



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Beneficiary Consultation

Proposed Changes to DHHL Administrative Rules

Tonight's Agenda

6:00 p.m. – Pule, Introductions & Purpose of Meeting

6:15 p.m. – Administrative Rule Amendments

Process & Overview

Genetic Testing

Subsistence Ag Lots

Transfer of Leases

7:00 p.m. – Break Out Groups

8:00 p.m. – Group Reports, Next Steps & Closing
Remarks

For more information, visit dhh.hawaii.gov/dhhlrules or email dhh.rules@hawaiianhomelands.org



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Rulemaking Process

What are Administrative Rules?

- Every State agency has administrative rules.
- Rules govern departmental operations.
- Rules make those operations public.
- DHHL's rules are known as Title 10, Hawaii Administrative Rules.

Why Amend Administrative Rules?

- Improve service, programs, and operations.
- Rules should be consistent with State law.
- Best practice.

DHHL Rulemaking Process

18-24 months

Draft rules
prepared by
staff

HHC
workshop

HHC approval
to proceed

Beneficiary
consultation

External
review:
• SBRRB*
• LRB
• AG

HHC approval
of draft rules

Governor:
public
hearing
request and
approval

Public notice
& hearing

DHHL
consideration
of public
comments

HHC adopts
final rules

External
approval
• AG first, then
• SBRRB* and
• Governor

Filing and
publication

We've only just begun...





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Proposed Amendments

Housekeeping Amendments

- Changes to help the Department keep a “clean house:”
 - Grammar and formatting;
 - Updates;
 - Ease and efficiencies.

Housekeeping Amendments

- Physical addresses and contact information.
- New definitions.
- Duties of the chair.
- Rulemaking procedures.
- Approval for building plans.
- Fees and charges.



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Genetic Testing

Background

- New rule.
- What is the current application process?
 - Application form;
 - Genealogy records and documentation;
 - Qualification.

Background

- What if you wanted to submit DNA evidence today?
 - No.

Policy Question

Should genetic test results be accepted as part of the application and verification process for the Hawaiian Homes program?

Why Genetic Testing

- Yes. Because:
 - Genetic test results could help qualify more native Hawaiians.
 - There is a direct benefit to beneficiaries.
- Genetic testing does not affect how the Department reviews or qualifies an application.

Genetic Testing

- How would the new rule work?
 - Only tests to establish parent-child relationships;
 - After the standard process, applicant can choose testing as a last resort;
 - Applicant's choice and expense;
 - “Degree of certainty” of the results.



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Subsistence Ag

Background

- Expansion of the ag program that would create a smaller ag lot.
- How do ag awards work today?
 - Typically large acreage, up to 40 acres maximum;
 - Must have a farm plan;
 - Must have 2/3 in active cultivation at all times;
 - Can request additional acreage.

Policy Question

Should the Department expand the agricultural program to create a smaller ag lot and promote self-sufficiency?

Why Subsistence Ag

- Yes. Because:
 - A lot of beneficiaries are interested in subsistence ag, or a rural lifestyle;
 - The ag list is the longest list on every island except O'ahu;
 - It's a more manageable way to start farming;
 - It can put more beneficiaries on the land.

Subsistence Ag Lots

- How would the new subsistence lot work?
 - An ag lot of 1.0 acre or less for subsistence use;
 - Lessee required to reside on the lot;
 - Lessee can raise crops and/or small livestock;
 - Rules stay the same for ag lots that are larger than 1.0 acres.



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Transfer of Homestead Leases

Background

- Would restrict the sale of vacant lots and undivided interests.
- How are vacant lots or undivided interests transferred now?
 - Give it away to another beneficiary;
 - Name a qualified successor;
 - Sell to another beneficiary.

Policy Question

Should the Department restrict the sale of leases to lots where a lessee has not made financial investment in its development?

Why Restrict the Sale of Leases

- Yes. Because:
 - The lessee is attempting to profit from only what the Department provided;
 - The lessee has not used or invested in a vacant lot or undeveloped lot as required by the lease;
 - The purpose of the Act is to rehabilitate native Hawaiians by returning them to the land.

Transfer of Homestead Leases

- How would the new rule change the sale of leases?
 - Applies only to “vacant lots” or “undeveloped lots” and “undivided interests;”
 - These types of leases would only be transferred by gift or succession;
 - No sale of vacant or undeveloped lots and undivided interests for profit.



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Ground Rules

Ground Rules

- Be creative!
 - Work toward future solutions/aspirations.
- Conflict is ok as long as we are respectful of each other.
- Silence means agreement.
- Everyone gets a turn first, then repeats.
- Cell phones off or on silent.
 - Take all calls/texting outside.

Ground Rules

- You are personally responsible for:
 - Making sure everyone has equal opportunity to express their ideas;
 - Actively listening;
 - Keeping an open mind and maintaining a positive attitude;
 - Keep side conversations to a minimum.



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Closing

Next Steps for DHHL

- Review and compile notes from today, as well as additional comments received by January 11, 2016;
- Consider suggested and possible changes;
- Prepare and submit a report for the Commission;
- Submit the proposed amendments to the Commission for approval to move forward with the public hearing process.

Next Steps for You

- Think about today's discussion;
- Talk to family, friends, neighbors;
- Submit comments by January 11, 2016;
- Check out meeting schedule on pages 3-4 of your packet;
- Keep checking the website for updates
<http://dhhl.hawaii.gov/DHHLRules>.

How to Submit Comments

- Green sheets.
- Email: dhhl.rules@hawaiianhomelands.org
- Mail:
Department of Hawaiian Home Lands
DHHL Administrative Rules
P.O. Box 1879
Honolulu, HI 96805
- Online feedback form:
<http://dhhl.hawaii.gov/DHHLRules>



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Mahalo!