakaina, Oahu dated 06/30/2023. Remove application dated 07/09/1972.
HASHIMOTO, Saadia L.	Assigned Residential Lease #12991, Lot 2 in Kakaina, Oahu dated 06/09/2023. Remove application dated 02/20/1974.



JOHNSON, Edith

Assigned Residential Lease #13007,  
Lot 36 in Kakaina, Oahu dated  
06/09/2023. Remove application  
dated 04/25/1973.

KAHALEWAI, Charlotte

Assigned Residential Lease #13003,  
Lot 21 in Freitas Dairy, Waianae,  
Oahu dated 07/07/2023. Remove  
application dated 03/21/1974.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AKAMINE, Jewel K.

Assigned Residential Lease #12973,  
Lot 45 in Ka'uluokaha'i, Oahu dated  
06/06/2023. Remove application  
dated 03/15/1989.

ARMITAGE, Sandra I.K.

Assigned Residential Lease #4579,  
Lot 30 in Waianae, Oahu dated  
03/16/2022. Remove application  
dated 10/05/2015.

TORRES, Taryn M.

Assigned Residential Lease #12939,  
Lot 60 in Kauluokahai, Oahu dated  
09/02/2021. Remove application  
dated 07/30/2018.

KEAUKAHA / WAIAKEA AREA /HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAMAHELE, Wilhelmina K.

Assigned Residential Lease #12986,  
Lot 1 in Kaumana, Hawaii dated  
06/30/2023. Remove application  
dated 08/26/1963.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

MILLER, Juby J.P.

Assigned Residential Lease #3376,  
Lot 174B in Nanakuli, Oahu dated  
08/05/2022. Remove application  
dated 08/25/1987.

PAYAPAYA, Bernadette K.

Assigned Residential Lease #13012,  
Lot 124 in Kaniohale, Hawaii dated  
05/31/2023. Remove application  
dated 09/02/1981.

ROSEHILL, Markham K., Sr.

Assigned Residential Lease #13015,  
Lot 52 in Ponahawaii, Kaumana,  
Hawaii dated 06/30/2023. Remove  
application dated 04/25/1986.

ANAHOLA AREA / KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

KELLY, Ada N.

Assigned Residential Lease #13010,  
Lot 19 in Pi'ilani Mai Ke Kai,  
Anahola, Kauai dated 06/23/2023.  
Remove application dated  
08/10/1976.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

BOYD, William K.

Assigned Residential Lease #12999,  
Lot 42 in Pi'ilani Mai Ke Kai,  
Anahola, Kauai dated 06/23/2023.  
Remove application dated  
02/14/1986.

CUMMINGS, Charleene L.

Assigned Residential Lease #13000,  
Lot 12 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
02/24/1987.

ENRIQUE, Jowell Y.L.

Assigned Residential Lease #12998,  
Lot 48 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
03/05/1986.

GOO, Christian K.C., Jr.

Assigned Residential Lease #13016,  
Lot 27 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
09/21/1989.

KANOHO, Harry K.

Assigned Residential Lease #12996,  
Lot 13 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
11/13/1987.

LEMN, Luella L.H.

Assigned Residential Lease #12997,  
Lot 9 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
10/21/1988.

NIZO, Thomas M.

Assigned Residential Lease #12992,  
Lot 30 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
05/15/1990.

WONG, Albert Jr.

Assigned Residential Lease #13006,  
Lot 4 in Piilani Mai Ke Kai,  
Anahola, Kauai dated 07/06/2023.  
Remove application dated  
04/05/1983.

#### 4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

#### 5. Voluntary Cancellation

NONE FOR SUBMITTAL

## 6. Successorship

### OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

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GARCIA, Nelissa K.	Succeeded to Maui Islandwide Residential application of Parent, Frances Torres dated 02/22/2011. Remove application dated 08/26/2021.
KAMOKU, Lydia P.	Succeeded to Oahu Islandwide Residential application of Sibling, Rosalie L. Glover dated 10/18/1996. Remove application dated 01/18/2017.
MOKU, Duane R.K.	Succeeded to Waimanalo Area / Oahu Islandwide Residential application of Parent, David K. Moku III dated 08/27/1962. Remove application dated 10/18/2001.

### MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

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STEPHENS, Charleen M.	Succeeded to Waimanalo Area / Oahu Islandwide Residential application of Parent, Mew Lan L. Wond dated 01/12/1971. Remove application dated 11/23/1994.
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### HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

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KAMAKEEAINA, Buddy P.	Succeeded to Oahu Islandwide Agricultural application of Parent, John P. Kamakeeaina III dated 01/12/1989. Remove application dated 05/12/2005.
WONG, Josanne M.	Succeeded to Hawaii Islandwide Pastoral application of Spouse, Jamieson K. Wong, Sr. dated

01/13/2000. Remove application  
dated 01/19/1996.

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

MELEMAI, Faye Starr P.

Succeeded to Kauai Islandwide  
Agricultural application of  
Parent, Jeanette Mae Aiona dated  
10/13/1989. Remove application  
dated 06/21/1996.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments



NONE FOR SUBMITTAL

Last Month's Transaction Total	47
Last Month's Cumulative FY 2023-2024 Transaction Total	47
Transfers from Island to Island	11
Deceased	31
Cancellations:	
Awards of Leases	21
NHQ	0
Voluntary Cancellations	0
Successorship	7
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	70
This Month's Cumulative FY 2023-2024 Transaction Total	117

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
FROM: Nicole F. Bell, Application Branch Supervisor   
Homestead Services Division  
SUBJECT: **Approval to Certify Applications of Qualified Applicants for the month of July 2023**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of April 2023. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

At its October 2020 regular meeting, the Hawaii Homes Commission adopted the recommendation of the HHC Investigative Committee on the Native Hawaiian Qualification Process to recall to the HHC, pursuant to Hawaii Administrative Rules § 10-2-16(a), the authority to accept the Native Hawaiian Quantum (NHQ) determination for an individuals as a function requiring the exercise of judgement or discretion. The recommendation included a process to implement the Commission's review and acceptance of NHQ determinations. These applicants have been deemed by the Department to have met the native Hawaiian blood quantum requirement through the kumu 'ohana process.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

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MOISA, Leonora K.	03/24/2023
LEE, Myrna	03/24/2023
BENNETT, Patricia N.Y.S.	03/30/2023
BRIOSO, Clifford	03/30/2023

WOODLYN, Bronco K.K.	04/28/2023
RICHARDSON, Bobbie-Rose K.K.S.	04/28/2023
PAHUKOA, Raymond Li K.	05/02/2023

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

MOISA, Leonora K.	03/24/2023
BENNETT, Patricia N.Y.S.	03/30/2023
BRIOSO, Clifford	03/30/2023
CHUN, Wayne C.K.	03/30/2023
MOMOA, Allyn K.	04/28/2023
AIWOHI, Sherrie Jane L.	04/28/2023
WOODLYN, Bronco K.K.	04/28/2023
RICHARDSON, Bobbie-Rose K.K.S.	04/28/2023
KAHEE, Leroy K.	05/01/2023
PAHUKOA, Raymond Li K.	05/02/2023
MAHAULU, Daniel K.	05/03/2023
MAHAULU, Daverney Gioia K.	05/03/2023
MAHAULU, Derek K., Jr.	05/03/2023

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

BURNS, Pamela L.	03/28/2023
HARRIS, Gregory K.P.	04/12/2023
BORJA, Doraine K.	04/13/2023
AIWOHI, Sherrie Jane L.	04/28/2023
MAHAULU, Daniel K.	05/03/2023
MAHAULU, Daverney Gioia K.	05/03/2023

MAHAULU, Derek K., Jr.

05/03/2023

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

WONG, Randy A.K.	03/28/2023
HARRIS, Gregory K.P.	04/12/2023
BORJA, Doraine K.	04/13/2023

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KAPONO, Namelemanukukalaao	04/28/2023
KAILIPAKA, Kaipo K.	05/02/2023
KAILIPAKA, Kelii I.	05/02/2023
KAILIPAKA, Kamahao H.	05/02/2023
WAIPA, Harvey	05/16/2023

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAPONO, Namelemanukukalaao	04/28/2023
KAILIPAKA, Kaipo K.	05/02/2023
KAILIPAKA, Kelii I.	05/02/2023
KAILIPAKA, Kamahao H.	05/02/2023

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

LAAMEA, Kingston K.	05/04/2023
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

LAAMEA, Kingston K.	05/04/2023
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Previous Cumulative Total for Current FY	0
Current Month's Total	41
<b>Fiscal Year Total: July 2023-June 2024</b>	<b>41</b>


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

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

1. 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.

2. To approve and accept that the transferees are of no less than the required 25% or 50% Hawaiian ancestry as appropriate pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended.

DISCUSSION

Ten (10) assignments of lease.

1. Lessee Name: Paul M. Kahele  
Res. Lease No. 8671, Lot No. 19  
Lease Date: 7/15/1996  
Area: Anahola, Kauai  
Property Sold & Amount: Yes, \$219,817.00  
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Napua L. K. Lopes  
Relationship: Daughter  
Loan Assumption: No  
Applicant: Yes, Kauai IW Res., 10/19/2011

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

2. Lessee Name: Rosaleen K. Kamai  
Res. Lease No. 3533, Lot No. 46  
Lease Date: 9/25/1964  
Area: Waimanalo, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Jonathan K. Kamai  
Relationship: Brother/Co-lessee  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

3. Lessee Name: Sarah C. L. Naone  
Res. Lease No. 13004, Lot No. 232-A  
Lease Date: To be determined  
Area: Waianae, Oahu  
Property Sold & Amount: Yes, \$149,500.00  
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Bryanna K. Cafa  
Relationship: Daughter  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 6/29/2005

Reason for Transfer: "Blessing daughter with this lease in love." Special Conditions: Transferee to obtain funds to pay purchase price.

4. Lessee Name: John P. Omerod  
Res. Lease No. 8962, Lot No. 83-B  
Lease Date: 12/1/2000  
Area: Keaukaha, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: 1 bedroom, 1 bath dwelling

Transferee Name: Christian J. Omerod  
Relationship: Son  
Loan Assumption: No  
Applicant: Yes, Hawaii IW Res., 10/4/2013

Reason for Transfer: "Giving lease to relative."

5. Lessee Name: William P. Ornellas  
Agr. Lease No. 2355, Lot No. 36-E1& 2  
Lease Date: 7/31/1950  
Area: Hoolehua, Molokai  
Property Sold & Amount: Yes, \$250,000.00  
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Kaleikaumaka S. Boswell  
Relationship: None  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Selling lease, own a home in Honolulu."  
Special Conditions: Transferee to obtain funds to pay  
purchase price. See simultaneous transfer below. Subject to  
birth certificate and quantum verification.

6. Lessee Name: Kaleikaumaka S. Boswell  
Agr. Lease No. 2355, Lot No. 36-E1& 2  
Lease Date: 7/31/1950  
Area: Hoolehua, Molokai  
Property Sold & Amount: Yes, \$250,000.00  
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Kaleikaumaka S. Boswell & Jordan K. Boswell  
Relationship: Wife & Husband  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Adding relative to lease." Special  
Conditions: Transferees to obtain funds to pay purchase  
price. Subject to birth certificate and quantum  
verification.

7. Lessee Name: Maryknoll K. K. L. Spotkaeff  
Res. Lease No. 11680, Lot No. 18585  
Lease Date: 12/13/2008  
Area: Kanehili, Oahu  
Property Sold & Amount: Yes, \$340,000.00  
Improvements: 4 bedroom, 4 bath dwelling

Transferee Name: Dennis K. Gaspar, Jr.  
Relationship: Grandson  
Loan Assumption: No  
Applicant: No

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

8. Lessee Name: Serena K. A. Thompson  
Agr. Lease No. 4974, Lot No. 12  
Lease Date: 6/26/1979  
Area: Waimea, Hawaii  
Property Sold & Amount: No, N/A  
Improvements: 1 bedroom, 1 bath dwelling

Transferee Name: Serena K. A. Thompson & Keenan W. A.  
Thompson  
Relationship: Lessee & Brother  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Adding relative to lease."

9. Lessee Name: Louis Vera Cruz, Jr.  
Res. Lease No. 12817, Lot No. 53  
Lease Date: 6/19/2017  
Area: Laiopua, Hawaii  
Property Sold & Amount: Yes, \$500,000.00  
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Louis Vera Cruz, Jr. & Gayle K. Kaio  
Relationship: Lessee & Friend  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 9/07/2011

Reason for Transfer: "I would like my friend to be on my  
homestead lease with me." Special Conditions: Transferees  
to obtain funds to pay purchase price.

10. Lessee Name: Valarie G. Medina  
Res. Lease No. 11151, Lot No. UNDV150  
Lease Date: 5/13/2006  
Area: Anahola, Kauai  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Talia G. A. Medina  
Relationship: Daughter  
Loan Assumption: No  
Applicant: Yes, Kauai IW Res., 7/9/2008

Reason for Transfer: "Giving lease to relative."


Assignments for the Month of August '23	10
Previous FY '23 - '24 balance	<u>2</u>
FY '23 - '24 total to date	12
 Assignments for FY '22 - '23	 179


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

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

Six (6) amendments of lease.

1. Lessee: Lydia K. Cluney  
Agr. Lease No.: 2355  
Lot No., Area, Island: 36-E1&2, Hoolehua, Molokai  
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, to update the lease number and to extend the lease term to an aggregate term of 199 years.  
(Transfer Through Successorship)
2. Lessee: Talia Medina  
Res. Lease No.: 11151  
Lot No., Area, Island: UNDV150, Anahola, Kauai  
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.  
(UI Conversion).


- |  |          |
|--|----------|
| Amendments for the Month of August '23 | 6        |
| Previous FY '23 - '24 balance          | <u>1</u> |
| FY '23 - '24 total to date             | 7        |
| Amendments for FY '22 - '23            | 88       |

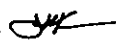


STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

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 can not issue his/her own licenses.

DISCUSSION

Twelve (12) non-exclusive licenses.

1. Lessee: Kaleoikamakamae L. Cacho-Kekahuna  
Res. Lease No.: 12937  
Lot No., Area, Island: 62, Kauluokahai, Oahu  
Permittee: Sunnova Energy International, Inc.
  
2. Lessee: Leini K. Delima  
Res. Lease No.: 11207  
Lot No., Area, Island: 22, Kakaina, Oahu  
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Lael K. Garza  
Res. Lease No.: 598  
Lot No., Area, Island: 1, Papakolea, Oahu  
Permittee: Sunrun Installation Services, Inc.
4. Lessee: Angie L. Gonsalves  
Res. Lease No.: 12854  
Lot No., Area, Island: 142, Kauluokahai, Oahu  
Permittee: Sunnova Energy International, Inc.
5. Lessee: Rani Ann N. Hanohano  
Res. Lease No.: 413-A  
Lot No., Area, Island: 186-A1, Nanakuli, Oahu  
Permittee: Sunrun Installation Services, Inc.
6. Lessee: Allen O. Holt, Jr.  
Res. Lease No.: 328  
Lot No., Area, Island: 137, Nanakuli, Oahu  
Permittee: Sunrun Installation Services, Inc.
7. Lessee: William M. Kahoonei, III  
Res. Lease No.: 567  
Lot No., Area, Island: 69, Nanakuli, Oahu  
Permittee: Sunrun Installation Services, Inc.
8. Lessee: Kamaehu B. Keone  
Res. Lease No.: 12466  
Lot No., Area, Island: 28, Kauluokahai, Oahu  
Permittee: Sunnova Energy International, Inc.
9. Lessee: Bryan L. Soares  
Res. Lease No.: 11967  
Lot No., Area, Island: 17085, Kaupea, Oahu  
Permittee: Sunrun Installation Services, Inc.

10. Lessee: Mark K. Solomon  
Res. Lease No.: 8174  
Lot No., Area, Island: 18, Waimanalo, HI  
Permittee: Sunrun Installation Services, Inc.
11. Lessee: Ezekiel R. H. Wakinekona  
Res. Lease No.: 1968  
Lot No., Area, Island: 263, Nanakuli, Oahu  
Permittee: Sunrun Installation Services, Inc.
12. Lessee: Chanel K. Young  
Res. Lease No.: 12700  
Lot No., Area, Island: 383-B14, Kaupuni, Oahu  
Permittee: Sunnova Energy International, Inc.

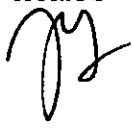
Non-Exclusive License for the Month of August '23	12
Previous FY '23 - '24 balance	<u>10</u>
FY '23 - '24 total to date	22
Non-Exclusive License for FY '22 - '23	102


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator   
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor -  
GEORGE STEVEN K. MIKAELE  
Residential Lease No. 1650, Lot No. 100,  
Nanakuli, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Mahina N. Hendrickson-Kea (Mahina) as successor to Residential Lease No. 1650, Lot No. 100, situated in Nanakuli, Oahu (Lease), for the remaining term of the Lease; subject to payment to the Department within 90 days from the completion of the lease successorship for the appraised value of \$145,500.00 or the outstanding lease-related debts, whichever is greater; and

2. To approve and accept that Mahina is no less than the required 50% Hawaiian ancestry and therefore is a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920;

3. To stipulate that Mahina's successorship rights and interest in the Lease do not vest until Mahina has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Mahina does not sign all such documents on or before **October 31, 2023** (the Deadline) that the Commission's selection of Mahina as successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Mahina's selection as successor is revoked; then under Section 209(a) of the Hawaiian Homes Commission Act, 1920, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act;"

#### DISCUSSION

George Steven K. Mikaele (Decedent) received the Lease by way of Transfer Through Successorship dated October 20, 2006.

On March 13, 2018, the Decedent designated his wife, Althea M. Mikaele (Althea), to receive the net proceeds of the appraised value of the leasehold improvements (i.e., the value thereof, less any indebtedness to the department, or for taxes, or for any other indebtedness the payment of which has been assured by the department, owed by the deceased lessee or the previous lessee).

On June 27, 2022, a death certificate was received notifying the Department that the Decedent passed away on January 26, 2022.

Upon receiving the Decedent's death certificate, the Department confirmed that Althea was of non-Hawaiian ancestry and meets the criteria to receive net proceeds.

Pursuant to Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Maui News, and The Garden Island newspapers on December 7, 14, 21, and 28, 2022, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

On December 16, 2022, the Department received a successorship claim from the Decedent's niece, Mahina, who has been determined to be of at least 50% Hawaiian ancestry and is therefore eligible for successorship to the Lease.

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

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

Improvements to the homestead lot consist of a 3-bedroom and 2-bath, single-family dwelling which was constructed in 1976. Improvements also include a leased photovoltaic system.

The improvements have been appraised at a value of \$145,500.00 by Theodore R. Kesaji of Valley Isle Appraisal Company.

There is no outstanding mortgage, the real property taxes are current, and the lease rent is current. Mahina is aware of the appraised value and leased photovoltaic system and has agreed to accept the obligations should she be designated as successor.

The Department requests approval of its recommendation.

**HAWAIIAN HOMES COMMISSION**  
**AUGUST 21 & 22, 2023**

**E – ITEMS**  
**LAND DEVELOPMENT DIVISION**



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

# **KAUAI ISLAND**

## **Projects Update**

**LAND DEVELOPMENT DIVISION**

Item E-1 For Information Only  
August 21-22, 2023









# DHHL CONTRIBUTION AND FUNDS AWARDED BY USDA RD

**Accepted by HHC, Nov. 2018**

**USDA RD 2016 FUNDING PACKAGE:**

DHHL CONTRIBUTION	\$3,770,723
USDA RD GRANT	<u>\$3,055,137</u>
SUBTOTAL	\$6,825,860

**USDA RD 2018 FUNDING PACKAGE:**

USDA RD LOAN	\$4,100,000
USDA RD GRANT	<u>\$1,999,946</u>
SUBTOTAL	\$6,099,946

GRAND TOTAL DHHL/USDA \$12,955,806

Grant Reimbursement to date: \$3,776,358



# ANAHOLA FARM LOTS WATER SYSTEM IMPROVEMENTS

Phase 1:

Kaiwa Construction: \$3,377,709

- Replacement of transmission and distribution lines
- Improvement of pressure in mauka and makai lots
- Install smart meters, new backflow preventers
- Upgrades to fire protection; new hydrants

Construction commencement: Feb. 2020

Substantial Completion: July 2021

Expenditure to Date: \$3,172,462



# ANAHOLA FARM LOTS WATER SYSTEM IMPROVEMENTS

Phase 2:

Kiewit Infrastructure West Co.: \$ 7,145,786

- Construct 100,000 gallon temporary steel bolted water tank
- Demolish 500,000 gallon steel water tank
- Install new 440,000 gallon concrete water tank
- Construct pump station upgrades and install new submersible pump
- Construct new upper level distribution line and booster pump to increase pressure near tank

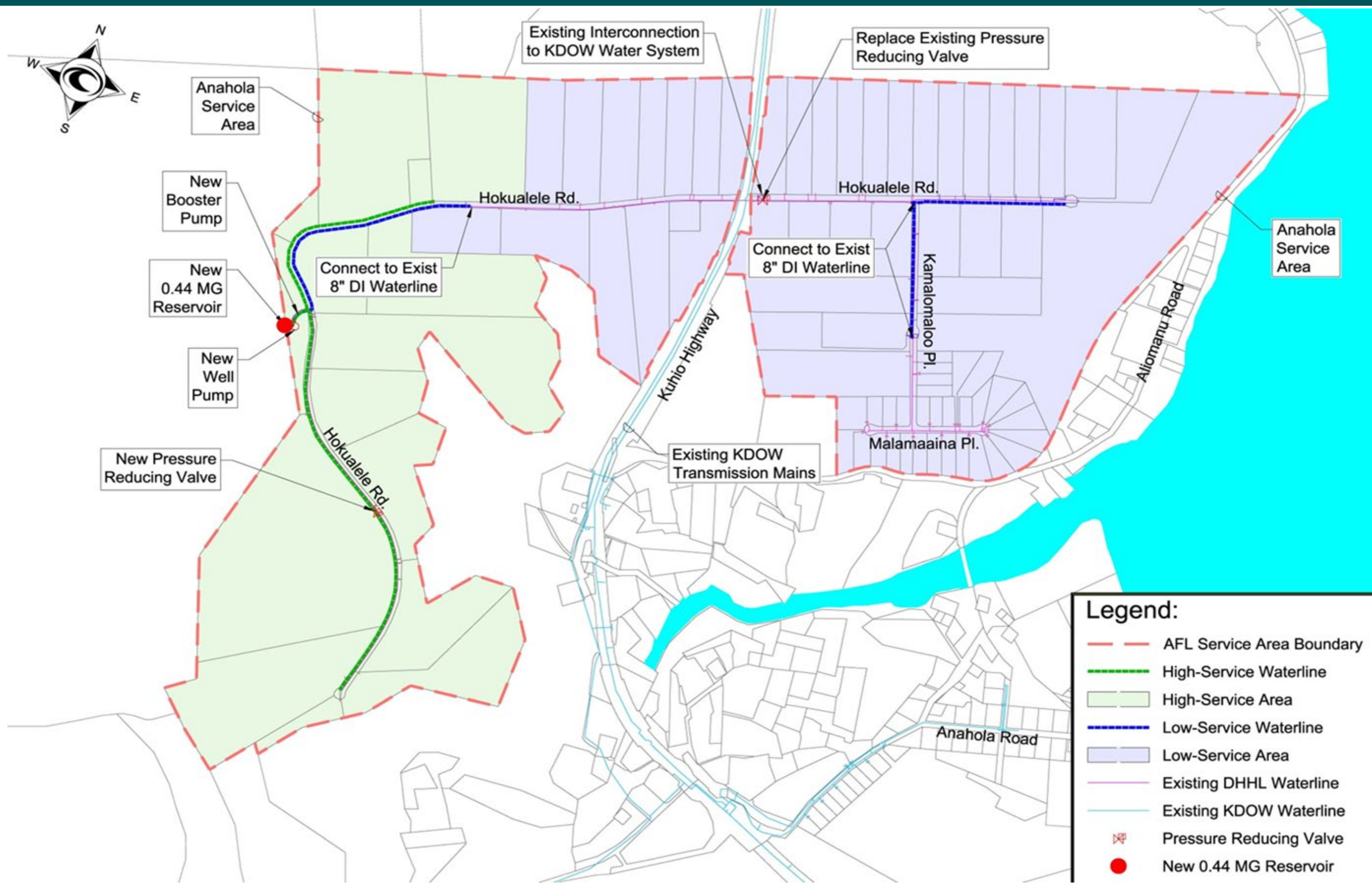
Construction commencement: Dec. 2020

Substantial Completion Phase 2: July 2022

Expenditure to date: \$ 7,037,000



# ANAHOLA FARM LOTS WATER SYSTEM

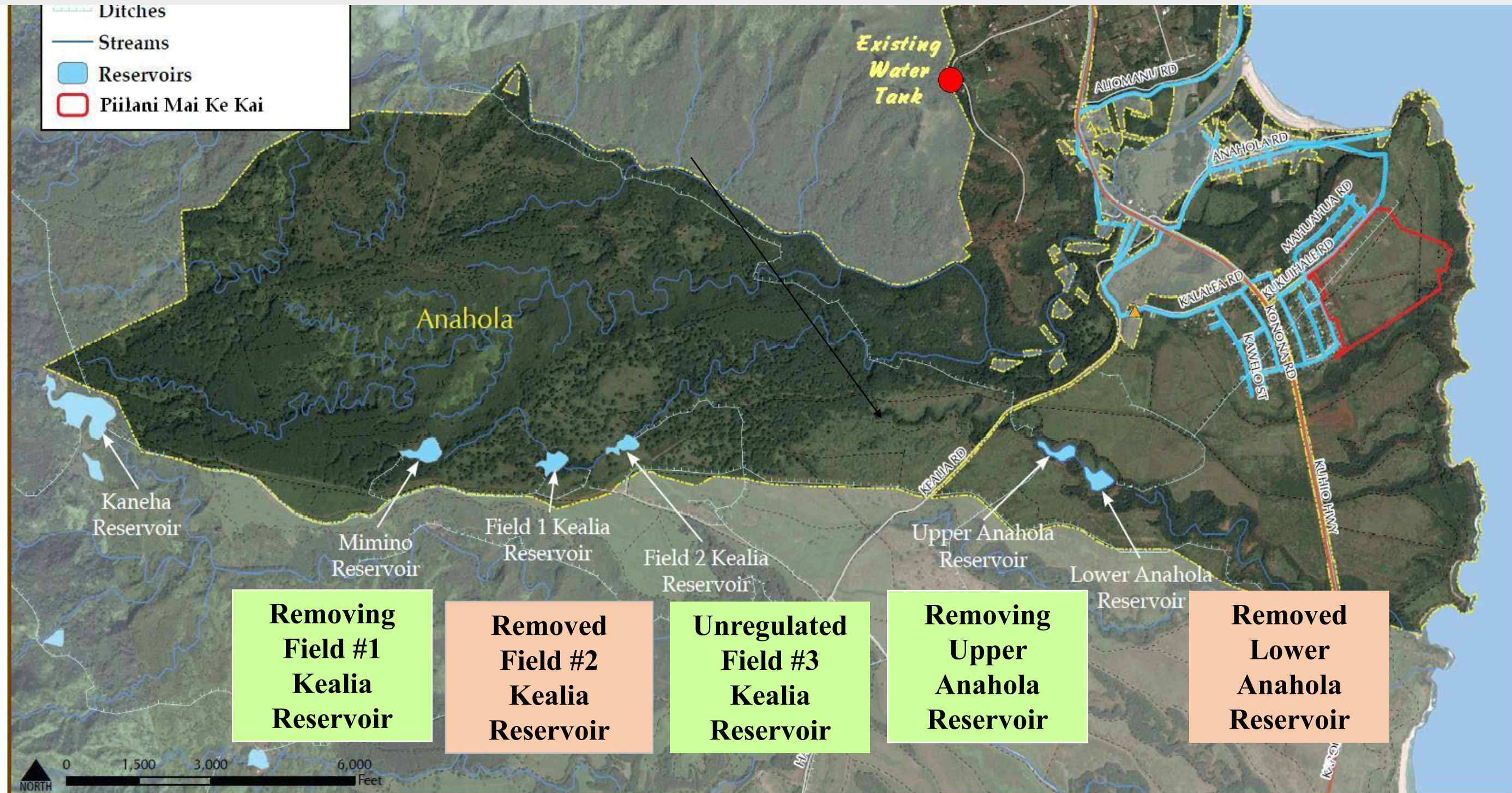






# Anahola Dam & Reservoir Improvements

- Act 122, SLH 2014 \$3.0 Million Appropriation for Dam and Reservoir Improvements
- New design engineer procured in early 2019
- Removal of Kealia Field #2 and Lower Anahola completed Nov. 2020

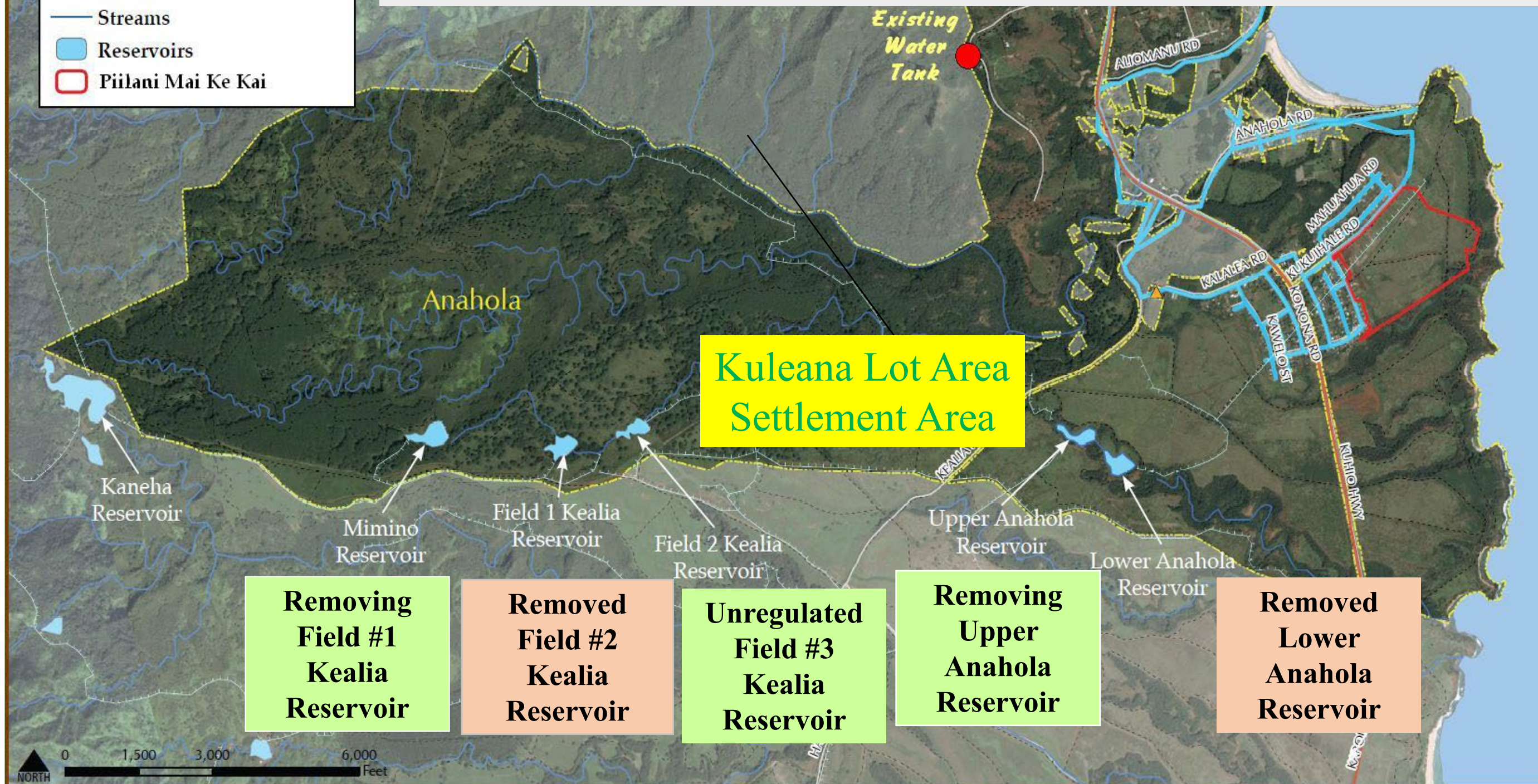




# Assessment of Dams for Anahola Kuleana Lot Settlement Plan



- Draft EA published May 2020; Final EA published June 2021
- Assessed Kealia Field #1 for non-potable; however not feasible

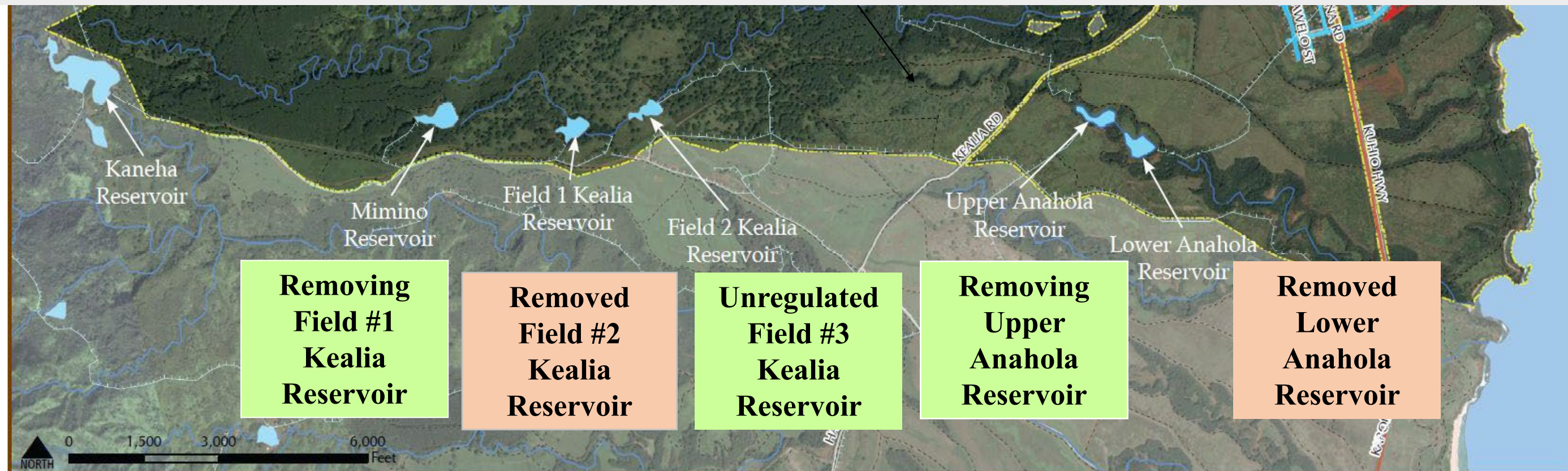






# Anahola Dam & Reservoir Improvements

- Based on recent dam assessment a redesign for removal of Kealia Field #1 and Upper Anahola dams undertaken due to high cost of improvement, no current water source to fill reservoirs, and significant potential liability to maintain a regulated dam.
- Currently, demolition design review by DLNR in process.
- Additional construction funding required to demolish Field #1 and Upper Anahola dams.
- Hawaiian Homes Commission approved Trust Funds in FY24 budget for additional construction funding, subject to negotiation.
- Construction scheduled by early 2024, with a six month construction duration.

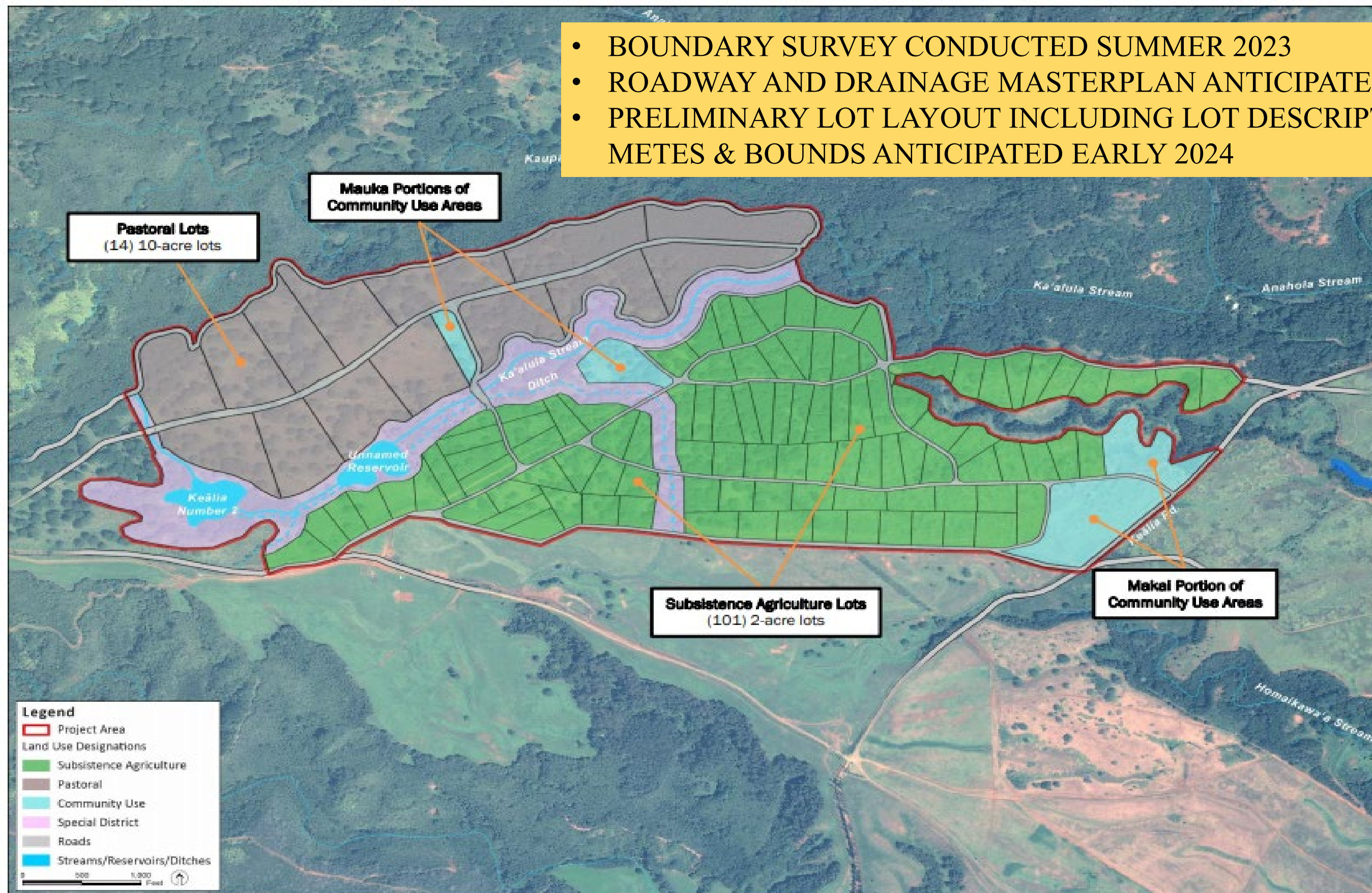






# ANAHOLA KULEANA LOT SETTLEMENT

- BOUNDARY SURVEY CONDUCTED SUMMER 2023
- ROADWAY AND DRAINAGE MASTERPLAN ANTICIPATED LATE 2023
- PRELIMINARY LOT LAYOUT INCLUDING LOT DESCRIPTIONS AND METES & BOUNDS ANTICIPATED EARLY 2024







# PI'ILANI MAI KE KAI







# Lot Assessment, Preparation for Award & Offerings in Progress

## Piilani Mai Ke Kai

Total 171 Undivided Interest Leases

### Phase 2

(51 Lots)

- HUD ERR completed.
- No wetlands permitting required from U.S. Army Corp of Engineers for Phase 2.
- 51 vacant lots offered in 2022.
- To date, 15 residential lots awarded.

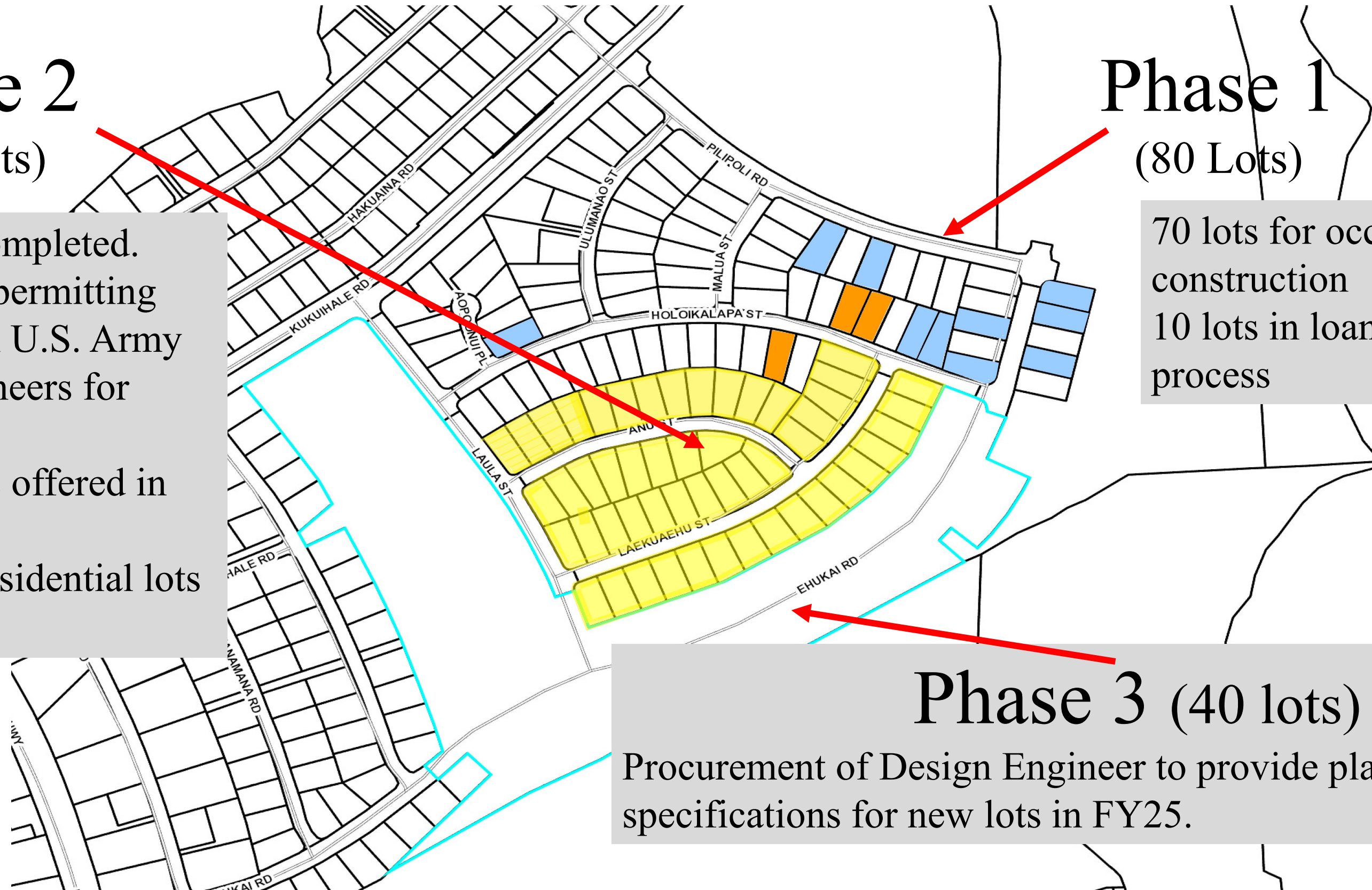
### Phase 1

(80 Lots)

70 lots for occupied/under construction  
10 lots in loan/construction process

### Phase 3 (40 lots)

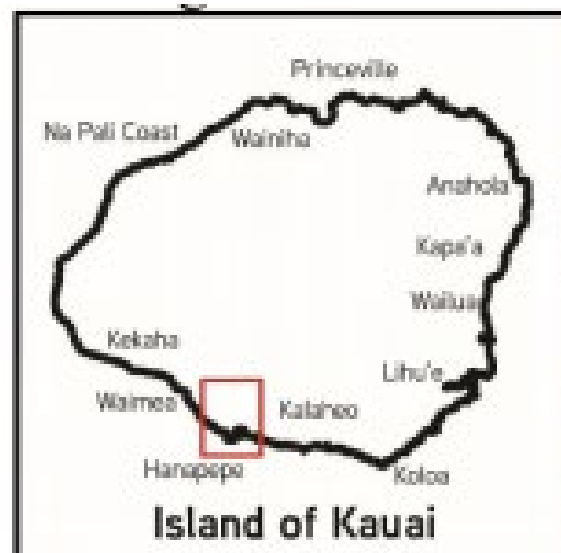
Procurement of Design Engineer to provide plans and specifications for new lots in FY25.







# HANAPEPE MASTERPLAN AND ENVIRONMENTAL ASSESSMENT



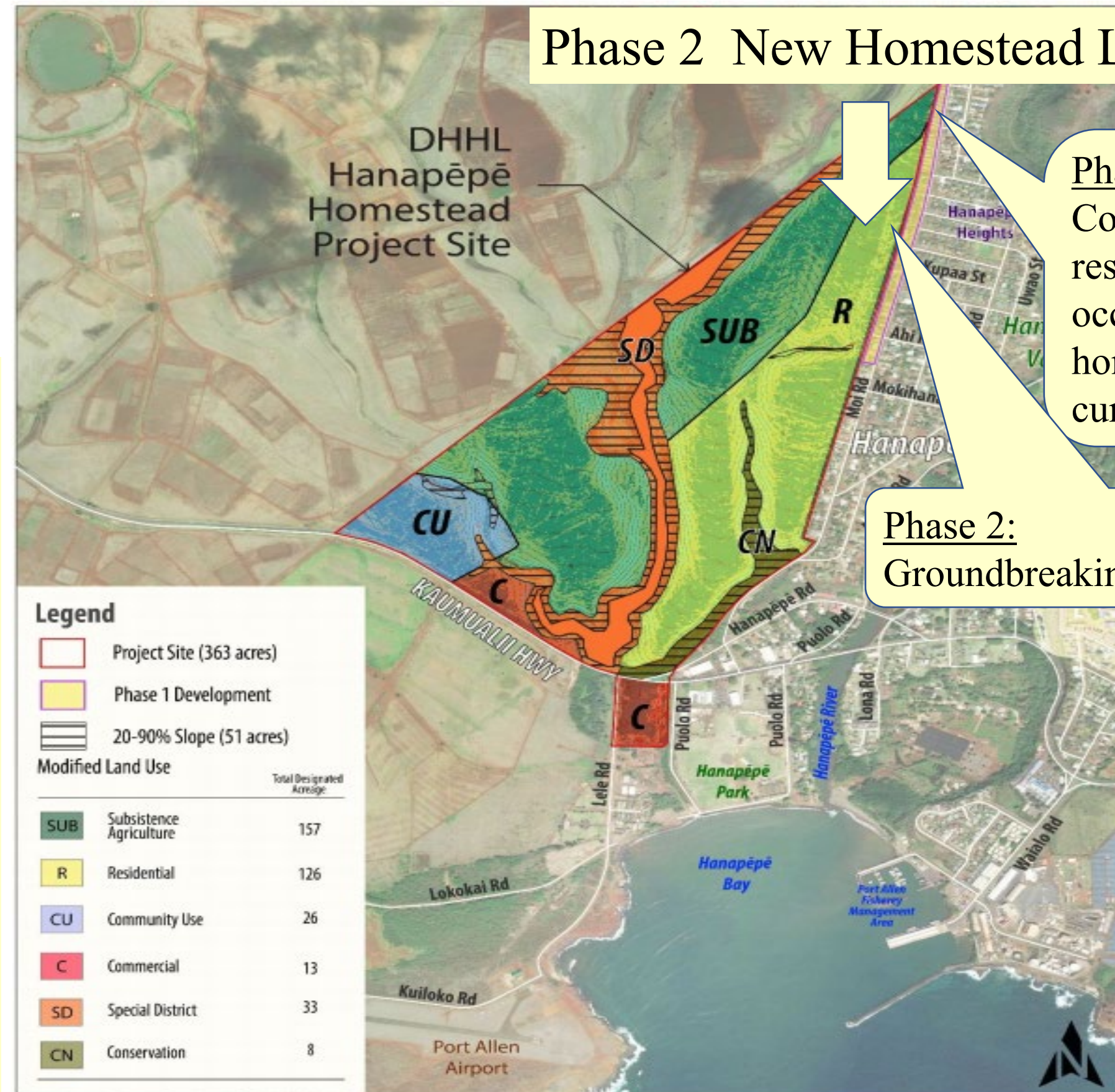
Phase 1: Expansion of the existing 47 homestead lots from 5,000 to 7,500 square feet

Phase 2: 82 new residential lots

Construction cost:  
\$17,800,126

Legislative Appropriation  
(SLH 2022, Act 279)

Construction schedule:  
September 2023 – December 2024



Phase 1:  
Consolidation and resubdivision of 47 occupied residential homestead lots, currently underway

Phase 2:  
Groundbreaking August 23, 2023



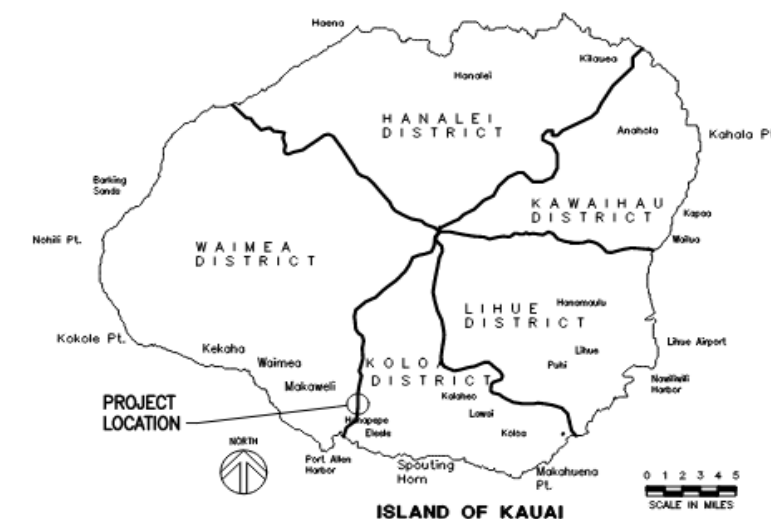


# Hanapepe Residential Phase 2

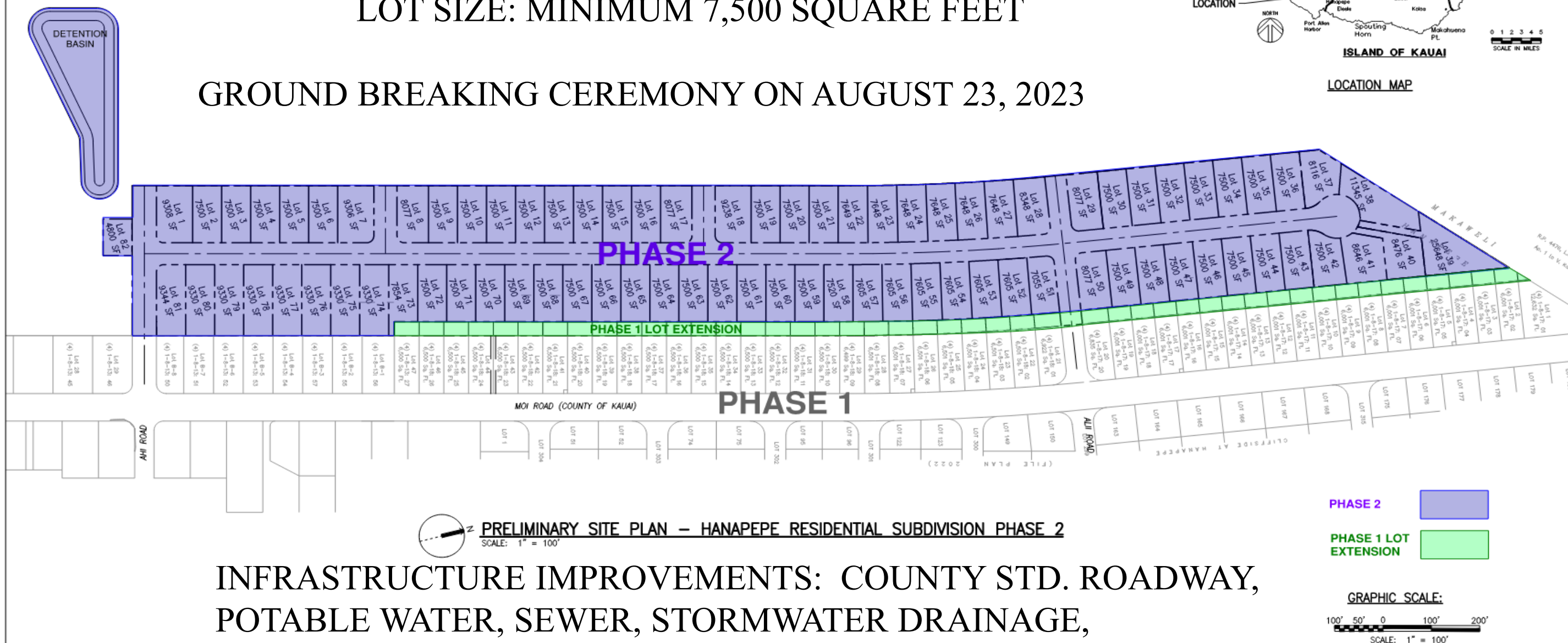
PHASE 1: CONSOLIDATION AND RESUBDIVISION TO ADD APPROXIMATELY 1,500 SQUARE FEET TO EXISTING LOTS

PHASE 2: SUBDIVISION OF 82 NEW RESIDENTIAL LOTS  
LOT SIZE: MINIMUM 7,500 SQUARE FEET

GROUND BREAKING CEREMONY ON AUGUST 23, 2023



LOCATION MAP

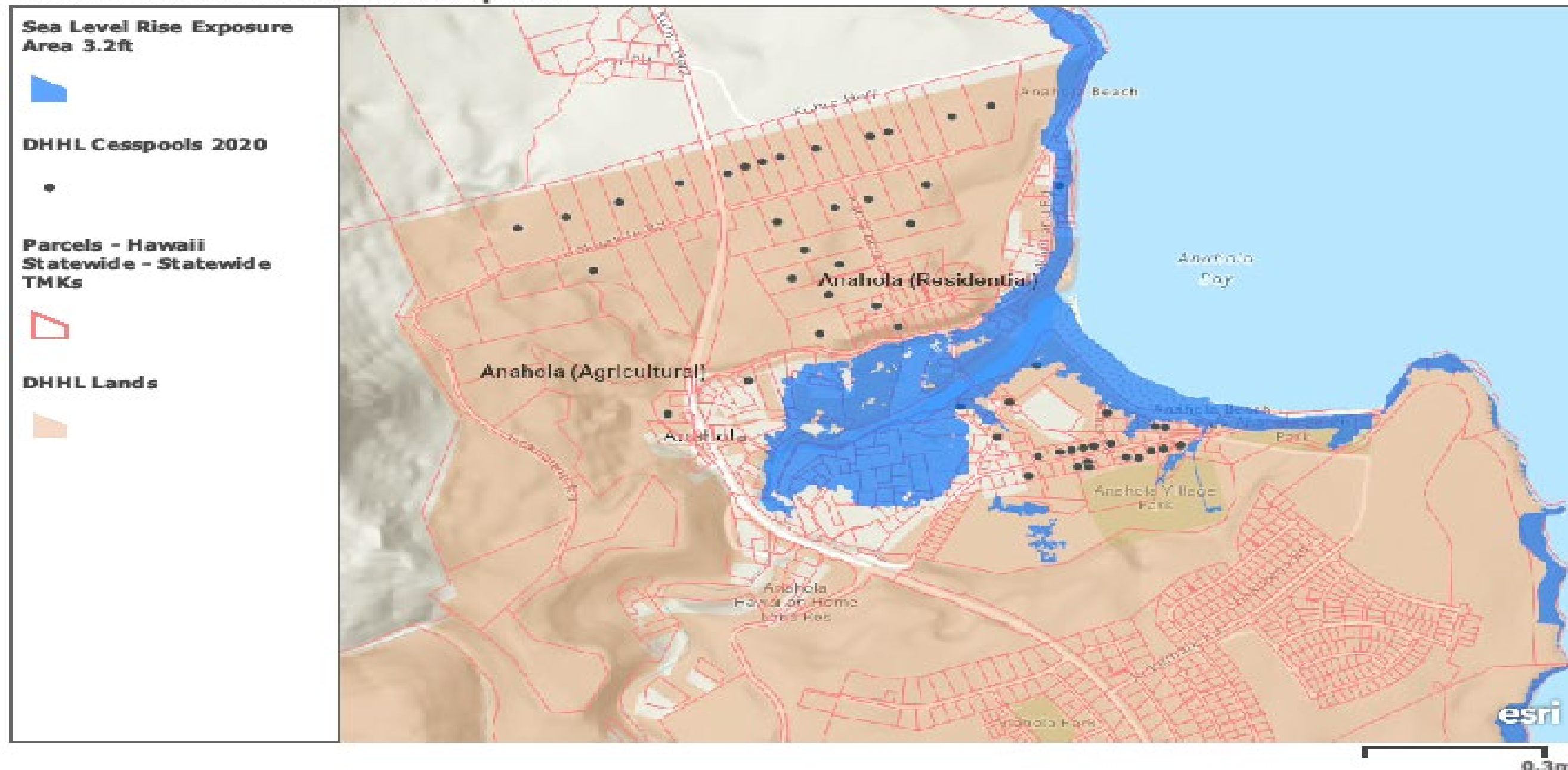


INFRASTRUCTURE IMPROVEMENTS: COUNTY STD. ROADWAY,  
POTABLE WATER, SEWER, STORMWATER DRAINAGE,  
UNDERGROUND ELECTRICAL/TELECOMMUNICATIONS

# ANAHOLA CESSPOOL INVESTIGATION

- Act 132, SLH 2018 requires upgrade, conversion, or sewer connection of all cesspools by 2050, unless exempted. DHHL implementing groundtruthing cesspool inventory data, statewide. Surveyors, including drone overflight were deployed in October 2020.

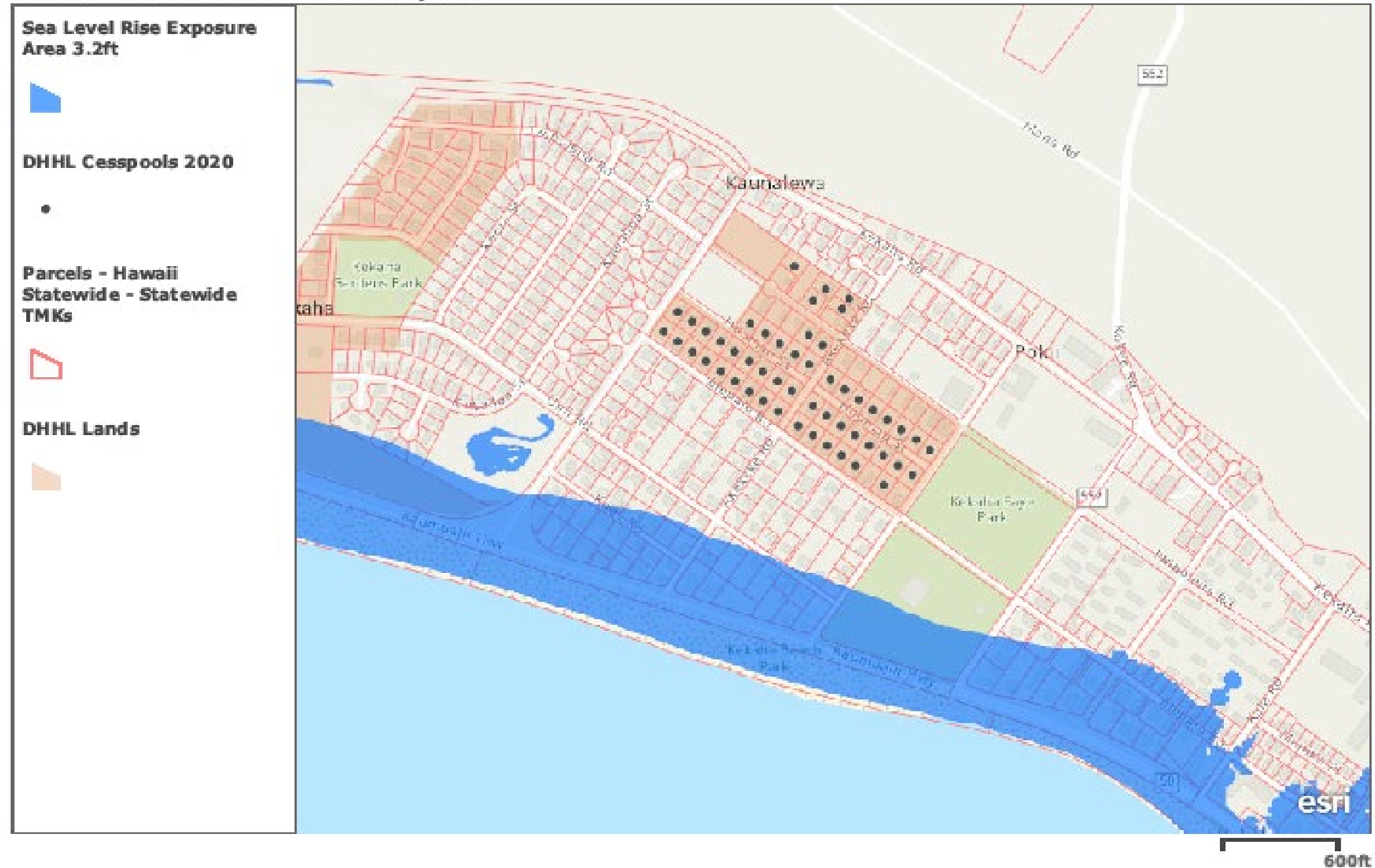
**\*DRAFT\* DHHL Lands and Cesspools**





# KEKAHA CESSPOOL INVESTIGATION

## \*DRAFT\* DHHL Lands and Cesspools





# ANAHOLA AND KEKAHA IWS QUANTITIES

Homestead	Pre-Survey DHHL Data	Current Survey Results
Kekaha		
Septic System	--	56
Cesspool	57	71
Not Accessed	--	16
No IWS or Structure	--	0
Anahola AG		
Septic System	--	15
Cesspool	35	45
Not Accessed	--	13
No IWS or Structure	--	4
Anahola Res		
Septic System	--	139
Cesspool	280	167
Not Accessed	--	49
No IWS or Structure	--	8
<b>TOTALS</b>		
Septic System	--	210
Cesspool	--	283
Not Accessed	--	78
No IWS or Structure	--	12

-- Data not available. DHHL data collected prior to the current assessment targeted only the quantity of cesspools, so septic system quantities were not included.

\*IWS – Individual Wastewater System





# Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

[www.dhhl.hawaii.gov](http://www.dhhl.hawaii.gov)

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart Matsunaga, Administrator  
Land Development Division

Subject: For Information Only  
Implementation Progress Report for Act 279, Session Laws of Hawaii 2022, as of  
August 15, 2023

RECOMMENDED MOTION/ACTION

None, for information only.

BACKGROUND

Act 279 enacted in Regular Session of 2022 of the 31<sup>st</sup> Legislature appropriated \$600,000,000 in general funds to provide a multi-pronged approach to reducing the DHHL waitlist. The \$600,000,000 will address the needs of those on the waitlist and those beneficiaries still waiting. (Excerpt from “Strategic Plan to Implement Act 279 of 2022 dated November 2022)

On August 16, 2022, The Hawaiian Homes Commission (HHC) approved the Strategic Approach to Implement Act 279 - August 2022. Further, on November 22, 2022 the HHC approved the Strategic Plan to Implement Act 279 of 2022.

Pursuant to Section 4(c), Act 279, DHHL shall submit the strategic plan, including findings, recommendations, and any proposed legislation, to the Legislature, no later than December 10, 2022. On December 6, 2022 copies of the Strategic Plan to Implement Act 279, SLH 2022 was transmitted to the Senate President and members of the Senate and President of the House and members of the House of Representatives, pursuant to Section 4(c), Act 279.

DISCUSSION ON FY 2024 IMPLEMENTATION

Project highlights from July 1, 2023 to August 15, 2023:

Island	Subdivision/ Project	Lots	Phase	Pending Encumbrances	Status
Lanai	Lanai Residence Lots Offsite Infrastructure	75	Design	\$ 2,000,000	Contract to Fiscal Office
Oahu	Kaupea, Phase 2	60	Dev Agree	\$ 11,900,000	Awarded to Mark Development

Oahu	East Kapolei II Master Developer	421	Dev Agree	\$ 109,000,000	RFQ released 8/7/23 Submittals due 9/8/23
<u>Land/Project Acquisition RFP 1</u>					
Oahu	Waialua (Mill Camp)	92	Dev Agree	\$ 19,365,760	Negotiating development agreement
Oahu	Ewa Villages	142	Dev Agree	\$ 27,486,000	Developer drafting purchase agreement
	<b>TOTAL</b>			<b>\$ 169,751,760</b>	
Land/Project Acquisition RFP #2: 18 offers received; evaluations in progress.					

RECOMMENDED MOTION/ACTION:

None—for information only.

**HAWAIIAN HOMES COMMISSION  
AUGUST 21 & 22, 2023**



**F – ITEMS**


**LAND MANAGEMENT DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

Thru: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division   
Ward "Kalei" Young, Supervising Land Agent   
Land Management Division

From: Bradley "Kaipo" Duncan, Land Agent   
Land Management Division

Subject: Annual Renewal of Right of Entry Permit(s), Kauai Island

RECOMMENDED MOTION/ACTION:

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

- A) Renew all Kauai Island Right of Entry Permit(s) NOT HIGHLIGHTED IN YELLOW as listed on Exhibit "A" and identified by approximate location on the island map marked Exhibit "A-1" that are in compliance and issued temporary approvals, as of September 1, 2023.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than August 31, 2024.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Kauai Island ROE permit(s) only, which shall effectively expire on August 31, 2023. As a means of maintaining a process by which Permittees can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit “A” references all Right of Entry Permits on Kauai Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL’s respective island plans. DHHL’s total Kauai Island land inventory covers approximately 20,575.0 acres<sup>1</sup> or 10% of DHHL’s statewide inventory. The short-term disposition(s) within the Kauai Island inventory cover approximately 1,508.462 acres or 7% of its land inventory.

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant. Permittees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The tables below reflect the revenue that will be generated statewide as well as from ROE permit(s) on Kauai Island in FY 2024, which will represent 4% (\$100,126.00) of the ROE revenues (\$2,809,386.60) statewide. Kauai Island holds 46 of the 154 ROE permits Statewide.

FY 2024 - Statewide	Number	Acreage	Annual Fees
Agriculture	14	5,066.125	\$41,279.20
Caretaker/	7	4.746	\$2,448.00
Commercial	9	112.492	\$119,179.40
Community	25	17,705.064	\$6,245.00
Easement	3	0.026	\$0.00
Industrial	46	90.720	\$2,494,488.00
Office	2	0.346	\$20,433.00
Pastoral	31	29,980.172	\$106,479.00
Public Service	7	1,328.030	\$0.00
Stabling	7	19.899	\$18,295.00
Telecom	3	460.31	\$0.00
Total	154	54,353.651	\$2,809,386.60

FY 2024 – Kauai ROE	Number	Acreage	Annual Fees
Agriculture	7	68.414	\$4,032.00
Caretaker/Landscape	5	4.294	\$1,728.00
Commercial	2	.032	\$965.00
Community	4	536.327	\$480.00
Education	3	114.730	\$480.00
Industrial	9	19.580	\$7,6521.00
Pastoral	17	765.085	\$15,920.00
Total	46	1,508.462	\$100,126.00

<sup>1</sup> DHHL Kauai Island Plan – Final Report, Group 70 International, June 2004

According to research done by Colliers International, (See Exhibit “B”) the key takeaways for 22YE are that Kauai’s economy rebounds with healthy job gains and air passenger arrival counts. The industrial sector is hamstrung by the lack of available space. The Kauai Industrial vacancy rate remains at 0.27%. The average asking base rent is \$1.55 per square foot per month (“psf/mo”). Demand for industrial use properties is high, therefore, LMD respectfully recommends increasing its rental rates by 3.0% for all non-beneficiary tenants and maintaining current rental rates without any increase for beneficiaries.

Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

In regards to ROE Permits that reflect a delinquency LMD staff will proceed with issuing the Notice of Revocation/Cancellation to said permittees.

AUTHORITY / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a “permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods.”

RECOMMENDATION:

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



RIGHT OF ENTRY PERMITS - KAUAI ISLAND, as of AUGUST 2023							* Denotes Beneficiary		Denotes Delinquency
NO.	ACRE	USE	PERMITTEE	LOCATION	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	
533	11.00	Agriculture	* Don Mahi	Anahola	(4) 4-8-018:031	10/1/1990	\$1,488.00	\$ 1,488.00	Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.)why no long-term
550	0.344	Agriculture	* Kuini Contrades	Anahola	(4) 4-8-008:001 (p)	5/1/2003	\$264.00	\$ 264.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
554	8.00	Agriculture	* Linda Kaauwai-Iwamoto	Anahola	(4) 4-8-005:042 (p)	11/1/2000	\$576.00	\$ 576.00	Account is delinquent for 3 months from June to August in the total of \$66.00; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
558	1.07	Agriculture	*Frank S. Rivera, Sr. and Amber Rivera	Anahola	(4) 4-8-003:020 (p)	5/1/2005	\$264.00	\$ 264.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
543	20.0000	Agriculture	Palahiko Farms	Kekaha	(4) 1-2-002:023 (p)	7/28/2009	\$1,200.00	\$ 1,200.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
575	18.00	Agriculture	Gary Cummings, Jr.	Anahola	(4) 4-8-008:049 (p)	7/23/2013	\$240.00	\$ 240.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
565	12.00	Agriculture	Angelina Koi	Anahola	(4) 4-8-005:038 & :044	7/1/2005	\$708.00	\$ 708.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
698	10.00	Agriculture	Kukuluu Kumuhana O Anahola	Anahola	(4) 4-8-003:019 (p) & :002 (p)	9/1/2022	\$0.00	\$ -	Account is delinquent from August 2022 to August 2023 in the total amount of \$724.00
540	0.25	Caretaker	* Michael J. DeMott	Hanapepe	(4) 1-8-007:021 (p)	9/1/2002	\$408.00	\$ 408.00	Training site and youth center for agricultural purposes
549	0.188	Caretaker	*William Leleo	Anahola	(4) 4-8-003:018 (p)	9/1/2005	\$264.00	\$ 264.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
569	0.164	Caretaker	* Puanani Cummings	Anahola	(4) 4-8-003:020 (p)	9/1/2022	\$264.00	\$ 264.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
553	0.092	Caretaker	* Sunny L. Honda	Anahola	(4) 4-8-009:010 (p)	6/1/1992	\$264.00	\$ 264.00	Updating Status
560	3.6	Caretaker	Valerie Woods	Anahola	(4) 4-8-006:046 (p)	3/8/2002	\$528.00	\$ 528.00	Account is delinquent for 3 months from June to August in the total of \$66.00
536	0.009	Commercial	* Patricia Contrades	Anahola	(4) 4-8-011:045 (p)	7/23/2013	\$396.00	\$ 408.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
564	0.023	Commercial	*Woodrow K. Contrades	Anahola	(4) 4-8-011:045 (p)	4/1/1994	\$569.00	\$ 586.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for Commercial use. Insufficient infrastructure, irregular shape.
572	0.34	Community	*Hokualele Caroe Club dba Na Molokama'o Hanalei	Anahola	(4) 4-8-012:010 (p)	9/1/2022	\$240.00	\$ 240.00	Account is delinquent for July and August 2023 in the total of \$95.00; portion of a larger parcel that is designated for Commercial use. Insufficient infrastructure, irregular shape.
703	0.917	Community	Kukulu Kumuhana O Anahola	Anahola	(4) 4-8-005:026 (p)	4/12/2023	\$0.00	\$ -	Updating Status
709	432.00	Community	Aina Alliance	Anahola	(4) 4-8-03:018, 019(p), .021 & 036; (4) 4-8-014:003; (4) 4-7-004:003,004 & 007	4/12/2023	\$0.00	\$ -	Cultivate dry land taro and other products
722	103.07	Community	Kahu O Ka Paka Kahakai O Anahola	Anahola	(4) 4-9-003:011 & 017; (4) 4-8-010:003, 005, 006 & 010; (4) 4-8-014:005	3/3/2023	\$240.00	\$ 240.00	Stewardship, maintenance & management
707	1.49	Education	Hosea Lovell Foundation	Anahola	(4) 4-8-012:001 & 010 (p)	4/15/2022	\$0.00	\$ -	Account is delinquent in the total of \$87.33, no payment since
710	3.44	Education	Keekei Kauai, Inc.	Anahola	(4) 4-8-008:016 & 080	5/9/2022	\$240.00	\$ 240.00	Account is delinquent for 3 months from June to August in the total of \$66.00; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.



712	109.80	Education	Kaivn Educational Farm Program	Kekaha	(4) 1-2-002:023 (p)	5/2/2022	\$240.00	\$	240.00	Rent is current; educational farming raising goats to create fire break
475	16.072	Industrial	Honsador Lumber, LLC/Mona Lisa Boyer	Kapaa	(4) 4-5-015:003 (p) & 034		\$36,641.00	\$	37,401.00	Rent is current; portion of a larger parcel that is designated for industrial use
538	0.46	Industrial	Kauai Habitat for Humanity	Hanapepe	(4) 1-8-008:035 (p)	7/1/1996	\$568.00	\$	585.00	Rent is current; portion of a larger parcel that is designated for industrial use
542	0.58	Industrial	* Wallace Rita	Hanapepe	(4) 1-8-008:081 (p)	4/1/2007	\$10,798.00	\$	11,122.00	Account is delinquent -in the total of \$33,294.45, last paid on 7/17/2020
574	0.059	Industrial	Jesse Lam/Paul T. Esaki	Kapaa	(4) 4-5-015:048	2/1/1986	\$514.00	\$	530.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for Commerical use. Insufficient infrastructure, irregular shape.
537	0.23	Industrial	*Roger Palama	Hanapepe	(4) 1-8-008:035 (p)	10/1/1995	\$1,414.00	\$	1,456.50	Rent is current; portion of a larger parcel that is designated for industrial use
541	0.344	Industrial	*Wallace Rita and Clyde Odo	Hanapepe	(4) 1-8-008:035 (p)	7/1/2005	\$7,160.00	\$	7,375.00	Account is delinquent in the total of \$15,514.20, last paid on 6/7/2023
544	0.367	Industrial	Akita Enterprises, Ltd.	Hanapepe	(4) 1-8-008:035 (p)	7/1/1999	\$5,797.00	\$	5,971.00	Rent is current; portion of a larger parcel that is designated for industrial use
546	0.55	Industrial	Akita Enterprises, Ltd.	Kapaa	(4) 4-5-005:006 (p)	7/22/2013	\$5,566.00	\$	5,733.00	Rent is current; portion of a larger parcel that is designated for industrial use
566	0.918	Industrial	* Jack L. and Margaret C. Phillips	Kapaa	(4) 4-5-005:006 (p)	3/1/2001	\$8,061.00	\$	8,303.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for industrial use
531	3.264	Pastoral	* Solomon Lovell	Anahola	(4) 4-8-006:004	12/1/1981	\$528.00	\$	528.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
532	14.903	Pastoral	* Esther K. Medeiros/Kalei Medeiros	Anahola	(4) 8-011:005, 006, 011, 013 & 049	2/1/1984	\$1,704.00	\$	1,704.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
535	13.00	Pastoral	*Gordon Rosa	Anahola	(4) 4-8-005:038 (p)	4/1/1994	\$636.00	\$	636.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
545	2.866	Pastoral	*Clay Kelekoma	Anahola	(4) 4-8-015:024 to 026	4/15/1982	\$336.00	\$	336.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
547	50.00	Pastoral	* Patrick Kelekoma and Clay Kelekoma	Anahola	(4) 4-7-004:022 (p)	7/5/2005	\$1,392.00	\$	1,392.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
552	2.849	Pastoral	* Lono K.M. Fu	Anahola-Kamaloaloo	(4) 4-8-003:020 (p)	9/1/2005	\$264.00	\$	264.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
556	0.55	Pastoral	Richard and Kuulei Ornellas	Anahola/Kamaloaloo	(4) 4-8-011:063 (p)	8/1/2003	\$2,184.00	\$	2,184.00	August 2023 rent is outstanding; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
557	173.00	Pastoral	Tarey Low	Anahola/Kamaloaloo	(4) 4-7-002:004 (p)	4/1/2004	\$2,400.00	\$	2,400.00	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
559	315.97	Pastoral	Stuart Keahihi Hanchett	Molokaa	(4) 4-9-010:002 & 005	10/1/2019	\$6,960.00	\$	6,960.00	Updating Status
562	21.03	Pastoral	Joseph Borden	Anahola/Kamaloaloo	(4) 4-8-003:004 (p)	7/23/2013	\$960.00	\$	960.00	August 2023 rent outstanding
567	45.023	Pastoral	* William & Allison Sanchez	Wailua	(4) 3-9-002:003	9/1/2022	\$2,136.00	\$	2,136.00	Updating Status
568	5.00	Pastoral	* Henry Aviguelero	Hanapepe	(4) 1-8-007:003	9/1/2022	\$240.00	\$	240.00	Updating Status
571	11.60	Pastoral	* Norman & Ruby Cummings	Anahola	(4) 4-8-003:020 (p)	9/1/2022	\$672.00	\$	672.00	Updating Status
573	320.00	Pastoral	Ralph Kau	Wailua	(4) 3-9-002:012 & 025	9/1/2022	\$1,280.00	\$	1,280.00	Updating Status
578	10.00	Pastoral	Henry Kupihea	Anahola	(4) 4-8-003:006 (p)	9/1/2020	\$240.00	\$	240.00	Rent is delinquent from 9/1/2020-8/31/2023 in the total \$720.00

583	80.00	Pastoral	*Edward K. Tanguitch	Anahola/ Kamialomai 00	(4) 4-7-002:004 (p)	5/23/2016	\$240.00	\$ 240.00	Rent is delinquent from February 2023 to August 2023 in total of \$140.00, portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
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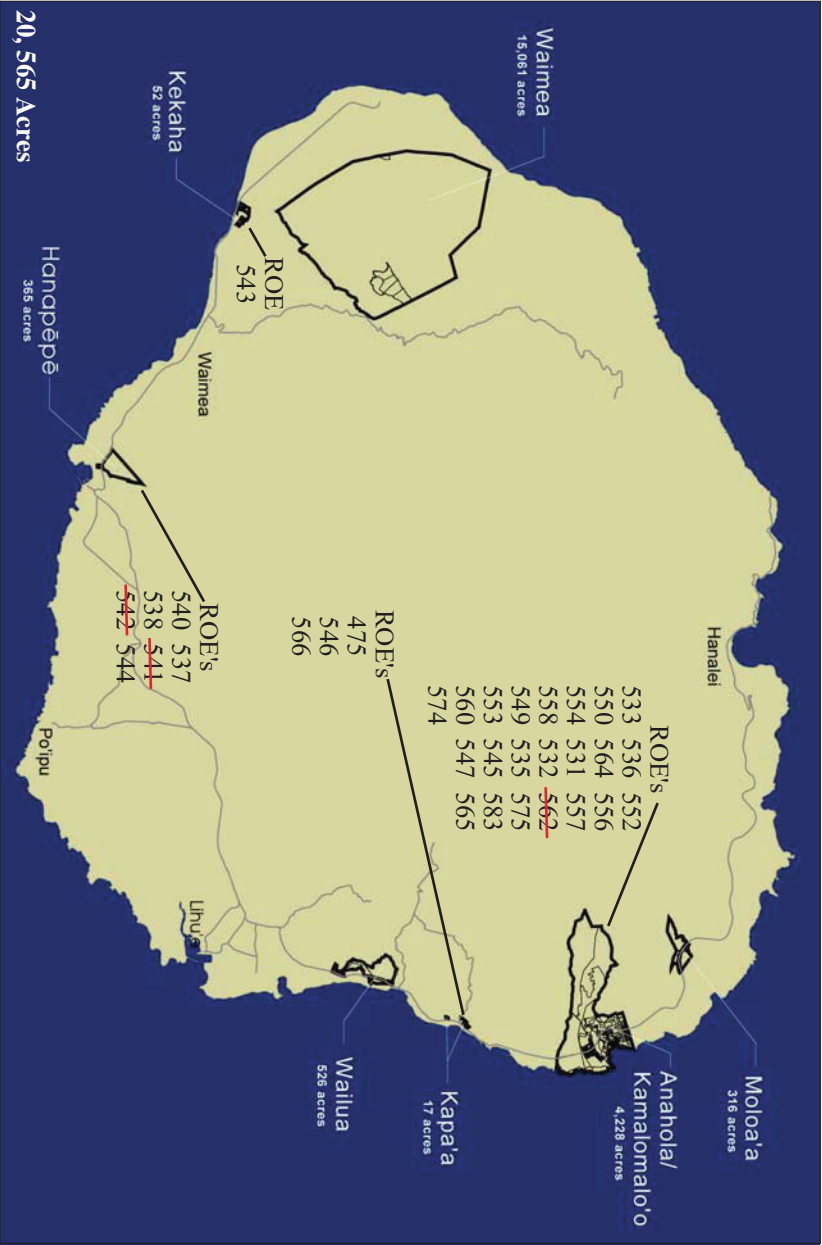


Figure ES.1

DHHL's Kana'i Lands

EXHIBIT "A-1"  
ITEM NO. F-1





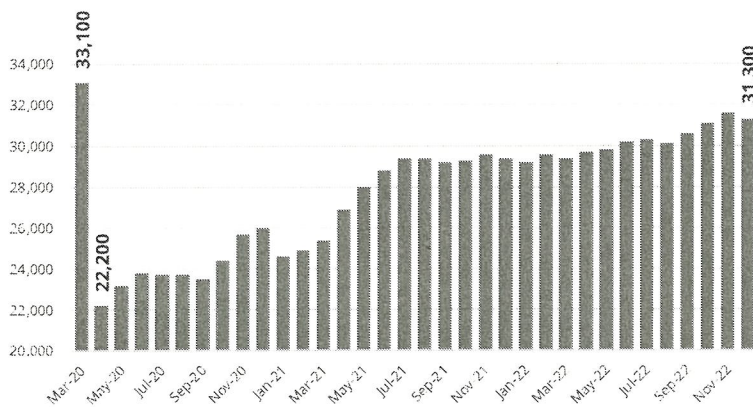
## Key Takeaways

- Kauai's economy rebounds with healthy job gains and air passenger arrival counts
- Office sector faced largest loss of occupancy in recorded history as vacancy rates rise
- Retail vacancy rates fall to record low as Target moves into Kukui Grove Center
- Industrial sector hamstrung by the lack of available space
- Local investors step up as investment transaction counts hit record high

## Economic Rebound Spurs Hope for Commercial Real Estate Sector Recovery

As Kauai's economy enters its third year of recovery from the impact of COVID-19 pandemic, job numbers are gradually returning to pre-pandemic levels. It is noteworthy that at the outset of the pandemic, 33% of Kauai's civilian workforce was laid off. The island's unemployment reached an unprecedented high of 32% in April 2020, but fell to 4.0% by the end of December 2022.

### Kauai County Total Non-Ag Wage and Salary Jobs



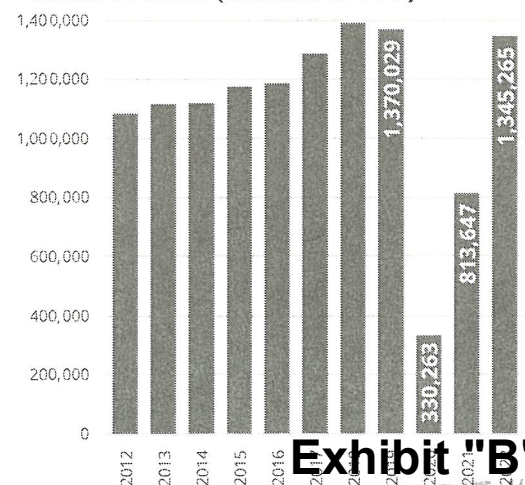
Source: Bureau of Economic Research and Analysis

Over the past year, almost all of Kauai's primary employment categories have seen job gains, indicating a steady improvement in its job market. Kauai's hospitality and retail industries are the island's largest private sector employers, but they were hit hard when COVID-19 forced the closure of retail stores and reduced air travel. Nonetheless, the removal of travel restrictions and COVID-19 sanitation requirements has prompted businesses in the retail and accommodation sectors to rehire 3,600 workers in 2022.

Kauai's tourism industry has rebounded significantly, with more than 1.34 million air passenger arrivals in 2022. The return of visitors provided a healthy 65.3% rise in arrivals over 2021 levels and signaled a near-full recovery in arrival counts to 2019 levels. The rise in passenger arrival counts has been a boon for Kauai's hospitality sector, with hotel occupancy rates increasing to a record high of 79.5%, in Q42022. Additionally, the average daily room rates ("ADR") for Q42022 rose to \$390.78, setting a new ADR high bar for the island's hotels.

Market Indicators (December)		4Q2021 vs 4Q2022
Unemployment Rate	4.00%	↓
Non-Ag Wage and Salary Jobs	31,300	↑
Visitor Arrival Counts	1,345,265	↑
Office Market		Forecast
Vacancy	8.75%	↑
Net Absorption (sf)	(10,934)	↓
Avg Asking Base Rent (psf/mo)	\$2.22	↓
Retail Market		
Vacancy	8.66%	↓
Net Absorption (sf)	58,623	↑
Avg Asking Base Rent (psf/mo)	\$4.55	↑
Industrial Market		
Vacancy	0.27%	—
Net Absorption (sf)	6,654	—
Avg Asking Base Rent (psf/mo)	\$1.55	↑
Investment Market		
Sales Volume (millions)	\$93,117,773	↓
Sales Counts	21	↑

### Visitor Arrivals (December YTD)



Source: Dept. of Business, Economic Development and Tourism

**Exhibit "B"**  
**Item No. F-1**

## Hawaii | Kauai | Office | Market Statistics

Property Type	Total Inventory (SF)	Available Space (SF)	Vacancy Rate (%)	Net Absorption (SF)	Avg. High Asking Rent (NNN) (PSF/Mo)	Avg. Op. Exp (PSF/Mo)
Kauai	377,955	33,071	8.75%	(10,934)	\$2.22	\$1.01

## Hawaii | Kauai | Retail | Market Statistics

Property Type	Total Inventory (SF)	Available Space (SF)	Vacancy Rate (%)	Net Absorption (SF)	Avg. Low Asking Rent (NNN) (PSF/Mo)	Avg. High Asking Rent (NNN) (PSF/Mo)	Avg. Op. Exp (PSF/Mo)
Kauai	1,574,765	136,334	8.66%	58,623	\$3.63	\$5.51	\$1.36

## Hawaii | Kauai | Industrial | Market Statistics

Property Type	Total Inventory (SF)	Available Space (SF)	Vacancy Rate (%)	Net Absorption (SF)	Avg. Asking Rent (PSF/Mo)	Avg. Op. Exp (PSF/Mo)
Lihue Industrial	1,184,605	4,592	0.39%	4,179	\$1.55	\$0.53
Puhi Industrial	512,973	0	0.00%	2,475	N/A	N/A
<b>Totals</b>	<b>1,697,578</b>	<b>4,592</b>	<b>0.27%</b>	<b>6,654</b>	<b>\$1.55</b>	<b>\$0.53</b>

## Hawaii | Kauai | CRE Investment Sales Summary | Market Statistics

Property Type	Sales Volume	Sales Counts	Sales Volume			Sales Counts		
			Local	U.S. Domestic	International	Local	U.S. Domestic	International
Hotel/Resort	\$22,310,000	1	\$0	\$22,310,000	\$0	0	1	0
Industrial	\$8,762,500	5	\$6,012,500	\$2,750,000	\$0	4	1	0
Land	\$23,900,800	5	\$10,950,800	\$12,950,000	\$0	3	2	0
Multifamily	\$12,775,000	2	\$2,475,000	\$10,300,000	\$0	1	1	0
Office	\$6,035,000	3	\$6,035,000	\$0	\$0	3	0	0
Retail	\$19,334,473	5	\$16,584,473	\$2,750,000	\$0	4	1	0
<b>Totals</b>	<b>\$93,117,773</b>	<b>21</b>	<b>\$42,057,773</b>	<b>\$51,060,000</b>	<b>\$0</b>	<b>15</b>	<b>6</b>	<b>0</b>



STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division *KA*  
Kalei Young, *KA* Supervising Land Agent  
Land Management Division

From: Shelly Carreira, Land Agent *SC*  
Land Management Division

Subject: Approval to First Amendment to Right of Entry Permit No. 714, Prometheus Construction, Puowaina, Punchbowl, Oahu, TMK: (1) 2-2-005:035 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its approval to the First Amendment to Right of Entry Permit No. 714 issued to Prometheus Construction for an additional four (4) month period to continue use of a portion of Hawaiian home lands TMK: (1) 2-2-005:035 for the purpose of staging and storing construction equipment and materials related to slope improvements and structural stabilization projects on Hawaiian home lands.

Approval of the first amendment is subject to the following conditions:

1. The term for this ROE shall be extended for an additional four (4) month period, commencing on September 7, 2023 and terminating on January 6, 2024;
2. The Permittee shall pay the processing and documentation fee, \$150.00; and
3. With the exception of the current requested action, all of the terms, conditions, covenants, and provisions of Right of Entry Permit No. 714 shall continue and remain in full force and effect.

LOCATION:

Portion of Hawaiian home lands situated in Puowaina, Papakolea, Island of Oahu, as further identified as TMK: (1) 2-2-005:035 (por.)

AREA:

1.2 acres or 52,272/square feet

DISCUSSION:

At its meeting of July 18, 2022, the Hawaiian Homes Commission approved the issuance of a right of entry permit to Prometheus Construction for the purpose of staging and storing construction materials and equipment related to Department of Hawaiian Home Lands (DHHL), Land Development Division's

slope improvements and structure stabilization projects on Hawaiian home lands along Kapahu Street (see Exhibit “A”).

Through the attached letter shown as Exhibit “B”, Prometheus Construction is requesting to extend the term of ROE 714. Pursuant to ROE, the term may be extended for an additional four (4) month period at the sole discretion of DHHL. Approval on extension will allow Prometheus Construction to continue using the base yard area during the structural stabilization project. The additional four month period would be sufficient time for Prometheus to complete the structural stabilization project and vacate the base yard site.

PLANNING AREA:

Honolulu Ahupua’a - Papakolea

LAND USE DESIGNATION:

Special District

CHARACTER OF USE:

Special District

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Department of Hawaiian Home Lands Comprehensive Exemption List as Reviewed and Concurred Upon by the Environmental Council on March 3, 2021, the subject request is considered a de minimis activity under HAR-200.1-16 and is exempt from the preparation of an environmental assessment pursuant to Exemption Class #4, which states “Minor alteration in the conditions of land, water, or vegetation.” (Sub-class #4. Minor vegetation clearing and management, including mowing, pruning, and trimming. Work under this exemption shall be performed by the Department or its contractor. Work shall involve cutting and removal of brush, grass, and small trees or bushes. Vegetation shall be hauled by truck to an approved sanitary landfill site, or allowed to remain onsite where feasible for use as compost or mulch.)

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following General Plan goals and objectives:

DHHL General Plan (2002) goals and objectives:

***Land and Resource Management***

Goals:

- Be responsible, long-term stewards of the Trust’s lands and the natural, historic and community resources located on these lands.

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

AUTHORITY

Hawaii Revised Statutes, Section 171-55 Permits.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

RIGHT-OF-ENTRY NO. 714

This RIGHT-OF-ENTRY NO. 714 (**ROE**), dated September 7, 2022, (**Effective Date**) is made by and between the State of Hawaii, **DEPARTMENT OF HAWAIIAN HOME LANDS**, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, 96707 (**PERMITTOR**) and **PROMETHEUS CONSTRUCTION**, a foreign profit corporation, whose address is 651 Komohana Street, Kapolei, Hawaii, 96707, (**PERMITTEE**).

1. **GRANT.** PERMITTOR grants to PERMITTEE, its employees, invitees, agents, and representatives (collectively, **Permittee's Representatives**), a non-exclusive, revocable right to enter that certain parcel of Hawaiian home lands located at Puowaina, Punchbowl, Island of Oahu, identified as Tax Map Key No. (1) 2-2-005:035 (por.), and being approximately 1.2 acres of land and any improvements thereon, depicted in the map attached hereto as **Exhibit "A,"** together with those improvements existing thereon as of the Effective Date and any improvements or alterations permitted thereon (**Premises**).

2. **TERM.** This ROE commences on the Effective Date and will continue thereafter on a month-to-month basis until terminated as provided in this instrument; provided, however, that the total term of this ROE shall not exceed twelve (12) months; provided further that this ROE may be extended on a month-to-month basis for up to an additional four (4) months at the sole discretion of PERMITTOR. PERMITTOR may in its sole discretion, for any reason or no reason whatsoever, terminate this ROE on thirty (30) days written notice to PERMITTEE.

3. **PERMITTED USE.** PERMITTEE may use the Premises only for the following purpose(s): staging and storing construction materials and equipment related to the slope improvements and structure stabilization project on Hawaiian lands along Kapahu Street, Honolulu; and for no other, except with PERMITTOR'S prior written consent.

4. **FEES.** The fee shall be gratis.

5. **MAINTENANCE; SECURITY.** PERMITTEE shall keep the Premises in a strictly clean and sanitary and orderly condition, and shall not cause, make, permit, or suffer any waste, spoil, nuisance, nor any unlawful, improper, illegal, or offensive use of or on the Premises. PERMITTEE shall be solely responsible for the security of the Premises and all of PERMITTEE'S property kept in or on the Premises.

**ITEM NO. F-2**

**EXHIBIT "A"**





6. **CONSTRUCTION AND IMPROVEMENTS.** PERMITTEE may not construct, alter, amend, place, or install any improvements or fixtures on the Premises or any improvements thereon except with PERMITTOR'S prior written approval.

7. **COMPLIANCE WITH LAWS.** PERMITTEE shall comply with all rules, regulations, ordinances and/or laws of the State of Hawaii and any other municipal and/or Federal Government authority applicable to the Premises and improvements thereon.

8. **RIGHT TO ENTER.** PERMITTOR, its agents, and representatives may at all reasonable times freely access and enter the Premises for the purpose of, but not limited to, examining the same or for the performance of any public or official duties; provided that PERMITTOR shall not interfere unreasonably with PERMITTEE'S permitted use(s) of the Premises.

9. **NO ASSIGNMENT OR SUBLEASE.** PERMITTEE may not in any manner transfer, assign, mortgage, pledge, sublease, or sublet any rights in or to the Premises, in whole or part, or otherwise hold or agree so to do for the benefit of any other person or persons or organization of any kind.

10. **NO LIENS OR ENCUMBRANCES.** PERMITTEE shall not by any act or omission, directly or indirectly, create, incur, assume, cause, or suffer to exist any liens or encumbrances on or with respect to its interests and rights of use in the Premises. PERMITTEE shall promptly notify PERMITTOR of any such liens and encumbrances and, at its own expense, take such action as may be necessary to immediately and fully discharge or release any such lien or encumbrance.

11. **SURRENDER.** Upon termination of this ROE, PERMITTEE shall peaceably and quietly surrender and deliver to PERMITTOR possession of the Premises and within thirty (30) days thereof, restore, at its own cost and risk, the Premises to a condition similar to that which existed prior to the Effective Date (or at PERMITTOR'S election, prior to PERMITTEE'S first occupancy of the Premises), reasonable and ordinary wear and tear and damage by acts of God excepted,. PERMITTEE shall remove all fixtures and personal property belonging to PERMITTEE; provided that in any such fixture can be safely removed without damage to the Premises or any improvements thereon. If PERMITTEE fails to effectuate such restoration of the Premises, PERMITTOR reserves the right to accomplish the same on PERMITTEE'S behalf and shall assess PERMITTEE the total costs thereof. Any improvements, fixtures, or personal property remaining on or in the Premises shall revert to and be deemed PERMITTOR's property, with which PERMITTOR may dispose in its sole discretion.

12. **INSURANCE.** PERMITTEE shall provide proof of a comprehensive general liability insurance policy of no less than \$1,000,000.00 for each occurrence,

naming the State of Hawaii and its Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this ROE. The specification of these limits as contained herein shall not be construed in any way to be a limitation on the amount of liability of PERMITTEE for fees, interest or other charges under this ROE.

PERMITTEE shall provide certificate(s) of insurance necessary to evidence compliance with the insurance provisions of this ROE. PERMITTEE shall keep such insurance in effect and the certificate(s) on deposit with PERMITTOR during the entire term of this ROE.

In addition:

- a. Failure of PERMITTEE to provide and keep in force such insurance shall be regarded as material default under this ROE. PERMITTOR shall be entitled to exercise any or all of the remedies provided in this ROE for default of PERMITTEE.
- b. The procuring of such required insurance policies shall not be construed to limit PERMITTEE'S indemnification obligations under this ROE.
- c. PERMITTOR is a self insured State agency. PERMITTEE'S insurance shall be primary. Any insurance maintained by PERMITTOR and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by PERMITTEE.

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Chairman, Hawaiian Homes Commission; (b) name the State of Hawaii and its DEPARTMENT OF HAWAIIAN HOME LANDS as an insured; (c) provide that the DEPARTMENT OF HAWAIIAN HOME LANDS shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out of or caused by any acts or omissions of PERMITTEE, its officers, agents, employees, invitees or licensees in connection with PERMITTEE'S use or occupancy of the Premises.

PERMITTEE shall insure during the term of this ROE the entire Premises, including all buildings now existing and hereafter built or located on the Premises, improvements and grounds, and all roadways and sidewalks on or adjacent to the Premises in the control or use of the PERMITTEE. The insurance shall cover loss or damage by fire and other hazards, casualties and contingencies, including vandalism and malicious mischief. The insurance shall be for the full insurable value of such improvements.

PERMITTEE shall furnish to PERMITTOR upon the execution of this ROE, certificates showing such insurance policy or policies to be in favor of PERMITTOR and to be in force, and shall furnish like certificates upon each renewal thereof. In the event of loss, damage or destruction, PERMITTOR shall retain from the proceeds of the policies such amounts deemed by it to be necessary to cover the loss, damage or destruction of or to the improvements and the balance of such proceeds, if any, shall be delivered to PERMITTEE.

The procuring of this policy shall not release or relieve PERMITTEE of its responsibility under this ROE as set forth herein or limit the amount of its liability under this ROE.

PERMITTEE shall provide proof of liability insurance satisfactory to PERMITTOR within a reasonable time before the Effective Date.

13. **DEFENSE AND INDEMNITY.** PERMITTEE shall release, defend, indemnify and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorneys' fees, and all claims, suits, and demands therefore, arising out of or resulting from the acts or omissions of PERMITTEE and/or PERMITTEE'S officers, employees, agents, or contractors occurring during or in connection with the exercise of this ROE. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or early termination of this ROE.

14. **HAZARDOUS MATERIAL.** PERMITTEE shall not cause or permit the escape, disposal, or release of any hazardous materials. PERMITTEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the premises any such materials except to use in the ordinary course of PERMITTEE'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by PERMITTEE, then PERMITTEE shall be responsible for the costs thereof. In addition, PERMITTEE shall execute affidavits, representations and the like from time to time at PERMITTOR'S request concerning PERMITTEE'S best knowledge and belief regarding the presence of hazardous materials on the Premises placed or released by PERMITTEE.

PERMITTEE agrees to indemnify, defend, and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damage, cost, and expense, including all attorney's fees, and all claims, suits, and demands therefore, arising out of or resulting from any use or release of hazardous materials on the premises occurring while PERMITTEE is in possession, or elsewhere if caused by



PERMITTEE or persons acting under PERMITTEE. These covenants shall survive the expiration or earlier termination of the ROE.

For the purpose of this ROE, the term "hazardous material" as used herein shall include any substance, waste or material designated as hazardous or toxic or radioactive or other similar term by any present or future federal, state or local statutes, regulation or ordinance, such as the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, as amended from time to time, and also including but not limited to petroleum, petroleum based substances, asbestos, polychlorinated-biphenyls ("PCB"), formaldehyde, and also including any substance designated by federal, state or local regulations, now or in the future, as presenting a risk to human health or the environment.

Prior to the termination of the ROE, PERMITTEE may be required to conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health and PERMITTOR.

15. **ENTIRE AGREEMENT.** This ROE contains all of the terms and agreements between the parties relating to the subject matter hereof and supersedes and cancels any and all other conflicting prior agreements, promises, and negotiations between them. Nothing contained herein shall limit any claims by PERMITTOR against PERMITTEE arising under prior agreements, nor limit PERMITTEE'S continuing obligations under prior agreements, including insurance, indemnity, and hazardous waste obligations.

16. **PERMITTEE REPRESENTATIONS.** PERMITTEE currently uses and occupies the Premises and is familiar with the quality and condition of the Premises, has had an opportunity to inspect the Premises, and to evaluate and determine for itself the suitability of the Premises for its intended purposes; and PERMITTEE accepts the Premises as-is, where-is, with all faults, defects, and conditions, whether known or unknown.

17. **SPECIAL CONDITIONS.**

- A. **Installation of new gates and fencing.** PERMITTEE shall remove the existing chain link gates and fencing, install new 9-gauge chain link gates and fencing, approximately 100x200 linear feet to remain in place and become the property of PERMITTOR.
- B. **Utility Services.** PERMITTEE agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of

utilities on the Premises, should PERMITTEE'S use require such utility services.

- C. **Removal of Surface Material.** PERMITTEE may be required to remove and dispose of all surface material, including asphalt paving and concrete slab that becomes contaminated beyond the allowable Department of Health limits due to PERMITTEE'S use.
- D. **Security of stored items.** PERMITTEE shall be solely responsible for the security of all items stored on the Premises. PERMITTEE shall be allowed to install security fencing, however if PERMITTEE intends to install other types of security systems, PERMITTEE must first request and obtain PERMITTOR'S written approval. PERMITTOR makes no representations or warranties as to the safety or security of the Premises or any equipment or materials PERMITTEE may keep on the Premises.
- E. **No residential use.** No residential use shall be permitted, including temporary overnight camping. However, PERMITTEE shall be allowed to provide a shelter for security personnel if such persons are hired for security purposes.
- F. **Temporary fences/structures.** PERMITTEE shall be allowed to fence the Premises and place temporary structures on the property provided said structures are used as an office, storage space, or a work area. PERMITTOR reserves the right to limit the number of structures or require removal if the structures that are not maintained in good condition.
- G. **Removal of equipment constructed improvements.** Prior to vacating the Premises, PERMITTEE shall remove, at PERMITTEE'S expense, all of PERMITTEE'S equipment constructed improvements, trash, goods, and materials and restore the area to a condition as good as or better than that which existed prior to PERMITTEE'S use. PERMITTEE shall also notify PERMITTOR to do a site inspection when PERMITTEE has completed removal.
- H. **Storage of any oil or gasoline.** PERMITTEE shall take reasonable measures in preventing any hazardous materials from leaching on the Premises. Proper storage of any oil or gasoline is required.
- I. The ROE document shall be subject to other standard terms and conditions of similar documents issued by DHHL and will be subject to the review and approval by the Office of the Attorney General, State of Hawaii; and

J. This ROE is subject to other terms and conditions that may be deemed prudent by the Hawaiian Homes Commission.

IN WITNESS WHEREOF, PERMITTOR and PERMITTEE have caused this ROE to be executed by the duly authorized officers/individuals as of the day and year first above written.

APPROVED BY THE HHC  
AT ITS MEETING HELD ON  
July 18, 2022

State of Hawaii  
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

*R. K. K.*  
Deputy Attorney General  
State of Hawaii

By *William J. Aila, Jr.*  
William J. Aila, Jr., Chairman  
Hawaiian Homes Commission

PERMITTOR

PROMETHEUS CONSTRUCTION  
a Foreign profit corporation

By: *Cliff Tillotson*  
Clifford Tillotson  
Its: Vice President

PERMITTEE





**EXHIBIT "A"**  
**(Premises)**

**TMK No. (1) 2-2-005:035 (por.)**







## Prometheus Construction

July 20, 2023

State of Hawaii  
Department of Hawaii Home Lands  
Attention: William J. Aila Jr., Chairman  
91-5420 Kapolei Parkway  
Kapolei, HI 96707

RECEIVED  
LAND MANAGEMENT  
DIVISION  
2023 JUL 20 PM 3:58

Dear Chairman Kali Watson:

SUBJECT: Request to Extend ROE 714 for Use of Hawaiian Home Lands Base Yard

Prometheus Construction is nearing completion of DHHL Land Development Division's IFB - 22-HHL-007 for slope improvements in Papakolea and adjacent to Kapahu Street. DHHL granted an ROE (attached) to utilize approximately 1.2 acres of Hawaiian Home Lands under a portion of T.M.K. (1) 2-2-005:034. Prometheus will be completing the Papakolea Kapahu Street Slope Project at the end of August 2023 and will immediately begin work on DHHL 2312 and 2316 Kapahu St. Structural Stabilization Project just up the road. The original ROE expires on September 6, 2023. Prometheus is requesting to extend the ROE for an additional 4-month period to service this new DHHL new project.

Construction work on 2312 and 2316 Kapahu St. Structural Stabilization Project is anticipated to begin in late August 2023 and complete in December 2023.

Sincerely,

Cliff Tillotson  
Vice President  
Prometheus Construction  
(808) 954-2615

ITEM NO. F-2  
EXHIBIT "B"

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

Through: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division *VA*  
Kalei Young *u* Supervising Land Agent  
Land Management Division

From: Shelly Carreira, Land Agent *SC*  
Land Management Division

Subject: Approval to Third Amendment to Right of Entry Permit No. 704, Hawaiian Telcom, Inc.,  
Portions of Various Tax Map Keys, Islands of Kauai, Oahu, Molokai, Maui, Hawaii,  
State of Hawaii

RECOMMENDED MOTION/ACTION:

1. That the Hawaiian Homes Commission (HHC) grant its approval to the Third Amendment to Right of Entry No. 704 to extend the term for an additional 12-month period to allow Permittee access for the purpose of operating and maintaining Permittee's assets situated on Hawaiian home lands.

Approval of this Third Amendment to Right of Entry No. 704 is subject to the following conditions:

- A. The extended term of the ROE shall be month to month for up to 12-months, commencing on September 3, 2023;
- B. Permittee shall pay the processing and documentation fee set at \$150.00;
- C. Except as amended herein, all of the terms, conditions, covenants, and provisions of Right of Entry No. 704 and the First Amendment shall continue and remain in full force and effect; and
- D. The Amendment document shall be subject to review and approval of the Office of the Attorney General, State of Hawaii.

BACKGROUND/DISCUSSION:

At its meeting of August 16, 2021, the Hawaiian Homes Commission (HHC) approved the issuance of a right of entry to Hawaiian Telcom, Inc. for non-exclusive access for the purpose of conducting due diligence related to maintaining and operating its submarine and terrestrial communication assets situated on portions of Hawaiian home lands.

Subsequent amendments were approved by the HHC for an administrative correction and term extension. This third amendment will allow additional time needed to complete negotiations and the administrative process related to issuing a longer-term disposition.

AUTHORITY

**§171-55 HRS**, which also states, “A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one-year periods.”

RECOMMENDATION


Land Management Division recommends approval of the requested motion/action as stated.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division 

Subject: Approval to Issue License to Five Mountains Hawai'i, Inc. dba Kipuka o Ke Ola (KOKO), Puukapu, Waimea, Island of Hawaii, TMK No. (3) 6-4-038:011 (p)

APPLICANT

Five Mountains Hawai'i, Inc. dba Kipuka o Ke Ola (KOKO), a native Hawaiian non-profit 501c3 organization, incorporated by the Waimea Hawaiian Homesteaders' Association.

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission grant its approval to the issuance of a License to KOKO for approximately seven (7) acres of land identified as a portion of a 191-acre parcel situate in Puukapu, Waimea, Island of Hawaii, further identified by Tax Map Key No. (3) 6-4-038:011, as shown on Exhibit "A", subject to the following terms and conditions:

1. The term of the License shall be for fifty (50) years, effective upon final execution of the license document.
2. The demised premises is approximately seven (7) acres, the exact acreage to be determined by a final survey to be completed by KOKO.
3. The use shall be for the development of a native Hawaiian health center, established by the Waimea Hawaiian Homesteaders Association, in response to a community needs for a health clinic that could specifically address the health disparities endured by native Hawaiians in North Hawaii.
4. The rental for this license shall be gratis for the initial ten (10) years. For each 10-year term thereafter, the Chairman of the Hawaiian Homes Commission shall determine if rent is to be charged based on the annual review and evaluation of the extent if any KOKO's business is deemed commercial for-profit activities within the licensed premises.
5. The processing and documentation fee of \$275.00 shall be waived.

6. No residential use of the demised premises will be permitted.
7. KOKO agrees to accept the parcel “as is” and shall be responsible for all taxes, assessments, utility services and all other charges related to this parcel.
8. KOKO shall submit for approval all plans and specifications for any planned improvements, modifications, alterations, or additions constructed or to be constructed on the land; to include clearing, grading, grubbing, fencing, building construction now or thereafter erected on the demised premises prior to commencing any activities.
9. KOKO shall obtain all applicable governmental permits and shall comply with federal, state, and county laws and regulations, codes, and ordinances, particularly those pertaining to health and safety in the operations of the health clinic.
10. KOKO shall be responsible for mitigating any impacts, such as dust, noise etc., that KOKO’s project may have on DHHL’s residential and pastoral development in the neighborhood.
11. The license document shall be subject to the standard terms and conditions of the most current License form and shall be subject to the review and approval of the Department of the Attorney General.
12. 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.

## DISCUSSION

The Hawaiian Homes Commission, at its regular monthly meeting of November 16-17, 2015, approved the issuance of a general lease to Waimea Hawaiian Homesteaders’ Association, Inc. to use 161-acre parcel of Hawaiian home lands in Puukapu, Island of Hawaii to develop a community district envisioned under the Waimea Nui Regional Community Development Initiative (WNR-CDI) Conceptual Master Plan dated March 5, 2013.

In 2015, a Final Environment Assessment – Finding of No significant Impact was prepared for the WNR-CDI Conceptual Master Plan and accepted by the Hawaiian Homes Commission.

The Waimea Hawaiian Homesteaders’ Association, in response to the community concern on the health disparities endured by native Hawaiians in North Hawai’i, incorporated a Medical Division under the umbrella of the association, and partnered with Five Mountains Hawai’i, Inc., a 501c3 Non-Profit organization, and in 2014, officially began doing business as KOKO.



At the December 19-20, 2022 meeting, the Hawaiian Homes Commission declared a Finding of No Significant Impacts (FONSI) for the envisioned health clinic under KOKO.

KOKO is currently working with the USDA on a Community Facilities Grant/Loan. The initial phase of the process was going through a financial viability study to examine KOKO's capacity to administer, deliver, and maintain such a Community Facility. A major component of this study is to provide the USDA with the necessary documentation, an agreement in the form of a license, to provide evidence of DHHL's support of such a monumental project.

Due to the critical need for a documentation on site control by the end of August 2023 and since the final survey and subdivision of the parcels as intended was not completed yet, staff is recommending that a license be issued to KOKO directly so that they will not lose the funding opportunity. Waimea Hawaiian Homesteaders' Association will have time to continue its subdivision process. Once subdivision is completed and processed by the County, it is agreed among all parties that the license will be converted to a general lease as originally intended.

#### AUTHORITY

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Section 10-4-22 of the Administrative Rules of the Department of Hawaiian Home Lands authorize the department to grant licenses for the use of Hawaiian home lands for public purposes

#### RECOMMENDATIONS

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

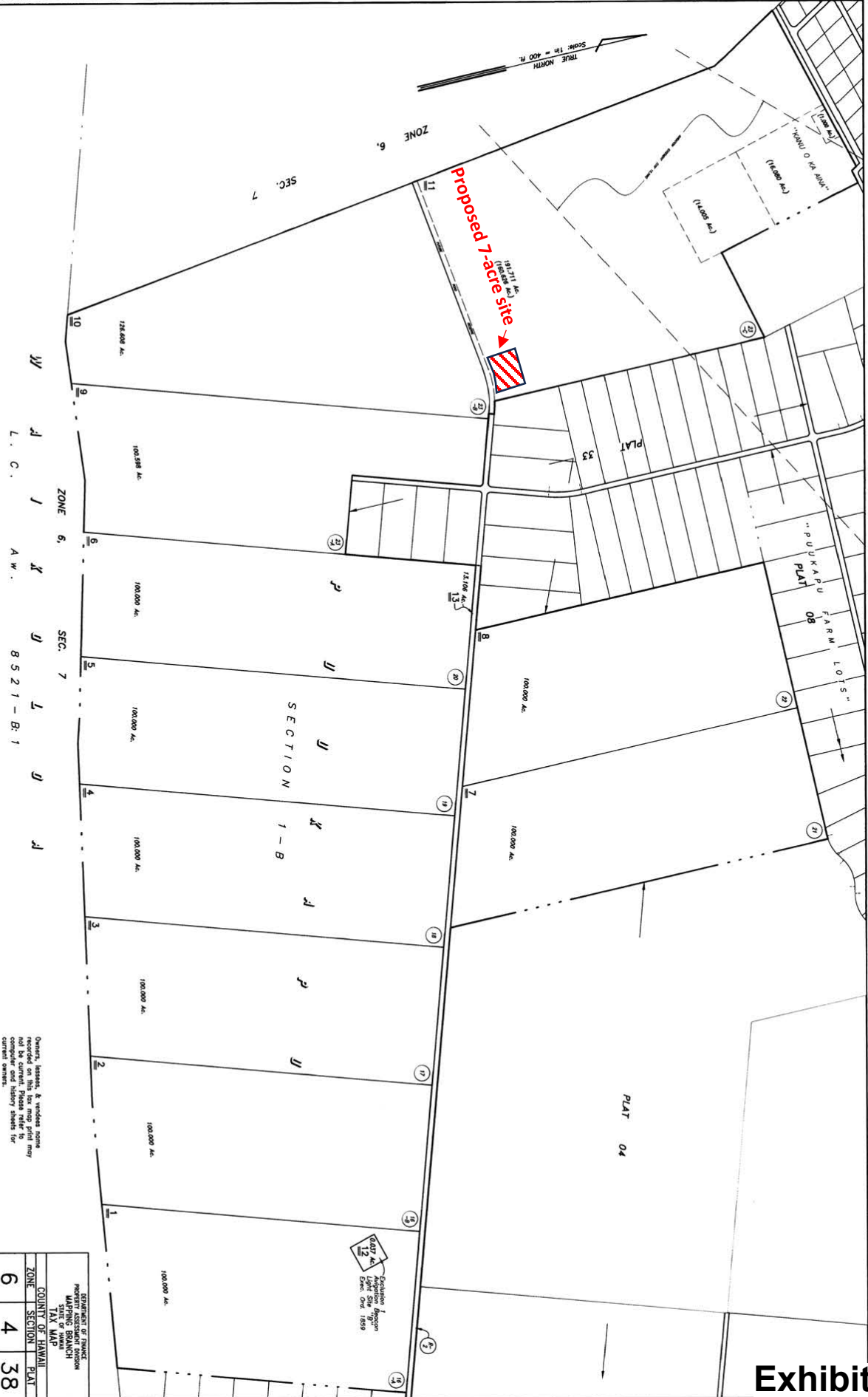
PULUKAPU PASTURE LOTS - SECTION 1-B, PULUKAPU, SOUTH KOHALA, HAWAII (formerly par. 6-4-04)

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

COUNTY OF HAWAII			
PROPERTY ASSESSMENT DIVISION			
MAPPING BRANCH			
TAX MAP			
ZONE	SECTION	PLAT	
6	4	38	

PRINTED:

SCALE: 1 IN = 400 FT.



**Exhibit "A"**  
**Item No. F-4**





STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division 

From: Kalei Young, Supervising Land Agent   
Land Management Division

Subject: Approval to Issue a Right of Entry Permit, Akana Brothers Construction, LLC,  
Mapunapuna, Island of Oahu, TMK Nos.: (1) 1-1-064:033 and (1) 1-1-064:021

APPLICANT:

Akana Brothers Construction, LLC

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit to Akana Brothers Construction, LLC covering the subject area as identified and described below to store vehicles, equipment, and conduct other related activities needed to operate a construction/trucking business on DHHL property in Mapunapuna, Oahu:

Approval and issuance of this Right of Entry (ROE) shall be subject to the following conditions:

1. Authorize the issuance of a ROE Permit to Akana Brothers Construction, LLC, covering the subject area to store vehicles, equipment and other activities related to running a construction/trucking business under the terms and conditions cited in this submittal, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current ROE Permit form, as may be amended from time to time.
    - 1) Permittee shall use the Premises to store vehicles, equipment, and other related activities related to operating a construction/trucking business. No other use shall be allowed without DHHL's prior written approval.
    - 2) Monthly fee is proposed and established as follows:

2699 Kilihau, TMK No. 11064033 - \$2,000 per month, \$24,000 annually  
2678 Kilihau, TMK No. 11604021 - 2,500 per month, \$30,000 annually

Fees stated above consider that the buildings are severely vandalized with no electricity, or plumbing services.

Fees will be offset by \$245,249.00, annual cost that DHHL would pay if we hired a security company to protect the properties (see purchase order for a from another DHHL building).

- 3) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
2. This ROE shall conform to Federal, State, and County (government agencies) standards. Permittee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals.
3. Any construction or alteration of the permit area shall require DHHL approval.
4. All utilities (if they choose to install) shall be paid by Akana Brothers Construction, LLC. Approval by the DHHL Main Kapolei Office and the City & County of Honolulu is needed to access potable water and address sewer requirements. Electricity needs the approval of Hawaiian Electric Company (HECO).
5. No residential living on the site unless given prior written approval by the Hawaiian Homes Commission (HHC).
6. No new construction shall be allowed without the prior written approval by DHHL. Should construction be allowed by DHHL all Federal, State and City & County of Honolulu approvals and building permits shall be obtained.
7. DHHL reserves the right to have Akana Brothers Construction, LLC do an Environmental Assessment(EA) if Staff feels an EA is warranted.
8. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL.
9. Review and approval by the State of Hawaii, Department of the Attorney General; and
10. Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its Beneficiaries.

LOCATION:

Hawaiian Home Lands in Mapunapuna, Island of Oahu. TMK Nos. (1) 1-1-064:033 and (1) 1-1-064:021 (See Exhibit "A")

AREA:

Approximately 21,744 *sf* of warehouse space and 47,964 *sf* of land

DISCUSSION:

DHHL owns two industrial warehouse properties that have been overrun by homeless/vandals. The reason for the high concentration of homeless/vandals is because our warehouses are located next to H-1 freeway Via Duct, stigmatized as the 'Homeless Hotel'.

2678 & 2699 Kili Hau Street warehouse were vacant. DHHL boarded up the building numerous times, yet squatters break back-in days later. The buildings have been stripped of all electrical wiring, A/C systems, and all functional plumbing. The buildings are not functional for normal business purposes.

The cost to hire 24/7 security runs \$245,249 annually (see current purchase order for a DHHL building in Kalaeloa marked as Exhibit “B”)

**Urgent action was taken to prevent these two properties from further devaluation.** A Native Hawaiian owned business was brought in to secure/occupy both buildings. Akana Bros. Construction took the initiative to thoroughly clean both properties, secure all property access points, and provide a physical presence that deters trespassing/vandalism. In the meantime, Land Management Division can go through the bidding process to solicit a long-term Lessee. This will take approximately 1 take a year.

Note: Akana Bros Construction spent a significant amount equity to remove junks that squatters and performed construction needed secure the building entrances (see \$140,660 invoice marked as Exhibit “C”)

PLANNING AREA:

Moanalua Makai Parcels, Mapunapuna, Oahu

LAND USE DESIGNATION:

Industrial per the Oahu Island Plan (2014); Figure 6-5, Moanalua Ahupuaa Land Use Designations, pp. 6-13

CURRENT STATUS:

Occupied by Akana Bros. Construction on a 30 Day Limited Right of Entry permit.

CHARACTER OF USE:

Industrial: store vehicles, equipment, and other related activities related to operating construction/trucking businesses.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

Exemption Class No. 1, “Operations, repairs or maintenance of existing structures, facilities, equipment... no expansion or change of use beyond that previously existed.”

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

**DHHL General Plan (2002)**

The recommended disposition is consistent with the following General Plan goals and objectives:

**Land Use Planning**

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the Beneficiary population.

- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities, and community services in a native Hawaiian-friendly environment.

**Oahu Island Plan (2014)**

The recommended disposition is consistent with the following elements of the Oahu Island Plan:

**RECOMMENDATION:**

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



**Exhibit "A"**  
**Item No. F-5**



# STATE OF HAWAII REQUISITION & PURCHASE ORDER

DEPARTMENT OF HAWAIIAN HOME LANDS LAND MANAGEMENT DIVISION

ORGANIZATION

FUNCTION AND ACTIVITY

## NOTICE TO VENDORS

Conditions of purchase are listed on the back side of this purchase order.  
Please read carefully. Payments may be delayed if all steps are not followed.

ALLIED UNIVERSAL SECURITY  
SERVICES  
PO BOX 31001-2374  
PASADENA, CA 91110-2374

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer.  
We encourage the participation of women and minorities in all phases of employment.

PURCHASE ORDER NO. 230753

Date 05-DEC-22 Page 1 Of 1

Deliver Before

## DELIVERY ADDRESS

91-5420 KAPOLEI PARKWAY  
KAPOLEI, HI 96707  
Attn: ABIGAIL TUBERA

## BILLING ADDRESS

PO BOX 1879  
HONOLULU, HI 96805  
Attn: ABIGAIL TUBERA

QUAN.	UNIT	DESCRIPTION	OBJECT	UNIT PRICE	AMOUNT
1.00	#	Supplement to PO #221240 - One year extension of Contract effective <u>12.15.21 to 12.21.22</u> (HISPC #1321000781) for security guard services at 1 Lexington Building.	245	249.28	245,249.28
				Total:	245,249.28

PETER ALBINIC  
ABIGAIL TUBERA

REQUISITIONER

TELEPHONE

VOUCHER  
NUMBER

AUTHENTICATED BY:

*Peter A. Albinic*

12/6/2022

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY DATE

AUTHORIZED SIGNATURE

REQUISITION NO. 61990	FOR DEPARTMENT USE ONLY
VENDOR NUMBER SFX XXXXXXXXXXXX XX 343473 00	

SFX	TC	F	YR	APP	D	OBJECT	CC	PROJ. NO.	PH	ACT	ESTIMATED COST	ACTUAL COST	M	R	OPT DEPT DATA
01	621	2	22	325	2	5840	9000	000000	00000		245,249.28				

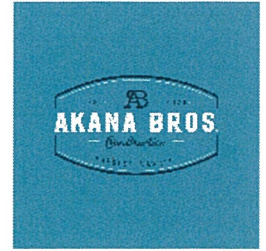
**Exhibit "B"**  
**Item No. F-5**

ING FORM C-03  
(ISED)

VENDOR

## Akana Brothers Construction LLC

91-220 Oahehe Way  
Kapolei, HI 96707 US  
gakana@akanabrosconstruction.com



## INVOICE

**BILL TO**  
Department of Hawaiian Home Land  
PO Box 1879  
Honolulu, HI 96805

**INVOICE** 1243  
**DATE** 08/11/2023  
**TERMS** Due on receipt  
**DUE DATE** 08/11/2023

**JOB NAME**  
Kilihau Warehouses

DATE		DESCRIPTION	QTY	RATE	AMOUNT
08/01/2023	Equipment Rental	(2) Skid Steer; (2) Mini Ex; \$1000/week ea. x 4 weeks. (1) Water truck; \$1000/day x 3 days (2) Light Tower; \$1500/month ea. x 2 months (2) L5C; \$1000 x 1 week	1	26,000.00	26,000.00T
08/01/2023	Bin/ Tipping/ Disposal	(3) Bins; \$1600 ea. (3) Bins; \$2000 ea. (4) Bins; \$1600 ea.	1	17,200.00	17,200.00T
08/01/2023	Hauling Service	(4) loads Metal Recyclables	1	4,000.00	4,000.00T
08/01/2023	Fencing	Fence/ Gate Repair Installation	1	10,000.00	10,000.00T
08/01/2023	Fuel	Gallons: 2147.0	2,147	5.99	12,860.53T
08/01/2023	Job Supplies	Job Supplies & Materials	1	4,000.00	4,000.00T
08/01/2023	Welding	Welding (40 hrs)	40	185.00	7,400.00T
08/01/2023	Labor	10 Men @ \$55.00 (10 hrs a day, 10 days)	10	5,500.00	55,000.00T
08/01/2023	Labor	Miscellaneous Cash Labor \$100/day  2678 & 2669 Kilihau Street Honolulu HI Cleanout & Secure	1	4,200.00	4,200.00T

Please make all checks payable to Akana Brothers Construction, LLC.

Should you have any questions concerning the invoice, please contact Tehani Jose-King via email at [tehani@akanabrosconstruction.com](mailto:tehani@akanabrosconstruction.com)

SUBTOTAL	140,660.53
TAX	0.00
TOTAL	140,660.53
BALANCE DUE	<b>\$140,660.53</b>



**HAWAIIAN HOMES COMMISSION**  
**AUGUST 21 & 22, 2023**

**G – ITEMS**  
**PLANNING OFFICE**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission  
Thru: Andrew H. Choy, Planning Program Manager *AC*  
From: Nancy M. McPherson, Planner *Nancy McPherson*  
Subject: For Information Only - Status Update on Plan  
Implementation, Island of Kaua'i

Recommended Action

For information only. No action required.

Background

By request of the Chairman, the Planning Office provides the Hawaiian Homes Commission (HHC) with a status report on previously approved policies and/or plans that affect lands and homestead communities located where the HHC conducts its monthly community meetings. For August 2023, the Planning Office is providing an update on implementation of various plans and programs for the island of Kaua'i. The last Kaua'i Island update was provided to the HHC in August of 2022 (Item G-1).

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

*Kaua'i Island Plan (2004)*

The purpose of each DHHL Island Plan is to:

- (1) Provide a comprehensive resource for planning and land management purposes, including identification of land use goals and objectives of the General Plan specific to each island,
- (2) Identify island-wide needs, opportunities, and priorities, and
- (3) Assign land use designations (LUD's) for all land holdings to promote orderly land use and efficient development of infrastructure systems.

The Kaua'i Island Plan (KIP) was adopted by the HHC in 2004. The KIP defined seven planning areas - Waimea, Kekaha, Hanapēpē, Wailua, Kapa'a, Anahola/Kamalomalo'o, and Mo'loa'a. See Fig. 1 and Table 1, below, for locations and land areas by use types.

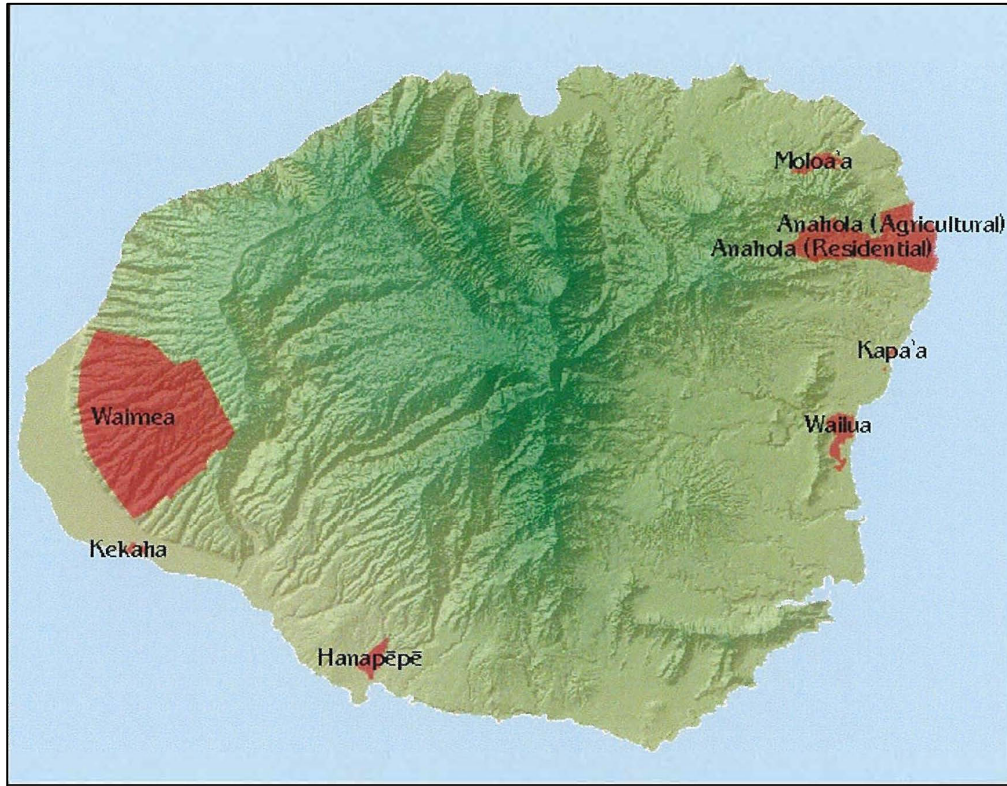


Fig. 1 Hawaiian Home Lands on Kaua'i

Land Use Designation	WAIMEA (Acres)	KEKAHA (Acres)	HANAPĒPĒ (Acres)	WAILUA (Acres)	KAPA'A (Acres)	ANAHOLA (Acres)	MOLOA'A (Acres)	TOTAL (Acres)	%
Residential	202	39	168	216	0	565	0	1,190	5.79%
Subsistence Agriculture	214	0	158	99	0	533	200	1,204	5.85%
Supplemental Agriculture	0	0	0	0	0	0	0	0	0.00%
Pastoral	475	0	0	0	0	148	0	623	3.03%
General Agriculture	12,527	0	0	52	1	1,018	86	13,684	66.54%
Special District	1,258	13	0	92	0	1,419	30	2,812	13.67%
Community Use	42	0	22	20	0	127	0	211	1.03%
Conservation	343	0	0	0	0	350	0	693	3.37%
Commercial	0	0	17	47	0	68	0	132	0.64%
Industrial	0	0	0	0	16	0	0	16	0.08%
TOTALS	15,061	52	365	526	17	4,228	316	20,565	100.00%

Table 1 Kaua'i Island Acreage by Land Use Designation<sup>1</sup>

<sup>1</sup> Per Kaua'i Island Plan 2004 - does not reflect subsequent LUD amendments

*Kaua'i Island Plan Residential Development Priorities and Implementation Status*  
(for more detailed information, refer to Land Development Division's Item E-1, "Kaua'i Island Project Updates" and the Planning Office's Item G-2, "Kaua'i Water Issues")

1. Residential Lots in Wailua (231 lots - to be revised during Master Plan and Environmental Assessment process)

- Off-site water wells and storage facilities and on-site roads and water and sewer transmission lines are required. *Status: DHHL's Wailua Well #1 is now capped and cased and can be put into production as DHHL moves forward with homestead planning and development. This well will be the primary source of potable water for potentially 288 residential homestead lots on DHHL's 526 acres of land in Wailua.*
- Wailua Master Plan and Environmental Assessment has been funded for Fiscal Year 2024. *Status: Infrastructure needs, issues and opportunities will be discussed with other State agencies and County of Kaua'i during the planning process. In addition to water storage and transmission, coordination topics are likely to include relocation and expansion of the Wailua wastewater treatment plant, Kūhiō Highway intersection improvements, transit-oriented development (TOD) opportunities, a potential bypass road, and topographic changes needed to mitigate drainage and flooding issues. Completion of procurement and initiation of the planning process is anticipated to occur in early 2024.*

2. Hanapēpē (Phase 1: 47 lots, Phase 2: 82 lots, Phase 3: approx. 477 lots)

- Phase 1 (47 Residential lots) was completed in 1995 without major off-site infrastructure costs. Existing Phase 1 lots have recently been consolidated and re-subdivided to add an average of 1,500 square feet of land area to the backs of the lots, as requested by the lessees during the Phase 2 Master Planning process.
- Phase 2 (82 Residential lots): Phasing of development was revised during the Hanapepe Homestead Master Plan and Environmental Assessment process. Phase 2 will have access to existing County infrastructure capacity (water and wastewater) and will connect to Moi Road through existing access points. *Status: Phase 2 is at the groundbreaking phase. See Item E-1, "Kaua'i Island Project Updates" for more information.*

- Phase 3 (to be broken up into smaller phases) will consist of up to 477 homestead lots: 366 Residential lots (max. 7500 sq. ft.) and 111 Subsistence Agriculture lots (max. three acres). Non-homesteading uses include 13 acres for Commercial Use, 26 acres for Community Use, and 33 acres in Special District. Development of Phase 3 will require additional water and sewer capacity and off-site improvements such as drainage and traffic mitigation measures on Kaumuali'i Highway. Investigation of surface water resources for subsistence agriculture will also be explored.

### 3. Residential Lots in Anahola/Kamalomalo'o (rev. to 171 lots)

- This area is prioritized because there are larger tracts of undeveloped land that can be served by existing wells, but a sewage treatment plant may be needed.  
*Status: Pi'ilani Mai Ke Kai homestead subdivision is master planned for three phases and development is underway. See Item E-1, "Kaua'i Island Project Updates" for more detailed information.*

### *Kaua'i Island Plan - Amendments and Updates*

Since the Kaua'i Island Plan (KIP) was adopted in May 2004, the Hawaiian Homes Commission has approved four Land Use Amendments and two Kuleana Homestead Settlement Plans:

- October 2020: Amended the Hanapēpē Land Use Plan (Fig. 5.2 in KIP) to reflect the land use designations approved for the Hanapēpē Homestead Community Master Plan.
- July 2020: Amended the Waimea Land Use Plan (Fig. 3.2 in KIP) to reflect the land use designations approved for the Pu'u 'Ōpae Kuleana Homestead Settlement Plan.
- May 2021: Amended the Anahola Land Use Plan (Fig. 8.2 in KIP) to reflect the land use designations approved for the Anahola Kuleana Homestead Settlement Plan.
- March 2023: Amended the Anahola Land Use Plan (Fig. 8.2 in KIP) to adjust the location of 10 acres of the Community Use area further makai in the Pi'ilani Mai Ke Kai residential homestead subdivision.

The KIP Land Use Amendments resulted in various increases and decreases in acreages for the Land Use Plans, which is common when refining land use analysis during the Master Plan phase. See Table 2, KIP Land Use Amendments Summary, below.

LUD	Hanapēpē Phase 2/3	Waimea (Pu'u 'Ōpae KHSP)	Anahola (KHSP)	Anahola (KKOA)
Subsistence Agriculture	-1	+387	-4	--
Residential Homestead	-42	-709	--	N/C
Pastoral Homestead	--	+110	-8	--
Supp. Agriculture	--	+63	--	--
Community Use	+4	+152	+28	N/C
General Agriculture	--	-184	--	--
Commercial	-4	--	--	--
Special District	+33	+181	-16	--
Conservation	+8	--	--	--

Table 2, KIP Land Use Amendments Summary -- Acreage Changes

### *Kaua'i Regional Plans - Implementation Status*

Kaua'i has three Regional Plans, for Wailua (2009), Anahola (Kamalomalo'o, Anahola, Moloa'a) (2022), and West Kaua'i (2011). The Anahola Regional Plan was updated in 2021-2022 and the Final Plan was approved by the HHC in December 2022. Table 3, "Kaua'i Regional Plans Implementation Status" below, lists Priority Projects for all Kaua'i Regional Plans and reports on the current status of each project.

<b>Regional Plan</b>	<b>Priority Project</b>	<b>Description</b>	<b>Current Status</b>
Wailua (2009)	Cultural Resources Inventory - Malae Heiau Restoration Project, Wailua River State Park	State-owned land to south & west of Malae Heiau conveyed to DHHL in 1994. ACTION: Establish procedures, forms, electronic forms & databases necessary to inventory, document, map & catalog cultural resources located on DHHL's Wailua lands.	No change - project lacks a champion. KIP identifies cultural buffer on DHHL lands along Wailua River via Special District, but Wailua Regional Plan shows a different land use configuration. Further discussions on protection & management of cultural sites will occur during Wailua Master Plan & EA process.
Wailua (2009)	Potable Water Sources <i>(Refer to Item G-2, Kaua'i Water Issues, for more info)</i>	Water Master Plan for proposed DHHL Wailua subdivision completed in January 2009. Source, storage and transmission lines needed to support development. ACTION: Secure funding for design, drilling, casing, outfitting & testing of two new potable well sources. Second well is needed as backup source.	DHHL's Wailua Well #1 is now capped & cased, to be put into production when DHHL completes Master Plan and moves ahead with development. DHHL/DLNR/State may need to secure land in Kālepa Forest Reserve for proposed 330' elev. 0.5 MG tank site.

<b>Regional Plan</b>	<b>Priority Project</b>	<b>Description</b>	<b>Current Status</b>
Wailua (2009)	Kalepa Ridge Surface Water System Maintenance <i>(Refer to Item G-2, Kaua'i Water Issues, for more info)</i>	DHHL identifying opportunities to utilize surface water resource for agricultural uses for proposed Wailua homestead development. Community has expressed interest in creating agricultural lots to feed their families.	Staff will coordinate with Agribusiness Development Corporation (ADC) & Commission on Water Resource Management (CWRM) on potential allocation & use of surface water in the region during the Wailua Master Plan & EA process.
Wailua (2009)	Kapa'a Relief Route	State Department of Transportation's (SDOT) #1 priority on Kaua'i was Kapa'a Relief Route; considered four alternative alignments through or abutting DHHL's Wailua lands.	No discussion as of late. Staff will coordinate with County of Kaua'i & State DOT on transportation, road alignment and highway safety alternatives for the area during Wailua Master Plan & EA process.
Wailua (2009)	Wailua Wastewater Treatment Plant (WWTP) Facility	Wailua WWTP requires expansion & relocation due to projected sea level rise and as a function of long-term wastewater treatment capacity needs for Wailua-Kapa'a area.	Staff will coordinate and hold discussions with County of Kaua'i re: potential relocation & expansion of WWTP during Wailua Master Plan & EA process.
Anahola (2022)	Surface Water Resources Management (non-potable) <i>(Refer to Item G-2, Kaua'i Water Issues and Item E-1, Kaua'i Island Project Updates, for more info)</i>	Investigate water resources mauka & explore watershed development & stream flow restoration projects to secure homestead water rights. This project seeks funding for an "Anahola Surface Water Resources Management Plan" to be approved by the HHC & implemented by DHHL.	Surface water resources were re-evaluated & a study & recommendations prepared as an outcome of the Anahola Kuleana Homestead Settlement Plan process. Additional funding & partners will be needed to develop Management Plan & implement recommendations. Additional research & engineering may be needed to restore surface water flow & dam and ditch systems.



<b>Regional Plan</b>	<b>Priority Project</b>	<b>Description</b>	<b>Current Status</b>
Anahola (2022)	Hō'ākeolapono Trades Academy and Institute: Home Building Resources Center	Develop a home building cooperative & resource center in conjunction with Ho'akeolapono Trades Academy & Institute that brings together education, building materials, equipment, & skilled labor resources to provide affordable home building, repair & maintenance to the Anahola community while offering trade & vocational skills to area high school students & young adults.	Resources are being identified to initiate implementation action steps. Campus & resource center will be located within a portion of lands designated for Commercial use makai of Kūhiō Highway. Project proponents will need to prepare a Site Plan & Environmental Assessment.
Anahola (2022)	Makai Management Plan	Develop a plan to manage shoreline resources & access to DHHL's coastal lands in Anahola; provide guidance on activities & actions led by beneficiary organizations, community partners & DHHL to manage & maintain shoreline resources, facilitate safe use of & access to these makai lands, remove trash & abandoned vehicles, & clear out other illegal activities.	Funded in FY24. Procurement for a consultant is in progress. 'Āina Alliance holds a ROE to provide security & cleanup activities south of Anahola Bay; Kahu O Ka Pāka Kahakai O Anahola holds a ROE to provide stewardship, native plant restoration & cleanup activities in Anahola Beach Park areas not under license to County of Kaua'i.
Anahola (2022)	Anahola Place-Based Education Network	Create a network or community of practice made up of groups & organizations supporting 'āina- & place-based education in Anahola in order to provide a space for collaboration & sharing of knowledge, resources, & information & to build the capacity & outreach of all partners involved.	Partnership between Kukulu Kumuhana O Anahola (KKOA) and Kanu I Ka Pono Public Charter School offers learning spaces for Hawaiian cultural, place-based learning & program is growing. Additional staff & resources need to be secured & more partners offering other community-based programs serving Anahola youth need to be engaged.

<b>Regional Plan</b>	<b>Priority Project</b>	<b>Description</b>	<b>Current Status</b>
Anahola (2022)	Mauka Farm Lot Plan (DHHL-led project) ( <i>Refer to Item E-1, Kaua'i Island Project Updates, for more info</i> )	Create Kuleana Homestead lots & issue subsistence agriculture & pastoral awards. Community will work with DHHL to ensure housing & infrastructure alternatives are available to lessees.	Engineering consultant delineating metes and bounds for kuleana lots & designing roadway network. Beneficiaries are pursuing opportunities to provide support services to DHHL to ensure successful Settlement Plan implementation.
W. Kaua'i (2011)	Develop Agricultural & Water Plan (Pu'u 'Ōpae) ( <i>Refer to Item G-2, Kaua'i Water Issues and Item E-1, Kaua'i Island Project Updates, for more info</i> )	Three-part project to integrate ag uses and water availability via: 1) land exchange of mauka hunting lands for DLNR lands at a lower elevation that are better suited for homesteading; 2) restoration of Pu'u 'Ōpae Reservoir & irrigation system; agricultural lease master plan; evaluation of increased water diversion from Pu'u Moe Divide; diversified ag projects; 3) maintenance / improvement & continued use of existing West Kaua'i Water System.	HHC issued Kekaha Hawaiian Homestead Association (KHHA) a 20-year license for 231 acres of land at Pu'u 'Ōpae to implement Phase I of KHHA's Farm & Irrigation Plan (FIP). Kuleana Homestead Lot Settlement Plan & FEA/FONSI completed in August 2020 for 1,192 acres of Waimea lands; coordinates planning, design, & implementation of land uses & homestead lot development around & adjacent to Pu'u 'Ōpae. Coordination w/KIUC on WKEP & infrastructure improvements is ongoing.
W. Kaua'i (2011)	Develop a Multi-Purpose Evacuation & Education Center/ Shelter	This multi-purpose facility would serve as a culture & education center when not in use as a disaster shelter. The need for a hurricane shelter as well as tsunami evacuation site was identified. Envisioned to be consistent with Mauka Village homesteading concept.	Need for Community Resilience Plan for West Kaua'i identified. Location identified in KIP & RP is in "Mauka Village" community use area off Koke'e Rd. Planning Office is working with West Kaua'i Hawaiian Homestead Association (WKHHA) to refine project proposal.
W. Kaua'i (2011)	Support Development of the Kekaha Enterprise Center	Kauai Community College & Council for Native Hawaiian Advancement developed a 2,000 square foot single story facility on 2.629 acres used to provide social & community services to beneficiaries living in Kekaha.	COMPLETED. Facility managed by the West Kaua'i Hawaiian Homestead Association (WKHHA).

<b>Regional Plan</b>	<b>Priority Project</b>	<b>Description</b>	<b>Current Status</b>
W. Kaua'i (2011)	Develop Renewable Energy Projects Compatible with Agriculture	Community indicated a willingness to support renewable energy projects that meet the goal of compatibility with agriculture.	DHHL is partnering with KIUC Energy Cooperative to develop the West Kaua'i Energy Project (WKEP) hydroelectric project on its Waimea lands. WKEP will increase reliability of non-potable water & improve road access to Pu'u 'Ōpae for ag, pastoral, community & kuleana settlement uses.
W. Kaua'i (2011)	Develop Agricultural Uses for Hanapēpē Farm Lots/Lease Areas	Existing residential lots in Hanapēpē are too narrow & feel crowded. Residents have expressed a desire to use area behind their lots for agricultural, recreational or open space uses.	Hanapēpē Homestead Community Master Plan & EA approved for 349 acres of lands adjacent to existing Hanapepe Residential Homesteads ("Phase 1"). Design for Phase 2 (82 residential lots), including relocating drainage & enlarging Phase 1 lots, has been completed.

Table 3 Kaua'i Regional Plans Implementation Status

#### Anahola Regional Plan Update

The final Community Meeting to review the Draft Plan was held in October 2022 at Anahola Beach Park. Beneficiary feedback from that meeting and during a 30-day comment period was incorporated into the Draft Plan, and the revised Anahola Regional Plan Update was brought to the HHC as a draft in November, then received final HHC approval in December 2022.

#### *Kaua'i Kuleana Homestead Settlement Plan Projects*

##### *Pu'u 'Ōpae Special Area Plan & Kuleana Homestead Settlement Plan*

There are over 14,500 acres of Hawaiian Home Lands in the Waimea area (see Fig. 1), one of the original tracts identified in section 203 of the Hawaiian Homes Commission Act of 1920, as amended. Homestead development in this area was not a priority in the Kaua'i Island Plan (2004) but the area around Pu'u 'Ōpae reservoir was designated as Special District, indicating that additional planning would be needed. The need to do planning for integrated agricultural development and water management was identified as a Priority Project in the West Kaua'i Regional Plan in 2011. A Farm and Irrigation Plan (FIP) was completed by the

Kekaha Hawaiian Homestead Association (KHHA), and a 20-year license to implement the FIP was issued in 2017. In addition, a historic water settlement in the Waimea area facilitated a 65-year lease with the Kaua'i Island Utility Cooperative (KIUC) to develop the West Kaua'i Energy Project partially on Hawaiian Home Lands, which will include road improvements, provision of potable water and electricity. These improvements will significantly facilitate agricultural, community and homesteading uses in the Pu'u 'Ōpae area.

The Kuleana Settlement Plan process, which included Chapter 343 Environmental Review and amendment of the Kaua'i Island Plan, was completed and received HHC approvals in July of 2020. See Figure 2, Proposed Land Uses, below.

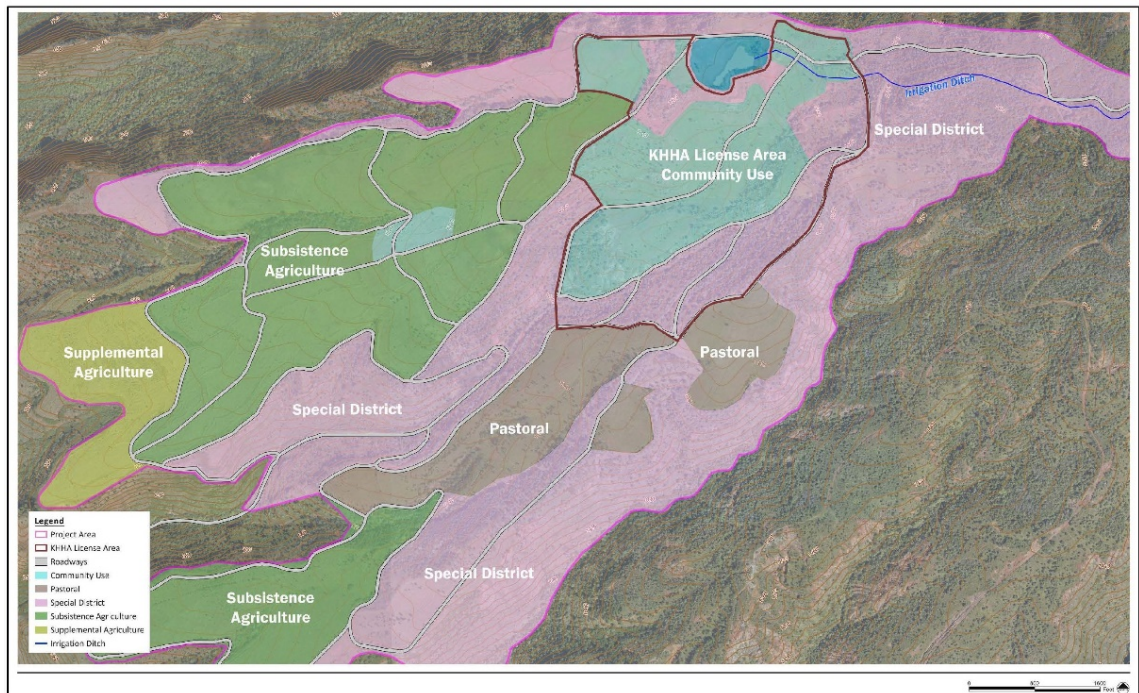


Figure 2 Proposed DHHL Land Uses in Pu'u 'Ōpae, Waimea, Kaua'i  
Anahola Kuleana Homestead Settlement Plan

DHHL also intends to provide the following kuleana agriculture and kuleana pastoral opportunities on 275 acres of land in Anahola. See Table 4, Anahola Kuleana Settlement Plan Lot Strategy, below. The Anahola Kuleana Homestead Settlement planning process, including Chapter 343 Environmental Review and amendment of the Kaua'i Island Plan, was completed in May 2021. Albizia clearing and road improvements were completed by Green Energy Team, which will facilitate implementation of the Kuleana Settlement Plan. See Figure 3, Proposed Kuleana Settlement Plan, below.



Land Use	1987 Anahola Development Plan	2004 Kaua'i Island Plan	2020 Anahola Settlement Plan
Subsistence Agriculture Lots	(89) 3-acre lots	(103) 2-acre lots	(101) 2-acre lots
Pastoral Lots	(30) 5-acre lots	(14) 10-acre lots	(14) 10-acre lots
Community Use	0	0	28 acres

Table 4 Anahola Kuleana Settlement Plan Lot Strategy

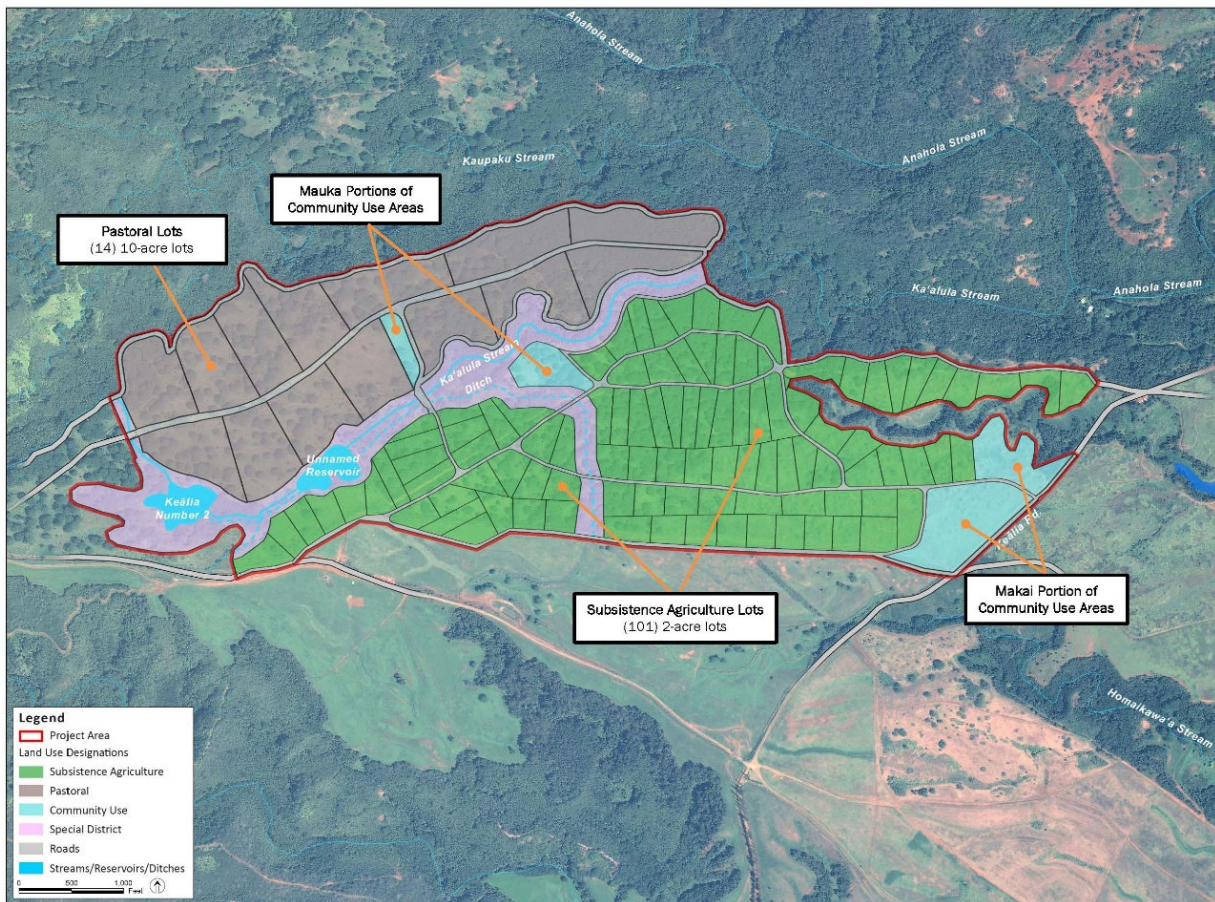


Figure 3 Proposed Kuleana Settlement Plan in Anahola, Kaua'i

### Recommendation

For information only. No action required.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew Choy, Planning Program Manager *AC*  
Subject: DHHL Kaua`i Water Projects and Issues

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

The following is an update to previous annual submittals to the Hawaiian Homes Commission (HHC) which also concerned water projects of significance to beneficiaries and the Department of Hawaiian Home Lands (DHHL) on Kaua`i. In 2014, the Commission adopted their [Water Policy Plan](#) (WPP), the first comprehensive policy guiding management of water issues since passage of the Hawaiian Homes Commission Act (HHCA) in 1921. These updates are provided under the WPP Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis."

Several water issues and efforts of significance to beneficiaries and the Department of Hawaiian Home Lands (DHHL) have been ongoing on Kaua`i. This submittal updates the 2022 submittal to the HHC and provides updates regarding:

- (1) Waimea River Settlement Implementation / West Kaua'i Energy Project
- (2) Moloa`a Water Development Opportunities
- (3) June 2023 Water Presentations to the Kaua'i County Council
- (4) Beneficiary Water Rights Training

Because water availability and related issues touch nearly every part of DHHL operations, other water issues are discussed in other submittals as applicable.

**(1) Waimea River Settlement Implementation / West Kaua'i Energy Project**

DHHL was an essential party to the historic May 2017 settlement agreement on a number of water issues related to the Waimea River, Kaua'i. The Waimea Watershed Agreement was entered into by the Department, Po'ai Wai Ola/West Kaua'i Watershed Alliance (PWO) (represented by the law firm Earthjustice), the State Agribusiness Development Corporation, the Kekaha Agriculture Association, and the Kaua'i Island Utility Cooperative (KIUC). It arose from the efforts by the Commission on Water Resource Management (CWRM) to resolve issues related to PWO's Petition to Amend the Interim Instream Flow Standard for the Waimea River and Complaint and Petition for a Declaratory Order Against Waste, as well as a Petition for a "Reservation" of water by DHHL for its Waimea lands.

One of the results of that settlement was a subsequent reservation of water for DHHL by the CWRM for use on DHHL lands in and around Pu'u 'Opae, from waters delivered from those sources by the Koke'e Ditch Irrigation System (see Figure 1, below). Specifically, in June 20, 2017, the State of Hawaii Commission on Water Resources Management granted DHHL's Modified Petition for Reservation of surface water of 6.903 Million Gallons Per Day originating from the watershed of, and tributary to, the Waimea River and diverted by the Koke'e and Kekaha Ditch Systems (including water originating in Waikoali, Kawaikoi, Kauaikinana, and Koke'e Streams and other tributaries of the Waimea River) for use in the Waimea, Kaua'i Hawaiian Home Lands. This was the first surface water reservation ever issued to DHHL or any other entity.

Another major component of that agreement is the potential development of pumped storage and flow through hydropower by KIUC, which would be developed in a manner that rehabilitates reservoirs at Pu'u Lua and Pu'u 'Opae and allows for the efficient and reliable delivery of the



reserved water to DHHL's lands (see <https://www.kiuc.coop/wkep>).

Since the agreement was reached, the parties to the agreement have met regularly for updates on implementation on various aspects of the agreement. Progress has been slower than anticipated by all involved. DHHL staff and consultants have continued to participate.

Additional progress has included:

- On August 10, 2020, DHHL published its Final Environmental Assessment (EA) with a Finding Of No Significant Impact (FONSI) for the Pu'u 'Ōpae Homestead Settlement in Waimea, Kaua'i.
  - The Pu'u 'Ōpae Settlement Plan focuses on the development of a Kuleana Homestead on the mauka Waimea lands of Kaua'i. The project area consists of approximately 1,421 acres, 231 acres of which are under DHHL License No. 816 by the Kekaha Hawaiian Homestead Association (KHHA).
- KIUC and its consultants and project partner (AES) published a Final EA and FONSI for what is now referred to as the West Kaua'i Energy Project (WKEP), the pumped storage and flow through hydropower project. Whether that document is sufficient under HRS 343 has been challenged by PWO in court and is the subject of potential additional mediation.
- In 2023, DHHL and KIUC have begun outreach to beneficiaries and other stakeholders to develop a draft drought management plan to anticipate times in which water flows are significantly below average flows.
- On August 2, 2023 PWO sent a letter to the CWRM and other parties to the agreement alleging ongoing violations of the agreement and officially complaining against ongoing waste.

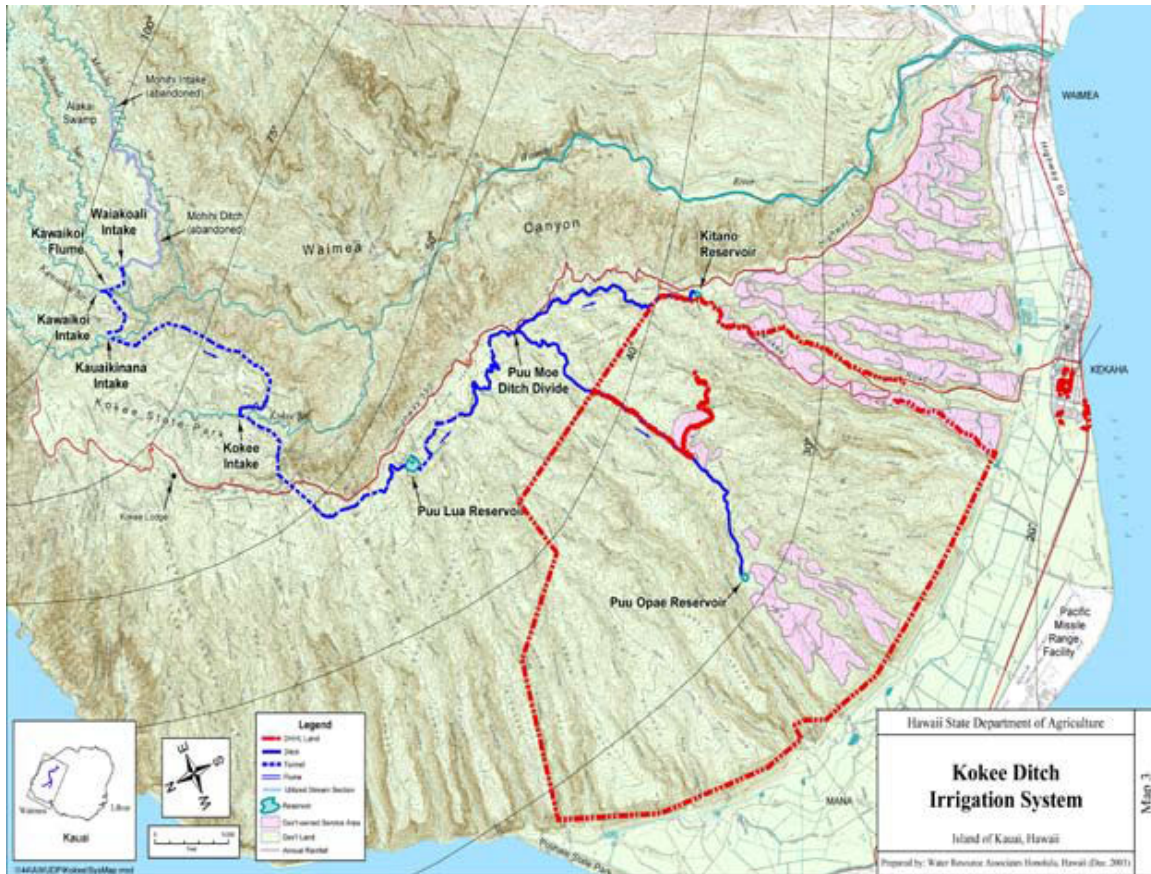


Figure 1. DHHL 's Waimea lands currently use some irrigation water from the Koke`e Ditch and could be further irrigated by that system. From DHHL, West Kaua`i Regional Plan, at 16 (Mar. 2011).

## (2) Moloa`a Opportunities

The Moloa`a agricultural community is located north of Anahola. DHHL holds 316 acres of undeveloped land in Moloa`a. There are no homesteads on the property and the land is currently used for grazing. The Kaua`i Island Plan land use designations and proposed development for Moloa`a consist of the following:

Subsistence Agriculture	47 three-acre lots on 200 acres
General Agriculture	86 acres on steep topography
Special District	30 acres along the stream

For some time the Department of Land and Natural Resources (DLNR) has been pursuing the conversion of a Revocable Permit (RP) into a water license for Moloa'a Well No. 1 (USGS no. 1020-02) per HRS 171-58. As part of that process, DHHL has been working with DLNR and the existing revocable permit holder to and determine a water reservation for DHHL's current and foreseeable needs. In addition, DHHL is entitled to 30% of all revenues from the water lease that will be issued via auction to qualified bidders. After a long period of lack of progress representatives for the current RP holder and DHHL have started to renew conversations.

### **(3) June 2023 Water Presentations to the Kaua'i County Council**

In early 2023, consideration of an appointment to the Kaua'i County Board of Water Supply (BWS) was an opportunity for a beneficiary to offer testimony that inquired about the need for beneficiary representation on the BWS and the County's duties under the Hawaiian Homes Commission Act (HHCA). That led to an extended conversation and a subsequent invitation by homestead leader and councilmember KipuKai Kualii for representatives of the Kaua'i Department of Water (DOW), CWRM, and DHHL to present to the Council. That presentation occurred on June 21, 2023. The presentations, extensive questions and testimony can be viewed at [https://kauai.granicus.com/player/clip/2572?view\\_id=2&redirect=true&h=025db36dc1c3e6b93761b7dcb39c56dc](https://kauai.granicus.com/player/clip/2572?view_id=2&redirect=true&h=025db36dc1c3e6b93761b7dcb39c56dc).

### **(4) Beneficiary Water Rights Training**

In response to various beneficiary requests and policy proposals, beneficiary leadership on Hawai'i Island suggested specific training for beneficiaries on how to prepare for, apply for, and serve on water related boards and commissions, to help ensure DHHL perspectives and beneficiary voices are represented. Working with the William S Richardson School of Law's Ka Huli Ao Center for Excellence in Native Hawaiian Law, pilot training has been designed and scheduled, and opened to an initial cohort from across the islands, with emailed opportunities to apply sent to homestead organization leaders.

As noted in the invitation the training took place via Zoom and in four parts: Part 1: Foundations for Building Effective

Kahuwai Pono; Part 2: A Guide to Serving on Agencies with Kuleana to Mālama Wai; Part 3: A Legal Toolkit for a Kahuwai Pono; and Part 4: Kahuwai Pono and their Departments.

Beneficiary interest has been very strong and exceeded expectations and has reached capacity for the first training session that was held in June and July 2023. A subsequent similar training session is anticipated to be held in the fall of 2023 to accommodate the strong interest from DHHL beneficiaries.

#### RECOMMENDATION

None; for information only.

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

August 21-22, 2023

To: Chairman and Members, Hawaiian Homes Commission  
Thru: Andrew H. Choy, Planning Program Manager *AC*  
From: Lillie Makaila, Planner  
Subject: Ka Pa'akai Framework

Recommended Action

For Information Only. No action required.

Discussion

The purpose of this informational briefing is to discuss the Ka Pa'akai Framework and its origins and influences on the work of the Department of Hawaiian Home Lands and the Hawaiian Homes Commission.

The Ka Pa'akai Framework is a three (3) step analytical framework required of State and public entities in Hawai'i to effectuate Article XII, Section 7 of the Hawai'i Constitution, which obligates the State to:

protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.

The framework, often referred to as "Ka Pa'akai Analysis", takes its name from the Supreme Court case, Ka Pa'akai o Ka 'Āina v. Land Use Commission in 2000.

#### KA PA'AKAI O KA 'ĀINA V. LAND USE COMMISSION

Several native Hawai'i organizations (Ka Pa'akai o ka 'Āina, an association of Ka Lāhui Hawai'i, Kona Hawaiian Civic Club, and Protect Kohanaiki 'Ohana), appealed the State Land Use Commission's (LUC) granting of a developer's petition to reclassify just over one-thousand (1,000) acres of land in Ka'ūpūlehu, Kona, Hawai'i from the State Land Use Conservation District to the State Land Use Urban District. The Third Circuit Court affirmed the LUC's decisions and granted the developer's petition for land use boundary reclassification. The native organizations appealed to the Supreme Court, and the Supreme Court found that:

1. the native organizations were aggrieved parties with standing to appeal the action of the LUC.
2. the LUC's findings of fact and conclusions of law were insufficient to determine whether it fulfilled its obligation to preserve and protect customary and traditional rights of those native to Hawai'i.
3. the LUC improperly delegated its constitutional obligation to preserve and protect the customary and traditional rights of native Hawai'i people to a private developer.

The lands in this case were owned by the Kamehameha Schools Bishop Estate, and were leased to a development company called Kaupulehu Developments for the proposed "Kaupulehu Resort Expansion", a luxury development consisting of single-family homes, multi-family units, golf course, commercial center, recreation club, and other amenities.

Kaupulehu Developments prepared an Environmental Impact Statement (EIS) as a part of their petition for reclassification to the LUC, and this EIS was accepted by the LUC in 1994. Several organizations filed petitions to intervene, participated in hearings with the LUC and provided testimony over the course of twenty hearings from 1994 to 1996. Ultimately, the LUC voted 6-2 to approve the petition for reclassification. The native organizations went through a lengthy appeal process in the Third Circuit Court and later the Supreme Court of Hawai'i, and the Supreme Court made its decision in September 2000.

From that 2000 decision of the Supreme Court, we have what is known as the "Ka Pa'akai Framework", an analytical framework for the enforcement of the protection and preservation of native rights. Article XII, Section 7 of the Hawai'i Constitution obligates government entities to protect the reasonable exercise of customarily and traditionally exercised rights of natives to the extent feasible. The Ka Pa'akai Framework attempts to put into effect the State's obligation to protect native customary and traditional practices. This framework states that at minimum, a government entity must:

1. Identify the scope of valued cultural, historical and natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area.
2. The extent to which those resources, including the traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action.
3. The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.



In the case of the proposed "Ka'ūpūlehu Resort Expansion" the following traditional and customary practices were threatened:

- access to cross the petition area to gather salt
- significant places in the petition area
- remnants of historic trails, living areas and burials
- gathering areas for salt, 'opihi, limu, kūpe'e, Pele's Tears and hā'u'ke'u'ke

It was the threat to these practices, the lack of proper analysis of impacts to these practices and places, and the lack of mitigation or protection measures that caused the LUC's decision to be overturned by the Supreme Court.

#### LEGAL FRAMEWORK FOR TRADITIONAL AND CUSTOMARY RIGHTS

The legal understanding of traditional and customary rights in Hawai'i take their influence from several places. Kingdom law acts as the foundation of our understanding of native rights in Hawai'i, such as the 1839 Bill of Rights and the 1840 Constitution. References to native rights can be found in deeds of the Māhele 'Āina of 1850. Original deeds from the Māhele 'Āina include the following statement:

koe nae ke kuleana o na kanaka maloko

Which means, excepting or reserving the interests or kuleana of the people therein or the rights of the tenants are reserved. As the native tenants did not participate in the Māhele 'Āina process, which was a quit-claim process of interests in the lands of Hawai'i by the Ali'i and Mō'i of the time, the rights of the native tenants were still intact. These include access rights, gathering rights, water rights, and other rights that are often referred to as Hawaiian Usage rights.

These Hawaiian usage rights are enumerated in the 1850 Kuleana Act, Section 7, which is now Hawai'i Revised Statutes 7-1. The following usage rights are expressed in the Act:

- People have the right to take firewood, house timber, aho cord, thatch, or ti leaf from the land on which they live for their own private use...
- The people also shall have a right to drinking water and running water and the right of way. The springs of water, running water and roads shall be free to all...

In a 2007 Contested Case regarding the Commission on Water Resource Management's decision to approve applications for a water permit to Kukui (Moloka'i), Inc., filed by the Office of Hawaiian Affairs, Department of Hawaiian Home Lands, and several individual parties, the court found that the burden of proof that the proposed use would harm traditional and customary rights is not on the native persons impacted, but on the agency and the applicant to justify the proposed use in light of the public trust purpose to protect and preserve native rights. This decision further detailed the responsibility of the State in protecting and preserving native rights.

#### KA PA'AKAI FRAMEWORK AND THE DEPARTMENT

Today we often see the Ka Pa'akai Framework included in environmental reviews for a proposed use or project. Chapter 343 of the Hawai'i Revised Statutes provides a framework for review of the adequacy of environmental review documents prepared under the Hawai'i Environmental Policy Act. Part of this framework includes reviewing cultural impacts, similarly to the Ka Pa'akai Framework. Because of this overlap, often Ka Pa'akai analysis is folded into environmental review documents, such as environmental impact statements (EIS) and environmental assessments (EA). This format is acceptable, so long as the document adequately assesses impacts fully based on the guidelines of both the Chapter 343 and Ka Pa'akai frameworks.

As a State agency, the Department of Hawaiian Home Lands has a legal duty to fulfill analysis based on the Ka Pa'akai Framework in all of its proposed uses and projects.

The Hawaiian Homes Commission is empowered to issue a Finding of No Significant Impact (FONSI) for environmental assessments prepared for proposed uses on Hawaiian Home Lands. It behooves the Commission to review these documents with an eye to the three (3) components of the Ka Pa'akai Framework detailed above, to ensure that proposed projects and uses on its lands do not impede on traditional and customary rights of the native people.

Recommendation

For information only. No action required.

**HAWAIIAN HOMES COMMISSION  
AUGUST 21 & 22, 2023**

**J – ITEMS  
REQUESTS TO ADDRESS THE  
COMMISSION**

Hawaiian Home Commission Meeting  
August 22, 2023  
Hilton Garden Inn -Kauai  
J Agenda List

- J-1 Sherri Cummings – Albizia, Water Restoration, Recreational Space
- J-2 Jeremie Makepa – Anahola Makai Management Plan
- J-3 Donald Fujimoto & Bryan Davidson Earthworks Pacific, Inc.–  
Analoha Rivermouth Maintenance/Flood Mitigation
- J-4 Abraham Makanui – Anahola Farm Lot Water Hookup
- J-5 Kanoë Ahuna – Kanuikapono Charter School
- J-6 Germaine Meyers – Various Concerns
- J-7 Maile and Butch Ramos – Papakolea Lease Issue
- J-8 Irene Plunkett - Rescind Lease at Waiohuli
- J-9 Blossom Feitiera – Various Concerns
- J-10 Rufino Agliam -Hoolehua Agricultural Lot Successorship
- J-11 Raelene Like – Kauluokahai Retaining Wall Oversight
- J-12 Kekoa Enomoto and Norman Abihai –Paupena Community  
Development Corp.

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<b>From:</b>	New submission from
<b>To:</b>	Submit J-Agenda
<b>Subject:</b>	Testimony Monday, August
<b>Date:</b>	07, 2023 11:43:23 AM

**Name**

Sherri Cummings

**Email**

**Message**

Will speak on the 2100 acre albizia stump removal and water restoration and 38 acre land request for open air recreational space for soccer fields 2 3 court multi purpose sports buildings, drive in theater , gazebo for k puna gathering, walkable safety space for all demographics etc.

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**Name**

[Jeremie Makepa](#)

**Email**

[aina.alliance.808@gmail.com](mailto:aina.alliance.808@gmail.com)

**Message**

Aina Alliance update on progress with Anahola Makai Management plan and DHHL Grant. Review of past activities for new Commissioners. Feedback request on new ideas to help improve project.



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**Name**

Donald M Fujimoto

**Email**[dfujimoto@kauai.gov](mailto:dfujimoto@kauai.gov)**File**

Testimony in support of securing sand from Anahola Rivermouth for sand removal in support of flood mitigation and to request that the surplus sand be used in for the Aliomanu Road Repair and Revetment project about half mile north of the river mouth.

[TECHNICAL-SPECS-210204-Aliomanu-Road-Repair.pdf](#) [IFB-Aliomanu-Road-Repair-9-16-2022-df.pdf](#)  
[PLANS-20211129-Aliomanu Road Repair-APPROVED.pdf](#)

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**Name**

Earthworks Pacific, Inc. Bryan Davidson

**Email**

[bryan@earthworkspacific.com](mailto:bryan@earthworkspacific.com)

**Message**

To provide testimony and support for maintenance/ flood mitigation of the Anahola River mouth through the removal of excess sand that has accumulated. Surplus sand to be used only for the Aliomanu Road Repair and Revetment Project that is located within the limits of Anahola Bay on Aliomanu Road, approximately 1/2 mile north of the proposed sand removal area.

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<b>Name</b>
Linda Kaauwai-Iwamoto
<b>Email</b>
<a href="mailto:napua42@icloud.com">napua42@icloud.com</a>

**Message**

My son-in-law, Abraham Makanui, will be speaking on my behalf to RP #237, Water Hookup, Anahola Farm Lots (Makai)

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**Name**

Kanoe Ahuna

**Email**

[kanoe.ahuna@kanuikapono.k12.hi.us](mailto:kanoe.ahuna@kanuikapono.k12.hi.us)

**Message**

Aloha,

We would like to be added to the August 22, 2023 commission meeting agenda in regards to possible future proposals from the keiki of Kanuikapono Public Charter School for possible community events.

To:  
Subject:  
Date:

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**From: Germaine Meyers**

Hi Leah,

The J Agenda form is missing on the website. How do I sign up for the J Agenda for August 2023?

Mahalo nunui,  
Germaine

**First Name**

IRENE

**Last Name**

PLUNKETT

**Email**[iplunkett@msn.com](mailto:iplunkett@msn.com)**Subject**

To Commission Secretary

**Message**

Aloha Leah..I would like to be appear on the August 22nd J-Agenda, for my public testimony. I understand that I can bring copies to be presented to the commissioners in person. Is there a specific format that I need to follow. The subject that I will be speaking on is that I would like to cancel my lease, that I signed on May 12th, 2023, for my Undivided interest for Waiohuli-Keokea Lot. I feel that I was not given clear options for the Waikapu Lots that will be soon up for lottery. I want to be able to cancel my lease and not lose my place for lottery selection for the Waikapu offering on Maui. I had a two month international trip planned for May 14th, 2023. How much time do I have to present my case? cell# 808-357-3877. What is the address and time of the Kauai DHHL Commissioners Meeting that I need to be present.

Mahalo, Irene Plunkett-Mina

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**Name**

Blossom Feiteira

**Email****Message**

Request to be included on the J-agenda



**From:**  
**To:**  
**Subject:** New submission from Submit J-Agenda Testimony  
**Date:** Monday, July 24, 2023 10:17:07 AM

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**Name**

Raelene Like

**Email**

[\\_\\_\\_\\_\\_](#)

**Message**

Request to be included on the J-agenda to inform the board, and newly appointed Chair Watson of a DHHL construction oversight, and initial opportunity to resolve. Retaining walls were not included in building the majority of backyards oil Ka'uluokaha'i IIB homestead lots. It poses a threat to security, privacy and safety to homestead family's. We need your kokua. Files will be provided by 7 August.

Aloha mai kaua e Leah,

On behalf of Pa‘upena Community Development Inc., I would like to RSVP for Pa‘upena president Norman Abihai and myself to present joint J-Agenda advocacy during the Hawaiian Homes Commission meeting on Kaua‘i

8/22/23. I w/update the commission about the archaeological report on the 127-acre Keokea/Waiohuli parcel, for which Pa‘upena holds a Right of Entry. To wit:

- Fields 1, 2, 3 and 5 encompassing 25 acres are usable for ag/grazing w/provisos. However, the 102-acre Field 4 is mostly unusable due to the prevalence of archaeological features.

- At the request of archaeologist Tanya Lee-Greig, Pa‘upena’s board passed a resolution to do no intensive development, i.e., w/only gravel roads, post/pier and above-ground utilities.

- Likely in the new year, Pa‘upena w/seek a long-term license to the acreage w/the profound/unprecedented kuleana to malama and adaptively re-use the archaeological sites.

Uncle Norman plans to address the subject of DHHL buying/developing non-homelands ‘aina (e.g., in the case of Everett Dowling and Pu‘unani) vis-a-vis developing current homelands, such as some 785 acres at Pulehunui. Mahalo,

-‘Anake Kekoa

Kekoa Enomoto

Chairwoman of the board,

Pa‘upena Community Development Inc.

**From:** [Kekoa Enomoto](#)  
**To:** [Burrows-Nuuuanu, Leatrice W](#)  
**Subject:** [EXTERNAL] J Agenda testimony for inclusion in HHC packet; mahalo  
**Date:** Monday, August 14, 2023 4:30:25 PM

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Aloha mai kakou e Na Hawaiian Homes Commissioners,

Mahalo for this opportunity to advocate on behalf of the 18-entity Maui/Lana'i Mokupuni Council, and the 7-year-old beneficiary organization, Pa'upena Community Development Inc. I would like to speak on three homelands topics: an archaeological survey, a water meter, and fire mitigation.

Of course, the ravaging Lahaina wildfires are front-of-mind for the nation right now. Leali'i homesteader Ernest Pua'a reported that the homes of his 'Ainakea Street neighbors, the Kenolio and Kingsley 'ohana, burned to the ground. He indicated that only two West Maui homestead houses were lost because the subdivision has underground utilities. He said two large adjacent non-homestead houses afire had ignited the Leali'i structures.

Meanwhile, Leali'i resident and Honokowai Hawaiian Homestead Association president Abner Nakihei had evacuated to Napili Park, where he and his wife spent two nights in a tent. His wife works at the Ritz-Carlton Kapalua, which now is housing the Nakihei couple along with other employee families. Theirs is one of countless examples of nationwide support flowing into West Maui.

My own Waiohuli homestead thankfully survived the Olinda and Kula wildfires. But Oma'opi'o blazes an estimated 10 miles away were clearly visible from our back porches — which brings up the subject of a specific, needed homelands water meter.

Pa'upena Community Development Corporation (CDC) has a due-diligence Right Of Entry (ROE) to a 127-acre Keokea/Waiohuli homelands parcel to be used for farming/ranching-related training of beneficiary 'ohana. I fervently request that the DHHL Planning Office submit as soon as possible to the Maui County Department of Water Supply a completed water-meter application. Our CDC needs water not only to continue cultivating kalo and livestock at the "127" lot, but also to mitigate any wildfire threats on the acreage.

Also, Pa'upena would like DHHL Land Development Division to approve for Pa'upena, an ROE to the 4,780-acre Waiohuli-Keokea homelands tract; so the CDC can plan and implement fire mitigation on the expansive parcel. Concerning the "127" ROE, 'Aina Archaeology recently presented to Pa'upena's board a draft final report of an archaeological survey required by the State Historic Preservation Division, or SHPD. This archaeological survey unveiled 51 new archaeological sites and features, rendering only 25 of the 127 acres to be useable for ag/pastoral training and cultivation. 'Aina Archaeology indicated it will submit a final report by August 31, followed by discussion with SHPD on its findings; so Pa'upena anticipates seeking a long-term license to the "127" at the start of 2024.

Remarkably, Pa'upena did not anticipate an archaeological-preservation kuleana, involving (1) adaptive reuse of agricultural terraces, i.e., replanting kalo, 'uala and other native edibles in ancient terraces; (2) archaeology training of makua and 'opio for SHPD-required mapping and documentation of archaeological sites, and (3) implementing a DHHL Preservation Plan predicated by earlier surveys done by archaeologists Michael Kolb and by Michael Dega. Consequently the Pa'upena board passed a resolution to forgo any intensive development at the 127; thereby committing our beneficiary organization to unprecedented malama of the gifts and blessings left to us by our kupuna.

Pa'upena embraces this considerable kuleana, not only to archaeologically preserve, but also to serve as a role model for beneficiaries and beneficiary organizations to malama our own trust lands.

We mahalo DHHL for paying some \$49,000 for the archaeological survey. The latter has been a two-year process, but resulted in a thorough and comprehensive survey by the Maui-based, Native-operated 'Aina Archaeology.

Mahalo nui,

-Kekoa Enomoto  
Chairwoman of the board,  
Pa'upena Community Development Inc.  
(808) 276-2713