



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

SENATE BILL 3104
Relating to Land Development

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 3104 which authorizes the Hawaii Housing Finance and Development Corporation to give out 99 year leases on “State Lands” aka Hawaiian Kingdom crown and government lands for development.

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. The Admissions Act further states that any other object besides the 5 purposes shall constitute a breach of trust for which suit may be brought by the United States.

KPAC has concerns over the use of these lands outside of the 5 purposes set out in the Hawai‘i State constitution and actions that could be interpreted as land grabbing especially when the claims of the Kanaka Maoli people to 1.8 millions acres of these lands and our sovereignty over them have yet to be settled. 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”.

Allowing non-elected members of an agency board to give out 99 years to developers would set up lessees as pseudo landowners that may eventually lead down the slippery slope of lease to fee conversions on state “public trust” lands. Only 50% of the housing units have to be affordable and no preference is given to Kanaka Maoli for homes being privately developed on stolen Hawaiian lands.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC