

# An Introductory Briefing on the Hawaiian Homes Commission Act of 1920



**A Self-Governing Organization governed by  
Homestead Associations & HHCA Beneficiaries  
across trust land areas**

**HCDC/HHA**  
Homestead • Community •  
Development • Corporation  
**Homestead • Housing • Authority**

**A 501c3 nonprofit Community Development Corporation  
governed by SCHHA members  
across trust land areas.**

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**Aloha!** This briefing is a project of the SCHHA and its nonprofit HCDC/HHA to support the leadership development and capacity of homestead associations as defined in federal regulations, 43 CFR. Mahalo to the many contributors of manao and resources to make this initial guide possible!

**SCHHA** The Sovereign Council of Hawaiian Homestead Associations was founded in 1987 and is the oldest and largest self-governing federation of homestead associations which are comparable to tribes on the continent and Alaska, and individual beneficiaries eligible for land allotments under the congressionally enacted Hawaiian Homes Commission Act of 1920 (HHCA).

SCHHA is entirely dedicated to the sovereignty and self-determination of native Hawaiians of the HHCA, like Indian Allotment Acts of the same policy era. The HHCA set-a-side 203,000 acres of trust lands for distribution to native Hawaiians of 50% blood quantum or more, for homes, ranches, farms and businesses, as defined in HHCA Section 207.

SCHHA is governed by federally-defined homestead associations and HHCA beneficiaries from all islands, serving 41 different homestead trust land areas around the State where our members reside or on the waitlist to reside. As a coalition, as a federation, we do not ‘represent’ our members, they are self-governing associations in their own right – SCHHA honors their individual voices, and instead serve our members. Enrolled SCHHA members are from the following homestead areas:

- Kauai (7):** Anahola, Kekaha, Hanapepe, West Kauai, Farmers/Ranchers Alliance, Piilani Mai Ke Kai, Waitlist.
- Oahu (12):** Waimanalo, Papakolea, Kalawahine, Kewalo, Kaupea, Kanehili, Princess Kahanu, Nanakuli, Waianae Kai, Waianae Valley, Waiohole, Waitlist
- Molokai (4):** Hoolehua Ag, Hoolehua Residential, Kalamaula Mauka, Waitlist.
- Maui/Lanai (12):** Paukukalo, Villages of Leialii, 4 Waiehu Kou areas, Waiohuli, Keokea, Waiohuli Undivided, Farmers Alliance, Lanai, Waitlist.
- Hawaii Island (6):** Waimea, Makuu, Piihonua, Kailapa, Panaewa, Waitlist.

**HCDC/HHA** The Homestead Community Development Corporation, also known as the Homestead Housing Authority, is a statewide nonprofit developer founded in 2009, governed by SCHHA members, from Kauai, Oahu, Molokai, Maui and Hawaii Island. HHA is dedicated to the development of affordable housing and job creation on or near Hawaiian Home Lands. HHA was incorporated by SCHHA leaders as a 501c3 to implement projects requiring the unique skills and knowledge necessary for success on trust land properties.

The HHA has developed a certified kitchen, a youth center, an open air marketplace, a family focused campground, a salon facility, an enterprise and nonprofit office facility, and delivers *Micro Enterprise Assistance Program* business training, to advance homestead economies.

In the field of affordable housing, HHA developed 22 single family homes for low income families on trust lands on Oahu and Kauai and operates a *Tiny Home Technical Assistance Program*. HHA launched its first major commitment to develop multi-family rental housing on Oahu consisting of 50 units of rental housing, and has developed the *Workforce Rental & Transitional Housing (WoRTH)* development approach for statewide implementation beginning with a pilot on Kauai. And finally, HHA is an emerging Native CDFI, and in 2019, HHA will add lease cancellation prevention services to assist both DHHL and Beneficiaries to avoid foreclosures, as well as the delivery of loan capital to farms, ranches, transportation and home improvements for safety.

## **About the native Hawaiian Land Trust**

Hawaiian Home Lands is a **federal land trust** established by the U.S. Congress under the HHCA. Congress acted within its plenary power under the U.S. constitution wherein it is authorized to address the issues of Native peoples that predate the United States, in this case, native Hawaiians. Enacted in the federal policy era of the late 1800's and early 1900's, the HHCA is a land trust Act like those enacted for American Indians & Alaska Natives.

Essentially, the HHCA encompasses 203,000 acres, located on Kauai, Oahu, Molokai, Maui, Lanai and Hawaii Island, for distribution through lease and land license instruments to native Hawaiians for **homes, ranches, farms, and mercantile** (commerce) purposes. The HHCA also allows for lands to be issued for non-profit purposes, and for any available trust lands 'not required' for native Hawaiian housing, ranching, or farming, lands may be issued to the general public under bid.

The major difference in the federal administration of the Hawaiian Home Land Trust to how Indian trust lands are managed, is the immense geographical distance from Washington, DC especially in the travel challenges of the early 1900's. As such, Congress delegated its administration first to the territorial government of Hawaii, and then in the 1959 Statehood act, Congress transitioned that delegation to the new State with federal oversight.

As a result, and unlike Indian Country, native Hawaiians have an intermediary administrator between its people and the federal government – the State of Hawaii formed in 1959, and its Department of Hawaiian Home Lands (DHHL) formed in 1961.

It should be stated, that while native Hawaiians on our trust lands do not identify with the term “tribe”, we have since the founding of the HHCA, organized ourselves into self-governing organizations called “homestead associations” that are now, since 2016, federally defined in 43 CRF, very comparable to tribal organizations in the other 49 states. Meaning, homestead associations are the vehicles to exercise self determination of HHCA beneficiaries collectively, as is intended under the HHCA and general federal policy as it relates to the indigenous peoples of the 50 states.

Homestead associations and their leaders have persisted in organizing as self-governing advocacy organizations for the entire implementation of the HHCA, all components. In recent decades, homestead associations have begun to implement projects and programs to advance the intent of the HHCA, and have become powerful innovators in producing community facilities, affordable housing and rehabilitation programming, all in compliance with the purpose and intent of the HHCA.

With a full embrace by partners in the self-determination tenets of the HHCA, in the capacity of homestead associations, SCHHA believes an explosion of success will occur in meeting the purposes of the HHCA enacted nearly 100 years ago.

## **What's In the HHCA – Enacted by Congress in 1921 for native Hawaiians of at least 50% Blood Quantum**

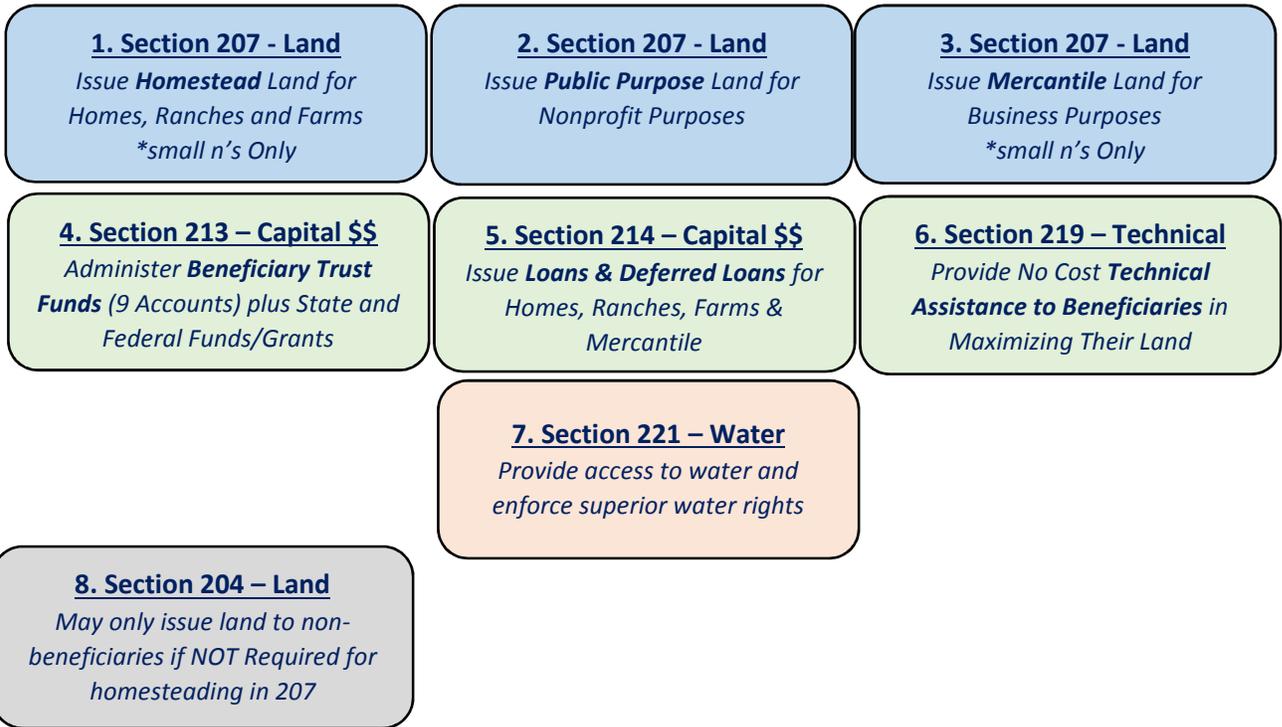
The Hawaiian Homes Commission Act (HHCA) is a brilliant law, NOT implemented well by the State but can be! Its core function is to deliver **land, resources** and **water** to native Hawaiians to live, farm, ranch, to worship and provide nonprofit services, and to do business on lands that belong to them and are held in trust for them.

There are 2 significant sections that authorize the **distribution of land**. The first is an original section, Section 207, wherein trust lands may be distributed without bid, to native Hawaiians only, for homesteading (homes, farms and ranches) and for mercantile purposes. Under this section, trust lands may also be distributed without bid for easements, for federal government use, and for public purpose use (nonprofits, churches, schools, clinics and other public purposes). The second is an amended section, Section 204, wherein lands NOT REQUIRED for native Hawaiian homesteading may be bid to the general public.

The HHC calls on the State of Hawaii to perform 3 Major Tasks:

- 1) Issue Land;*
- 2) Issue Resources and Technical Assistance and*
- 3) Provide Water.*

The HHCA lays out 7 significant sections to achieve these 3 tasks as follows with an 8<sup>th</sup> for “available lands”:



**Four Major Federal Laws & Two Federal Regulations**

The State of Hawaii Executive Branch and its DHHL, the Hawaiian Homes Commission, and the State of Hawaii Legislative Branch cannot fulfill the trust responsibility to native Hawaiians without knowledge in four (4) basic federal laws and two (2) initial federal regulations.

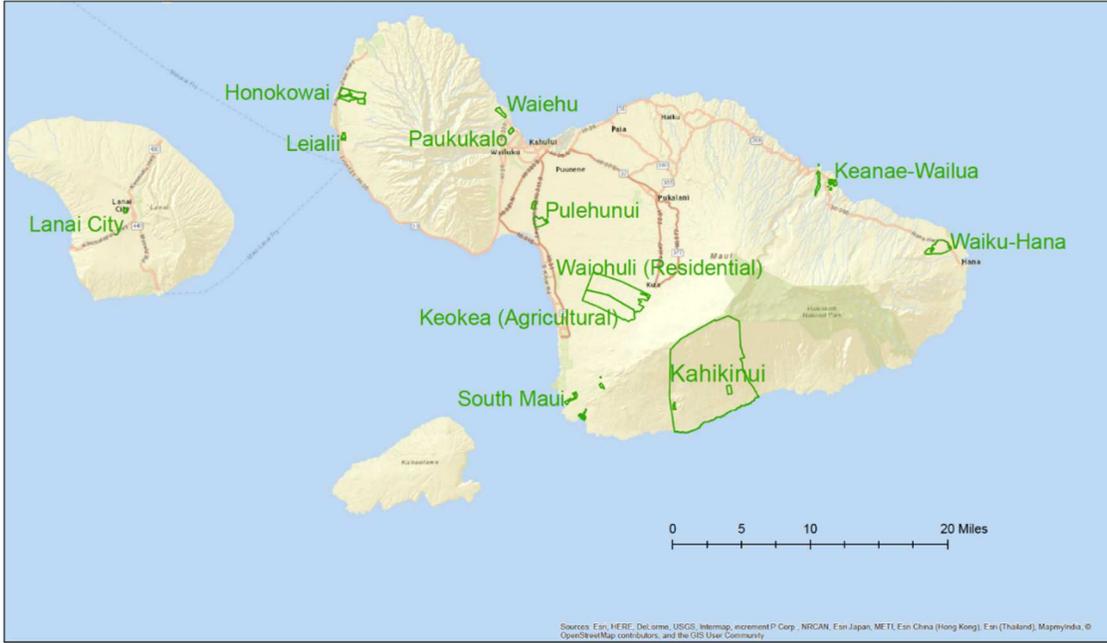
- **1920 Hawaiian Homes Commission Act**
  - *Issue Land, Resources & Water*
  
- **1959 Hawaii Admissions Act**
  - *Compact for State to Administer*
  
- **1995 Hawaiian Home Land Recovery Act**
  - *Mandates DoI as Federal Agency to Protect Beneficiaries*
  
- **2001 NAHASDA – Adds HHCA**
  - *Federal Affordable Housing Funds*
  
- **2016 Two Initial Federal Regulations – 43 CFR**
  - *Defines Homestead Associations as Self Governing*







### Hawaiian Homelands: Maui/Lanai



### Hawaiian Homelands: Hawaii

