

**CNHA Policy Center
Briefing at the
Maui Homestead Policy Summit**

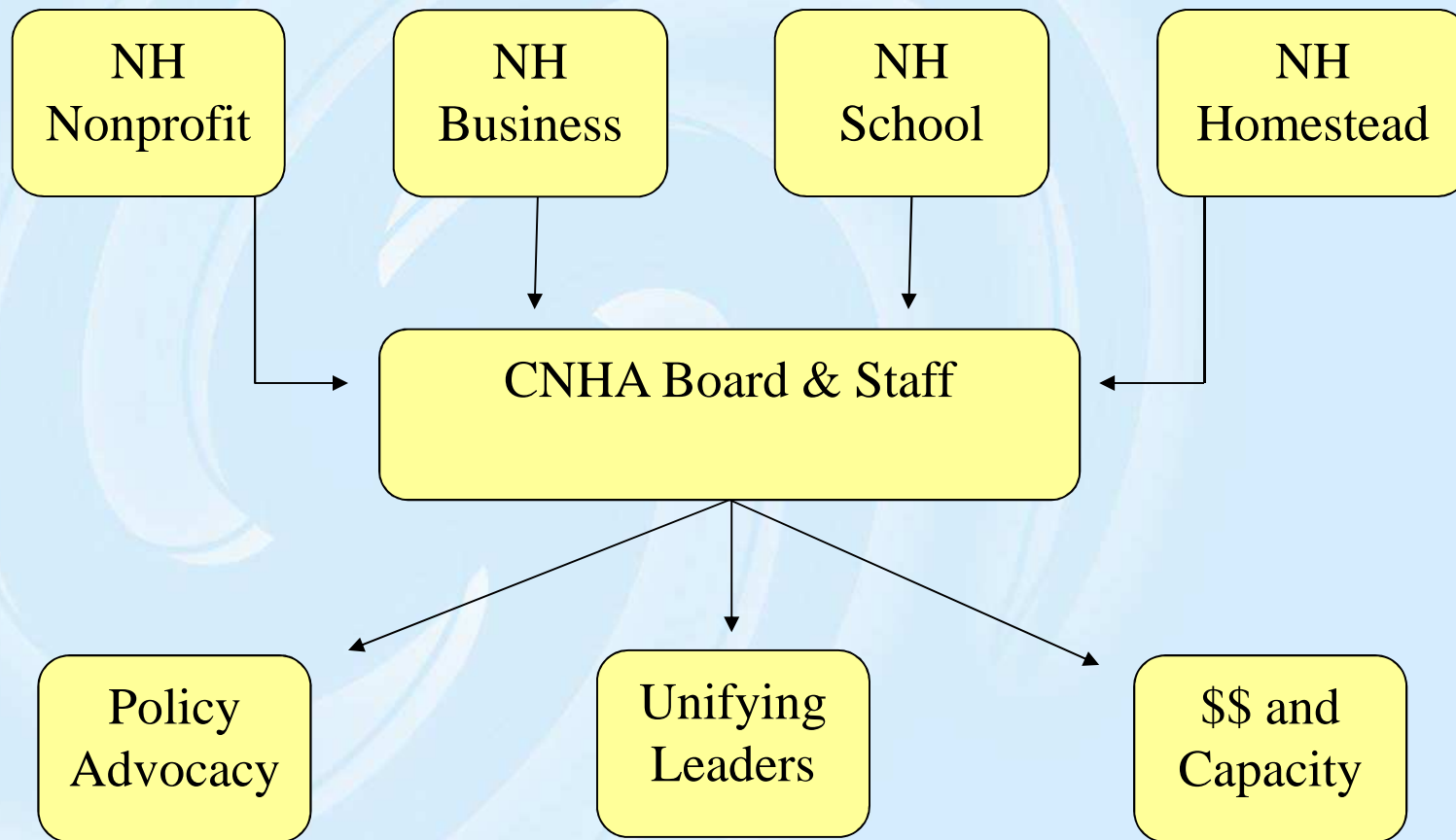
Conducted in Partnership with CNHA Member - SCHHA
**Sovereign Councils
of the Hawaiian Homeland Assembly
Formerly
Statewide Council
of Hawaiian Homestead Associations**



About CNHA

- Native Hawaiian Nonprofit - Founded in 2001
 - Over 150 Voting Member Organizations Nationally
 - 21-Member Board of Directors Elected by Voting Members
 - Staff + Leadership Interns/Fellows/VISTAs + Partners
 - Hawaii and Washington DC Offices
- Mission
 - Enhance the cultural, economic, political and community development of Native Hawaiians
- Primary Initiatives
 - 1. **Native Hawaiian Policy Center** – Public Policy Participation
 - 2. **Lending & Investment Services** – CDFI Capital Deployment
 - 3. **Hawaiian Way Fund** – Capacity Support of Practitioners
 - 4. **Annual Native Hawaiian Convention** – Convene Leaders

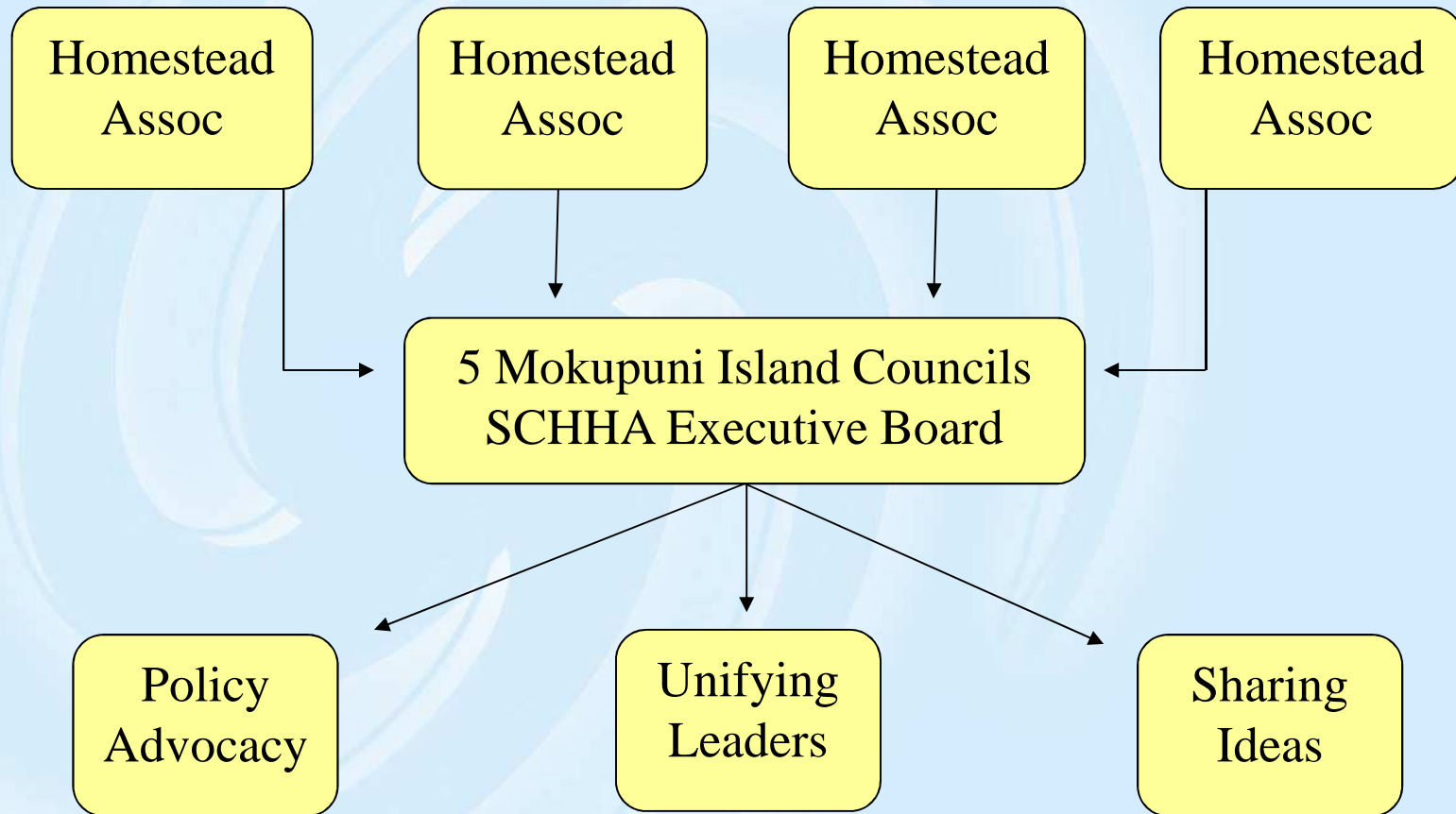
About CNHA



About SCHHA

- Homestead Nonprofit - Founded in 1987
 - Over 30 Homestead Association Members
 - 5 Island Mokupuni Associations
 - 5-Member Board Executive Board
- Mission
 - To protect and perpetuate the Hawaiian Homes Commission Act to serve native Hawaiians and their families
- Primary Initiatives
 - 1. **Unified Public Policy Advocacy on HHCA**
 - 2. **Direct Engagement with Federal Trustee**
 - 3. **Direct Engagement with State Administrator**
 - 4. **Convene Homesteaders Annually**

About SCHHA



About the CNHA Policy Center

- **Mission**
 - Bring CNHA Member organizations together around policy priorities and solutions to meet the challenges of Native Hawaiians
- **CNHA Policy Caucus Chairs**

Trust Lands: SCHHA	Education: KS
Healthcare: NH Consortium	Econ Dev: NHEA
Housing: HCA	Culture: Kapolei Civic Club
- **Primary Functions**
 - Annual Policy Priorities, Advocacy & Education
 - Policy Calls, Briefings, Convening & Symposiums
 - Policy Publications, Research & Data
 - Civic Engagement & Voter Initiatives

Briefing Topic

Three (3) Federal Laws HHCA Beneficiaries Should Know Well

Briefing Conducted by the SCHHA,
a CNHA Member dedicated to the full implementation of
the Hawaiian Homes Commission Act of 1920

Sovereign Councils
of the



Hawaiian Homelands
Assembly

Lets Remind Ourselves About 3 Laws!

- Federal Laws on the HHCA & Us as Beneficiaries
 - **1921: Hawaiian Homes Commission Act**
 - 27 Sections....
 - **1959: Hawaii Admissions Act**
 - 2 Relevant Sections....
 - **1995: Hawaiian Home Land Recovery Act**
 - 9 Sections.....
- Its Not Enough to Know One and Not the Others

1921 HHCA – The Core Law!

- 27 Sections.....Worth Walking Through!
 - **201. Definitions.** What different words mean
 - **201.1 Purpose.** Says a permanent land base for native Hawaiians to live, to farm, to ranch, and to engage in commercial activities, in a prompt & efficient manner. Says to provide water and supporting infrastructure. Says to provide technical and financial assistance to enhance economic self sufficiency.....that native Hawaiians are forever self sustaining.
 - **202. Hawaiian Homes Commission.** Lays out HHC as governing body of the HHCA, how commissioners appointed. Also states that civil service positions at DHHL shall be filled by first.....qualified Hawaiians.

1921 HHCA – The Core Law!

- 25 More.....Worth Walking Through!
 - **203. Original Land Inventory.** Defines lands on each island
 - **204. Lands NOT Required by Hawaiians.** Says that lands may only go to non-beneficiaries (general public) if they ARE NOT REQUIRED for homesteading by Hawaiians. Also authorized trust lands to be exchanged with approval of the Federal DoI. And that DHHL can assemble lands for residential development.
 - **205. Lands Sold or Leased.** States must comply with parameters of the Act as necessary to complete valid agreements on lands at time of enactment.

1921 HHCA – The Core Law!

- 22 More.....Worth Walking Through!
 - **206. State Governor/BLNR Authority.** Gov and BLNR do not have same authority, except where authorized.
 - **207. Lands for Hawaiians.** If there is a section to know....this is it, along with 204. Says lands are first and foremost without prohibition, for:
 - Homesteading by Hawaiians (homes, farms and ranches)
 - Nonprofits for our churches, schools, clinics, etc
 - Mercantile by Hawaiians ONLY or orgs controlled by them.
 - **208. Terms of Homestead Leases.** Defines eligibility of beneficiaries for homestead and mercantile leases/licenses. Maximum terms, transfer eligibility, successor eligibility, ability to rent to other Hawaiians, mortgage terms, etc.

1921 HHCA – The Core Law!

- 19 More.....Worth Walking Through!
 - **209. Lease Disposition at Death of Beneficiary.** Describes options for successorship, options for disposition of improvement value, options if no successor, and process of valuation and payment to family.
 - **210. Lease Cancellation.** Describes when homestead leases can be cancelled and possession of land taken by DHHL
 - **211. Community Pastures.** States that a community pasture can be established in districts where homestead ag lands exist.
 - **212. Lands Managed by BLNR.** States lands not under homestead or mercantile, can be returned to BLNR if DHHL wants to, but requires a withdrawal clause.

1921 HHCA – The Core Law!

- 15 More.....Worth Walking Through!
 - **213. Trust Fund Accounts of Hawaiians.** Governs several trust accounts of beneficiaries, how they can be spent, and for what purposes. Ie, sets criteria on farm loans, how interest payments are to be invested, requires 30% of ceded lands that are in or were in sugar to go to NHRF for beneficiaries in support of educational, political, economic, social and cultural well-being. Also states that the trust fund for the \$600M requires annual reports to the legislature AND beneficiaries!
 - **214. Capital for Hawaiians.** Loans are to be made available from beneficiary trust funds or other sources for homes, ranches, farms, refinancing existing debt, conservation practices, relief to farms/ranches.....

1921 HHCA – The Core Law!

- 13 More.....Worth Walking Through!
 - **214. Capital for Hawaiians....Continued.**loans to Hawaiians in the operation or erection of mercantile establishments that shall be owned by beneficiaries or orgs controlled by them.
 - **215. Conditions of Loans.** Establishes loan limits, eligibility, repayment terms and delinquencies.
 - **216. Insurance Requirements & Loan Acceleration.** Describes insurance requirements, action on loan violations and lien position required.
 - **217. Ejectment for Nonpayment.** Describes authority of DHHL to evict or bring legal action.

1921 HHCA – The Core Law!

- 9 More.....Worth Walking Through!
 - **218. Repealed.**
 - **219. General Assistance.** DHHL is to provide assistance to beneficiaries to maximize land utilization for homesteading, mercantile and nonprofit purposes, including provisions of experts to ag, livestock, and other operations. Also states that DHHL can form an insurance company or pool to serve beneficiaries.
 - **220. Developer Agreements, Projects, Bonds.** Describes water development requirements, authority of DHHL to develop lands that advance economic and social well-being of beneficiaries. Legislature authority to appropriate funds and/or bonds

1921 HHCA – The Core Law!

- 7 More.....Worth Walking Through!
 - **221. Water!** Says all water licenses, before and after issued, are subject to the water needs of Hawaiian Home Lands to supply livestock, farm operations or domestic needs, and shall be granted free of charge.
 - **222. DHHL Administration.** Allows state to make expenditures, and adopt rules. Requires State to issue an annual report of finances to legislature, almost must report annually on the disposition of lands and to whom.
 - **223. Federal Oversight.** The Congress reserves the right to alter, amend or repeal provisions.

1921 HHCA – The Core Law!

- 4 More.....Worth Walking Through!
 - **224. Sanitation/Reclamation.** A DoI designee to live in the state with expertise in sanitation, rehabilitation and reclamation.
 - **225. Investments & Accounting Requirements.** Describes what investments are allowed, how receipts are to be handled, donations and other fiscal actions.
 - **226. Qualification for Other Federal Programs.** Establishes that DHHL is eligible to participate in any federal program that renders assistance in HHCA areas mandated to be implemented.
 - **227. Enterprise Zones.** Allows participation in federal or state enterprise zones only if program will result in economic benefits to beneficiaries.

WHEW! The HHCA Rocks

- It's a BRILLIANT Land Trust Law.....
 - Kuhio said all in section 207....Give my people land for their homes, to grow food, to raise livestock....
 - Give them land for their nonprofits
 - Given them land for their mercantile businesses.....
 - If there is land still available, under section 204....the general public can use their land if it is NOT REQUIRED for homesteading!
 - Then he said, make access to WATER and CAPITAL available for homes, for farms, for ranches, for mercantile.

WHEW! The HHCA Rocks

- It's a BRILLIANT Land Trust Law.....
 - That is POORLY Administered by the State
 - That is POORLY Overseen by the Feds
 - That is POORLY Advocated for by Beneficiaries
- Beneficiaries.....We Must NOT Wait for Others
 - Push the State for Better Administration
 - Push the Feds for Better Oversight
 - Push Ourselves to Know Our Rights, and Advocate

1959 Hawaii Admission Act

- 2 Main Sections on Hawaiians!.....
 - **Section 4.** As a compact with the United States relating to the management and disposition of Hawaiian Home Lands, the HHCA shall be adopted as a provision of the constitution of the new state.....and may only be amended or repealed with the Consent of the Federal Government.
 - **Without Federal Consent.** HHCA may be amended by the state when they are essentially, administrative and functionality.....OR if the amendments INCREASE benefits to native Hawaiians.
 - **With Federal Consent.** Federal consent is required if a state amendment is on beneficiary qualifications

1959 Hawaii Admission Act

- **Section 4 Continues.....** All proceeds and income from trust lands shall be used **ONLY** in carrying out the provisions of the HHCA. (*ie, use of \$500k in trust funds for the State's Homeless Czar, others?*)
- **Section 5 (b).** The United States grants to the State of Hawaii effective upon its admission into the union, title to all public lands (ceded lands).....and to all lands defined by Section 203 of the HHCA.
- **Section 5(f).**lands granted to the State of Hawaii....together with proceeds from the sale or other disposition and income....shall be held in public trust for 1) public schools; 2) native Hawaiians as defined by HHCA; 3) farming; 4) homeownership and 5) public use.

1959 Hawaii Admission Act

- **Section 5 Continues.....** Such lands, proceeds, and income shall be managed.....in such a manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States.
- WHEW! Short Sections...POWERFUL IMPACT.
- Hawaiians **MUST KNOW** what's in the law, **AND** Advocate for implementation....otherwise who will? Why should anyone else?

1995 Hawaiian Home Land Recovery Act

- YAY Senator Akaka!
 - He sponsored this law and got it passed with the help of Senator Stevens and Alaska Natives, to require the federal government to convey federal lands or cash value for trust lands that the feds took over use of from August 1959....known as Lost Use by Hawaiians.
 - This law is how we got lands at Barbers Point on Oahu, at Wailua on Kauai, and so on.

1995 Hawaiian Home Land Recovery Act

- 9 Sections.....Worth Walking Through
 - **201. Title of the Act**
 - **202. Definition.** What words mean.
 - **203. Settlement of Lost Use of Lands.** Lays out how valuation of trust lands taken or under use of the feds will be done, and how other federal lands will be conveyed to our trust. Also requires consultation with beneficiaries and organizations representing beneficiaries and it requires progress reports on a regular basis to these orgs.

1995 Hawaiian Home Land Recovery Act

- 6 Sections to go.....Worth Walking Through
 - **204. Procedures for HHCA Amendments.** Senator laid out direct instructions on language in the 1959 Admissions Act. It specifically requires DHHL to notify the Secretary of the Department of Interior after an enactment has been made by the State, and for the DoI to make a determination on whether the change requires congressional action....through the congressional committee with oversight of the HHCA.
 - **205. Land Exchanges.** Authorizes land exchanges instead of land conveyances or compensation wherein the HHC Chair can seek approval of the federal government when DHHL wants to exchange lands.

1995 Hawaiian Home Land Recovery Act

- 4 Sections to go.....Worth Walking Through
 - **206. Administration by the Federal Govt.** Mandates that the Department of Interior shall designate an individual to administer the responsibilities of the feds under the HHLRA and the HHCA. Also defines that the responsibility of the feds is to “*advance the interests of HHCA beneficiaries*”, and to assist in obtaining assistance from federal agencies in the areas of homesteading, economic self sufficiency and social well-being.
 - **207. Clarification.** Clarifies that the Secretary of DoI shall adjust or eliminate charges, defer collection of construction costs..... for beneficiaries that hold leases on Hawaiian Home Lands to the same extent permitted for Indians.

1995 Hawaiian Home Land Recovery Act

- 2 Sections to go.....Worth Walking Through
 - **208. Reporting.** Requires DHHL to report on all of the lands and lost use data so the Secretary can make a determination in the case of compensation.
 - **209. Appropriation Authorization.** States that funds are authorized to be paid to DHHL for the value of lost use of lands and if paid, the funds may **ONLY** be used for the purposes of homesteading for Beneficiaries.

1995 Hawaiian Home Land Recovery Act

- **WHEW! Yay Senator Akaka!**
 - Yay for thousands of acres of lands being conveyed since 1995. Still more to be done. And we need our annual progress report!
 - **BUT EQUALLY IMPORTANT....** Yay for the direct statement in this LAW that the federal government must act in our interests....not the State

End of Briefing on 3 Laws

QUICK 5 Minute Break!

If you are interested in the work of the CNHA Policy Center and the SCHHA on Trust Land Issues, sign up to the Homestead Working Group by sending us an Email policy@hawaiiancouncil.org

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