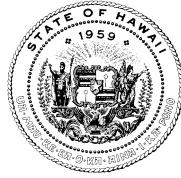


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**TESTIMONY OF WILLIAM J. AILA, JR, CHAIRMAN
HAWAIIAN HOMES COMMISSION**

**U.S. HOUSE COMMITTEE ON NATURAL RESOURCES'
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES
HEARING ON H.J. Res. 55**

October 5, 2021

Aloha Chair Leger Fernandez, Ranking Member Young, Congressman Case, and other Members of the Subcommittee for Indigenous Peoples of the United States:

Thank you for inviting me to testify on behalf of the Department of Hawaiian Home Lands (DHHL) in support of H.J. Res. 55, the Prince Jonah Kūhiō Kalanianaʻole Protecting Family Legacies Act. The mission of DHHL is to manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. Today, DHHL is responsible for the management of approximately 200,000 acres of these trust lands, 9,979 homestead leases statewide, and 45,812 lease applications.¹

The amendments to the Hawaiian Homes Commission Act, 1920 (HHCA) made by Act 80 of the Session Laws of Hawaii, 2017 (Act 80) are critical to fulfilling the vision of Prince Kūhiō over the next century.² Essentially, the amendments would allow a homesteader to continue to designate certain family members to succeed to the homestead lease.

DHHL surveys both lessees and applicants approximately every five years. Some data from these studies underscore the importance of Congress consenting to the HHCA amendments in Act 80. Most notably is that nearly nine out of ten lessees

¹ Lease and application counts as of 8/31/2021. An applicant can hold a maximum of two applications, one for a residential lease and the other for either an agricultural lease or pastoral lease. The 45,812 lease applications are held by less than 29,000 native Hawaiian applicants.

² This year marks the 100th anniversary of the Hawaiian Homes Commission Act, 1920, Pub. L. No. 67-34, 42 Stat. 108 (1921), <https://www.doi.gov/sites/doi.gov/files/uploads/Act-of-July-9-1921-42-Stat-108.pdf>. Prince Jonah Kūhiō Kalanianaʻole served as a non-voting delegate from Hawaii to the House of Representatives in Congress from 1902 until his death in 1922 during which time he spearheaded the enactment of the HHCA.

plan to pass their Homestead lot and house on to their children or other relatives (89%).³ Even though over 85% of the lessee respondents indicated that the intended heir meets the current requirements in the HHCA. What is concerning is that even though the trend may be small at this stage, it's still a trend to monitor that in 2014, 8.9% of the lessee respondents indicated that their intended relative does not meet the current requirements in the HHCA, the number has increased to 10.5% in 2020. This number is expected to increase steadily and is the primary reason consent to Act 80 is being requested sooner rather than later.

Patrick Kahawaiola'a, President of the Keaukaha Community Association, which is the oldest homestead community on Hawaii Island, articulated it best when he testified that those in an 'ohana (family) structure should succeed to an award upon the death of the lessee for the sake of 'ohana (family) continuity.⁴ To illustrate this point best is the story of a fourth-generation homesteader in the first homestead on Kalama'ula, Molokai. As a long-time advocate, Stephanie Lauifi shared that her great grandfather Henry Wise was one of the original homesteaders where she currently resides. Her testimony to the Hawaiian Homes Commission was summarized as follows:

"Many families have expressed their concerns for the next generation to come. Everyone wants to leave their homesteads to their children and grandchildren. Her family has always grown fruits and vegetables, raised cows and pigs, chicken, and even geese and turkeys. They grow dryland taro, banana, papaya, lemon, lime, avocado, guava, liliko'i and various vegetables. They sell taro leaf to the market and usually just eat the fruits and vegetables or share with family and neighbors."⁵

Stephanie Lauifi is an example of a homesteader embodying Prince Kūhiō's vision for the HHCA and without the amendments to the HHCA made by Act 80, she is unable to see that legacy passed on to the next generation.

Act 80 was proposed and advanced by the families and communities that the HHCA was enacted to serve and received overwhelming support in the State Legislature.⁶ Associations representing communities across the State of Hawai'i and

³ DHHL Beneficiaries Study Lessee Report, 2020, https://dohl.hawaii.gov/wp-content/uploads/2021/01/DHHL_Lessee-UI_Report_FINAL-202101.pdf.

⁴ See testimony before the House Committee on Ocean, Marine Resources & Hawaiian Affairs on January 31, 2017, https://www.capitol.hawaii.gov/Session2017/Testimony/HB451_TESTIMONY_OMH_01-31-17_.PDF.

⁵ Hawaiian Homes Commission Minutes of August 18 and 19, 2015 Meeting Held in Lahaina, Maui, Hawaii, <https://dohl.hawaii.gov/wp-content/uploads/2014/11/AUGUST-2015-Approved.pdf>.

⁶ See testimony and committee reports summarizing the testimony received on Act 80 of the Session Laws of Hawaii, 2017,

native Hawaiians and their successors pursuant to the HHCA offered compelling testimony, a few of which I would like to highlight in this testimony.

Former Hawaiian Homes Commissioner and homesteader Gene Ross Davis noted the following: “The preservation of Hawaiian Culture, Social tradition, Cultural Lifestyle and economic stability are tied to the land. It is important for continued rehabilitation processes to be in place. Lowering successorship will allow families to pass on their valued inheritance and traditions to future generations.”⁷

A 70 year old lessee who received his lease from his mother shared the following: “I have a 6 acre ag lease in Pana‘ewa on the Big Island. I have worked very, very hard developing this raw land with rambutan orchards, irrigation, buildings and infrastructure. As the current law is, I cannot pass it down to my children, but with this new law, I’ll be able to pass down my farm to my children and grandchildren.”⁸

Continuing this theme, Diane Kanealii on behalf of the families of the Kailapa Community in Kawaihae, Hawai‘i Island provided the following testimony: “Reducing the blood quantum for successorship does **NOT** impact those on the Hawaiian Homes waitlist, but allows those who have homestead lands to be able to pass it down to a relative of at least 1/32. The blood quantum of 1/32 was what Prince Jonah Kūhiō Kalaniana‘ole proposed in the inception of Hawaiian Homelands for Native Hawaiians. Passage of this bill will allow families to stay on their lands and keep it in the family for the generations to come.”⁹

Finally, a HHCA Beneficiary Wai‘anae Valley Homestead Lessee on the island of Oahu standing in full support indicated the following: “This Bill will allow ‘ohana (family) members to continue their residence in the ‘ohana (family) hale (home). Our Prince Jonah Kūhiō Kalaniana‘ole did not mean to displace one Hawaiian ‘ohana (family) for another. This Bill fulfills his intent and desire.”¹⁰

https://www.capitol.hawaii.gov/Archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=451&year=2017.

⁷ See testimony before the House Committee on Judiciary on February 14, 2017,

https://www.capitol.hawaii.gov/Session2017/Testimony/HB451_TESTIMONY_JUD_02-14-17_.PDF.

⁸ See testimony before the Senate Committee on Judiciary and Labor on April 4, 2017,

https://www.capitol.hawaii.gov/Session2017/Testimony/HB451_HD1_SD1_TESTIMONY_JDL_04-04-17.PDF.

⁹ See testimony before the House Committee on Ocean, Marine Resources & Hawaiian Affairs on January 31, 2017,

https://www.capitol.hawaii.gov/Session2017/Testimony/HB451_TESTIMONY_OMH_01-31-17_.PDF.

¹⁰ Id.

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In addition to the overwhelming support from the families and communities that the HHCA was enacted to serve, the State Legislature this past session adopted SCR 165 SD1 HD1 – Requesting the United States Congress to Consent to the Enactment of Act 80, Session Laws of Hawaii 2017.¹¹

In closing, I wish to express my appreciation and gratitude to Chair Leger Fernandez, Ranking Member Young, and Representative Case for inviting me to testify. It has been an honor to have had this opportunity to address you and this Subcommittee in support of H.J. Res. 55.

¹¹ SCR 165 SD1 HD1, https://www.capitol.hawaii.gov/session2021/bills/SCR165_HD1_.PDF.