



Nation of Hawai'i

Pu'uhonua o Waimānalo

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Nation of Hawai'i's Response to the Special Rapporteur on the right to adequate housing's Call for Contributions Re: the right to adequate housing for Indigenous Peoples

The Nation of Hawai'i welcomes the opportunity to discuss the systemic issues that Hawaiians, the first people of Hawai'i, have faced with respect to accessing and maintaining adequate housing. As part of our submission, we attach prior submissions to the U.N. Permanent Forum on Indigenous Issues (UNPFII) that describe in detail the origins of the Nation of Hawai'i, our legal foundation, the history of how Hawaiians came to occupy the worst socioeconomic indicators today, as well as recommendations we have made to the UNPFII.¹

However, before we discuss the current housing challenges that the Hawaiian people are facing today, we must address the historical root of the issue -- the illegal overthrow of the Hawaiian Nation in 1893. Many of the social ills Hawaiians must contend with today are symptoms of the overthrow. The loss of our country, the genocidal project of westernization and colonization after the illegal overthrow, and the continuing suppression of our Hawaiian National Sovereignty are all contributing factors in the current struggle for adequate housing for Hawaiians.

While Hawaiians aspire to achieve adequate housing for all of our people, the illegal occupation of our Hawaiian National Lands for 126 years must be addressed while we pursue self-determination, and self-governance. Hawaiians cannot be adequately housed without reclaiming our Hawaiian National Sovereignty and our Hawaiian National Lands. As such, in order to help address housing issues for Hawaiians, we recommend that the Special Rapporteur on the right to adequate housing support our efforts to get the U.S. government and the State of Hawai'i to support and move forward the reconciliation process mandated by U.S. Public Law 103-150, the Apology Law.²

In the interim, Nation of Hawai'i pursues practical strategies and solutions to address the dire socioeconomic conditions of the Hawaiian people within the current state and federal system. The two main models, which are rooted in traditional Hawaiian cultural and social practices, are the *pu'uhonua* model and the *ahupua'a* system, which we utilize on our sovereign Hawaiian land base, *Pu'uhonua o Waimānalo*.

¹https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2016/08/Nation_of_Hawaii.pdf;

<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/02/Nation-of-Hawaiis-Response-to-2017-UNPFII-Questionnaire-to-Indigenous-Peoples-Organizations-FINAL-1.1.18.pdf>.

²107 Stat. 1510.

The U.S. and State of Hawai‘i have taken some measures to provide housing for Hawaiians but they have been largely inadequate. These measures have been part of the continuing suppression of Hawaiian National Sovereignty because they failed to meaningfully address the illegal overthrow of the Hawaiian Nation and the illegal seizure of our Hawaiian National Lands. The Hawaiian Homes Commission Act (HHCA) of 1920³ is one such housing measure that has failed to meet the needs of Hawaiians for almost a century. Blood quantum restrictions, the focus on western homeownership, and persistent administrative failures have resulted in the abysmal failure of the only affordable housing program exclusively for (certain) Hawaiians. As of June 30, 2016, the waitlist for Hawaiian Homesteads has 44,429 applicants.⁴

The inception of the HHCA was rooted in the genocidal project of the U.S. and the (eventual) State of Hawai‘i to westernize Hawaiians into living in single-family homes and disconnect them from their identities as Hawaiian Nationals. The blood quantum restriction to only offer Hawaiian Homesteads to Hawaiians with 50 percent blood quantum was premised on the idea that eventually “pure blooded” Hawaiians would either die out or intermarry with people of other races and ethnicities and no longer need what was viewed as rehabilitative housing. Moreover, instead of amending its internal policies and procedures as the needs of the Hawaiian population changed over time, the Department of Hawaiian Homelands has failed to adapt to the current needs of its beneficiaries, which has resulted in gross administrative failures. Many Hawaiians on the waitlist are not able to get a loan for a home and so, due to these economic reasons-- some of which tie directly back to the illegal overthrow and the theft of our Hawaiian National Lands -- some applicants remain on the waitlist until they die, having never gotten a homestead. Although the HHCA was amended to permit beneficiaries with twenty-five percent Hawaiian blood quantum to inherit homesteads, without the original Hawaiian Homesteader vesting their interest, the opportunity to get a Hawaiian Homestead is lost forever if no family members meet the fifty percent blood quantum requirements.

The state and federal governments have tried to use other housing programs to assist low-income and homeless Hawaiians. However, these programs are open to anyone who can meet the income requirements and as such, are not tailored to the unique needs of Hawaiians, which are distinct from that of other ethnic and racial groups in Hawai‘i. Moreover, many Hawaiians are understandably weary of state and federal government programs, given the long history of mistreatment, discrimination, and neglect.

Moreover, the City and County of Honolulu has criminalized homelessness through the passage of sit-lie bans. In October 2018, the Honolulu City Council passed Bill 51⁵ (making it illegal, between 6 a.m. and 10 p.m., to “create, cause or maintain” an obstruction on an Oahu public sidewalk if it “interferes, impedes and/or prevents” pedestrians from moving through freely), and Bill 52⁶ (making it a petty misdemeanor to “lodge” (occupy a place temporarily, sleep, come to rest and refuse to vacate) on a sidewalk or other public space). This is especially concerning because Hawaiians comprise a high percentage of the homeless population.

A 2017 study entitled, “Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs,” by

³42 Stat. 108.

⁴<https://dhhl.hawaii.gov/applications/application-wait-list/>; https://dhhl.hawaii.gov/wp-content/uploads/2017/05/2016-06-30_07-Alpha_Waitlist_A-K_268pgs.pdf, at page 3; https://dhhl.hawaii.gov/wp-content/uploads/2017/05/2016-06-30_08-Alpha_Waitlist_L-Z_198pgs.pdf, at page 3.

⁵[http://www4.honolulu.gov/docushare/dsweb/Get/Document-210691/DOC%20\(9\).PDF](http://www4.honolulu.gov/docushare/dsweb/Get/Document-210691/DOC%20(9).PDF).

⁶<http://www4.honolulu.gov/docushare/dsweb/Get/Document-210692/DOC001.PDF>.

HUD's Office of Policy Development and Research, describes the great need for more affordable housing in Hawai'i, finding that the greatest need for affordable housing is for households waiting for a residential lease on Hawaiian home lands and that Native Hawaiians were overrepresented among Hawai'i's homeless.⁷

Interim measures can be utilized to mitigate ongoing harms and they must be based on meaningful consultation with the Hawaiian people about current realities, their most pressing needs, and community-based solutions. Our *pu'uhonua* (place of refuge) model for Hawaiian National Land restoration permits us to: 1) establish sovereign land bases for self-determination, self-governance, and the exercise of Hawaiian National Sovereignty by our citizens; 2) provide affordable housing for Hawaiians who have been failed by the current system in Hawai'i; and, 3) to move forward the reconciliation process in a practical manner that does not wait for the permission or acquiescence of the U.S. or State of Hawai'i.

While our *pu'uhonua* was focused on creating a safe space for Hawaiian Nationals who had been displaced from the Hawaiian Homestead community in Waimānalo due to overcrowding and economic struggle, Nation of Hawai'i also helped advise the leaders of a large homeless community living at the Waianae Boat Harbor, which eventually came to be known as *Pu'uhonua O Wai'anae*.⁸ That community has members of all ethnicities and races, including Hawaiians from nearby Hawaiian Homestead communities, and it has a similar focus on creating a safe space for those in need of housing and community. The success of this second *pu'uhonua* shows that the *pu'uhonua* model can be an effective means of addressing the homeless crisis in Hawai'i, especially with the support of the state and federal governments. Moreover, the success of the *pu'uhonua* model stems from community-based decision-making, collaboration, and accountability.

Reestablishing the *ahupua'a* system is another means of reconnecting Hawaiians to a sustainable, socially and environmentally conscious land management and socioeconomic system that sustained the Hawaiian people for generations prior to foreign contact. In the *ahupua'a* system, a self-sustaining land management system is supported by a social structure in which everyone has a defined role and contributes to maintaining the balance between the Hawaiian people, the land and nature. Utilizing the *ahupua'a* system as a framework for sustainable, responsible, and socially and environmentally conscious housing would be helpful to ensure that we do not continue to overtax Hawai'i's finite resources, especially since it is already overpopulated and experiencing the negative impacts of climate change.

Nation of Hawai'i recommends that the Special Rapporteur on the right to adequate housing consider how practical, community-based models like our *pu'uhonua* model and the *ahupua'a* system can help address the housing needs of Hawaiians and other first peoples, while also studying how the lack of adequate housing is intimately tied to the illegal seizure of our homelands and the ongoing struggle for self-determination, and self-governance in an occupied land.

Nation of Hawai'i invites the Special Rapporteur on the right to adequate housing to visit the Nation of Hawai'i to see how our *pu'uhonua* model has helped create safe, affordable housing for more than twenty Hawaiian families, who would otherwise be homeless, while also creating a space to exercise Hawaiian National Sovereignty.

⁷<https://www.huduser.gov/portal/pdredge/pdr-edge-research-072417.html>;
<https://www.huduser.gov/portal/sites/default/files/pdf/HNNH.pdf>.

⁸<https://www.alohaliveshere.org/about>.