Aloha e Chair Chang, Vice Chair Kanuha, and members of the Committee,

The Native Hawaiian Legal Corporation STRONGLY OPPOSES SB2251, which contemplates a significant expansion of the Hawaii Public Housing Authority’s ability to plan, develop, construct, and finance the development of any housing, including market- and above market-rate and non-income restricted units. Combined with HPHA’s extremely liberal leasing authority for lands leased or set aside to the agency, this measure may result in significant pressure to set aside or lease large swaths of public and “ceded” lands to the HPHA, to be disposed of for mixed-use and market- or above market-rate developments under multi-generational, long-term leases far exceeding the 65-year limit generally applicable to public land leases.

HPHA’s stated purpose is “to provide Hawaii Residents with affordable housing” by focusing on developing affordable rental supportive, and public housing services. This proposed measure, however, would enable HPHA to plan, develop, construct and finance the development of any type of housing, including high end developments, at a time when the need for more, not less, affordable housing options has reached a crises level. This measure is clearly at odds with HPHA’s purpose and could have deleterious effects in our low-income communities.

Also concerning are this measure’s harmful effects on our public lands. The State has long been complicit in efforts to transfer public and “ceded” lands to third parties for the purpose of facilitating commercial development. Divesting the public lands trust is antithetical to the State’s responsibility to manage and administer “ceded” lands—lands still subject to claims by Native Hawaiians—consistent with its trust obligations to do so for the betterment of the conditions of Hawaiians. This measure encourages the long-term leasing of public and “ceded” lands for high-end housing projects. Such a use of public trust lands does nothing to benefit the interests of Native Hawaiians or the general public.

The long-term leasing or dedication of trust lands are no less damaging to the public trust than sales. Long term use, such as the 99-year leases encouraged by this measure, effectively transfers land out of the public trust for generations. Once such leases are made, the capital invested and infrastructure developed almost always make it impossible for the State to recover those lands due to political and legal pressure. They also do not represent best management practices: once trust lands are conveyed out under a long-term lease, the use and terms of that lease are set in stone, which then precludes the State from taking into account the changing context of the area, the necessity for updated lease terms, and the evolving needs of its beneficiaries and the public.

ulu'o'a – to stand erect, stand upright; ulu – to grow, o'a – support beams, uluo'a – grow the support beams of a hale
This measure must be considered in context:

The [n]ative Hawaiian [p]eople continue to be a unique and distinct people with their own language, social system, ancestral and national lands, customs, practices and institutions. "The health and well-being of the [n]ative [H]awaiian people is intrinsically tied to their deep feelings and attachment to the land." Aina, or land, is of crucial importance to the [n]ative Hawaiian [p]eople -- to their culture, their religion, their economic self-sufficiency and their sense of personal and community wellbeing. **Aina is a living and vital part of the [n]ative Hawaiian cosmology, and is irreplaceable.** The natural elements -- land, air, water, ocean -- are interconnected and interdependent. To [n]ative Hawaiians, land is not a commodity; it is the foundation of their cultural and spiritual identity as Hawaiians. The aina is part of their ohana, and they care for it as they do for other members of their families. For them, the land and the natural environment is alive, respected, treasured, praised, and even worshiped.


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