



BEFORE THE SENATE HOUSING AND WATER AND LAND COMMITTEES  
FEBRUARY 6, 2020

SENATE BILL 2946  
Relating to Housing

Aloha Chair Chang, Vice Chair Kanuha, Chair Kahele, Vice Chair Keith-Agaran and Members of the Committee,

Ka Lāhui Hawai'i Political Action Committee (KPAC) submits the following written testimony in **STRONG OPPOSITION** to Senate Bill 2946 which would create the ALOHA homes program to develop housing along the rail allowing them to condemn property as needed and give out 99 year leases for "state lands" aka Hawaiian Kingdom crown and government lands. This bill would also exempt lands leased or transferred to the control of Hawai'i Housing Finance and Development Corporation from the definition of "public lands" as defined in chapter 171 of the Hawai'i Revised Statutes.

There are a lot of problems with this measure:

1. **Hawaiian Trust Lands are in danger of being condemned.** The Department of Hawaiian Home Lands and the Kamehameha Schools lands are within the development vicinity of the Rail system and under this proposed measure is in danger of the being condemned for the purposes of the ALOHA homes program. The development along the rail will extend far beyond the proposed housing units in order to incorporate recreation areas, walkways, schools, etc.
2. **Stolen Hawaiian Lands that make up the "Public Trust" are being given out in pseudo ownership for 99 year leases for development with no input from the Kanaka Maoli community.** The majority of the lands held by the State of Hawai'i are "ceded lands" or Hawaiian Kingdom crown and government lands. Professor Williamson Chang stated in a lecture given on October 1, 2014 entitled "Hawaii's 'Ceded Lands' and the Ongoing Quest for Justice in Hawai'i" that the Joint Resolution was incapable of acquiring these Hawaiian Kingdom public lands. Despite this analysis, the former Crown and government lands of the Kingdom of Hawai'i were illegally transferred to the US and as a condition of Statehood was transferred to the State of Hawai'i to be held as a public trust for 5 purposes including the betterment of the conditions of native Hawaiians (as defined in the Hawaiian Homes Commission Act, 1920).
3. **Using "Public Trust" lands for the purposes of building "affordable housing" with no income qualification limit is a breach of the trust.** The Admissions states that if "Public Trust" lands are used for any other object besides the 5 purposes this shall constitute a breach of trust for which suit may be brought by the United States.

4. **The Kanaka Maoli people have unsettled and unrelinquished claims to the 1.8 million acres of Hawaiian Kingdom crown and government lands that were illegally seized by the US and now make up the vast majority of the “state lands” that is being proposed for the ALOHA homes program.** The Apology Bill aka US Public Law 103-150, passed by Congress and signed by President Clinton in 1993, recognized that “the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States” and that “the Republic of Hawai‘i also ceded 1,800,000 acres of crown, government and public lands of the Kingdom of Hawai‘i, without the consent of or compensation to the Native Hawaiian people of Hawai‘i or their sovereign government”.

The Ka Lāhui Hawai‘i Political Action Committee (KPAC) affirms and defends our Kanaka Maoli peoples’ right to over 1.8 million acres of our national lands.

Respectfully submitted,

M. Healani Sonoda-Pale  
Chair, KPAC