

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACT

RELATING TO NAABIK'ÍYÁTI' COMMITTEE SUPPORTING NATIVE HAWAIIAN
PEOPLE IN REESTABLISHING A GOVERNMENT-TO-GOVERNMENT RELATIONSHIP
WITH THE UNITED STATES GOVERNMENT

WHEREAS:

- A. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- B. The United States has a unique political and trust relationship with federally recognized tribes across the country, as set forth in the United States Constitution, treaties, statutes, Executive Orders, administrative regulations, and judicial decisions. See Procedures for Reestablishing a Government-to-Government Relationship With the Native Hawaiian Community, 79 Fed. Reg. 119, 35297 (June 20, 2014) (to be codified at 43 C.F.R. pt. 50).
- C. The Federal government's relationship with these tribes is guided by a trust responsibility—a long-standing, paramount commitment to protect their unique rights and ensure their tribal sovereignty. *Id.*
- D. Congress has enacted more than 150 statutes recognizing and implementing a special political and trust relationship with the Native Hawaiian community; yet the benefits of the government-to-government relationship have long been denied to the Native Hawaiian people. *Id.* at 35298.
- E. Hawaii is home to the Native Hawaiians one of the world's largest indigenous communities. *Id.*
- F. Since 1893, there has been no formal organized Native Hawaiian government, when the Kingdom of Hawaii was overthrown; after the overthrow the Republic of Hawaii ceded its land to the United States, and Congress passed a joint resolution annexing the islands in 1898. *Id.*

- G. The Hawaiian Organic Act, enacted in 1900, established the Territory of Hawaii, placing ceded lands under the United States control, and directed that proceeds from the lands be used to benefit the inhabitants of Hawaii. *Id.*
- H. In 1919, the decline in the Native Hawaiian population led the Secretary of the Interior to recommend to Congress that land be set aside to help the Native Hawaiians reestablish their traditional way of life. *Id.*
- I. Since Hawaii's admission to the Union, Congress has enacted dozens of statutes on behalf of Native Hawaiians pursuant to the United States' recognized political relationship and trust responsibility; the "Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercise sovereignty over the Hawaiian Islands and that group has never relinquished its claims to sovereignty or its sovereign lands." *Id.* at 35298-99.
- J. Congress has:
 - 1. Established special Native Hawaiian programs in the areas of health care, education, loans and employment;
 - 2. Enacted statutes to preserve Native Hawaiian culture, language, and historical sites;
 - 3. Extended to the Native Hawaiian people many of "the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities" by classifying Native Hawaiians as "Native Americans" under numerous Federal statutes;
 - 4. Numerous enactments, Congress has expressly identified Native Hawaiians as "a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago. *Id.* at 35298.
- K. The reestablishment or formal recognition of the Native Hawaiians will greatly benefit the people by:
 - 1. Reorganizing a sovereign Native Hawaiian government;
 - 2. Formally establish a government to government relationship with the federal government;

3. Exercise inherent sovereign powers of self-governance and self-determination and;
4. Enhance the implementation of programs and services Congress has created specifically to benefit the Native Hawaiian community.

Id. at 35298-99; see also Exhibit A (Title VIII: NAHASDA & Hawaiian Home Lands).

- L. It is within the best interest of the Navajo Nation to support the Native Hawaiian people in their efforts in reestablishing their government-to-government relationship with the United States government.

NOW THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation requests the United States Department of the Interior, Office of the Secretary to reaffirm the prior government-to-government relationship with the Native Hawaiian community.
- B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to advocate for the Native Hawaiian community and its people in their efforts in reestablishing their government-to-government relationship with the United States government.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 12 in favor and 1 opposed, this 2nd day of September 2016.



LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Dwight Witherspoon
Second: Honorable Jonathan Perry

NAVAJO NATION

RCS# 551

Naa'bik'iyati Committee

9/2/2016

05:49:49 PM

Amd# to Amd#

Legislation No. 0205-16:

PASSED

MOT Witherspoon

Supporting Native Hawaiian

SEC Perry

People in Reestablishing a
Government to Government...

Yea : 12

Nay : 1

Not Voting : 11

Yea : 12

Begay, K
Bennett
Brown

Crotty
Daniels
Hale

Perry
Phelps
Slim

Tso
Witherspoon
Yazzie, P

Nay : 1

Smith

Not Voting : 11

Bates
Begay, NM
BeGaye, N

Chee
Damon
Filfred

Jack
Pete
Shepherd

Tsosie
Yazzie

EXHIBIT

tabbies

A



Title VIII: NAHASDA & Hawaiian Home Lands

May 6, 2016

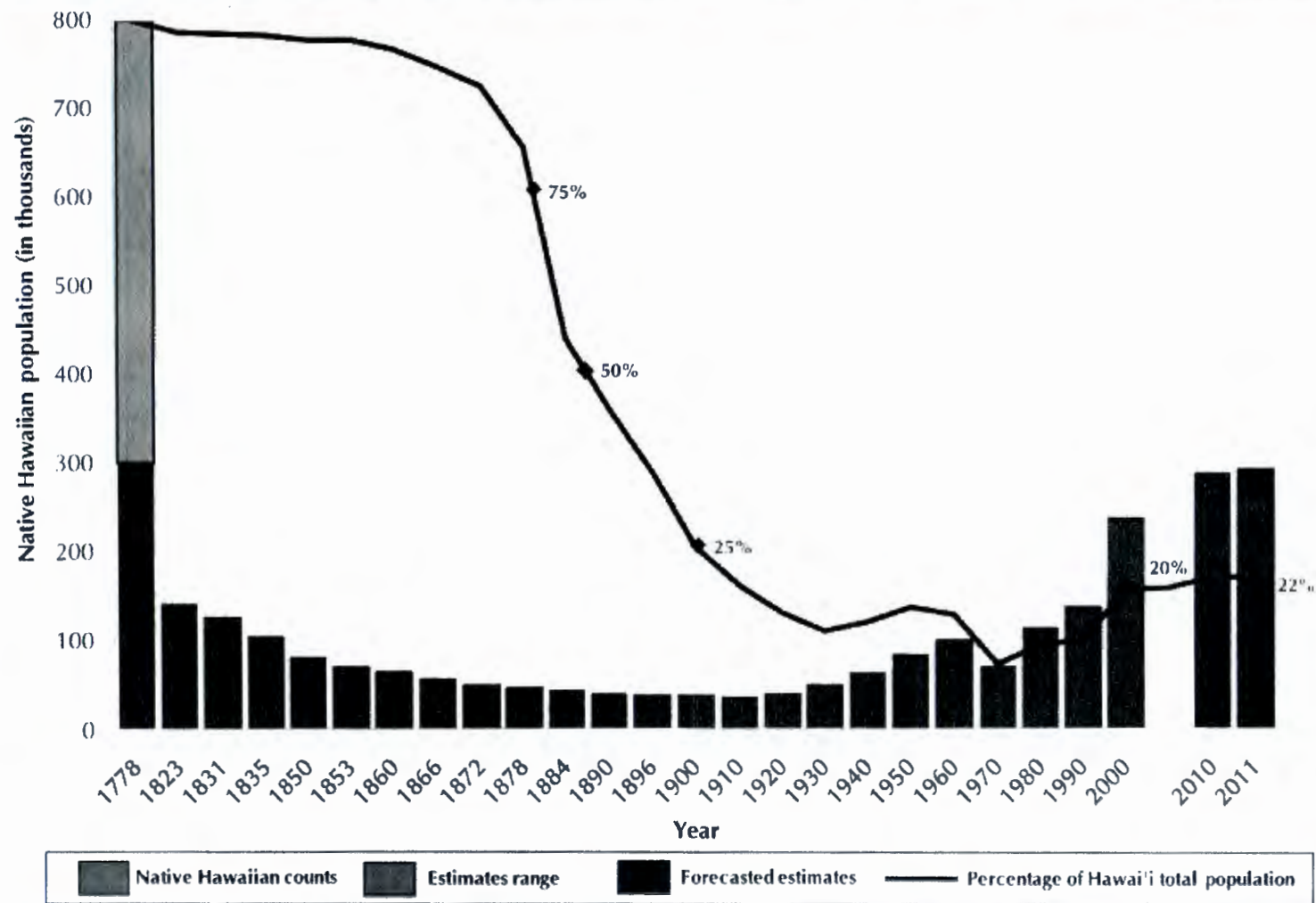
**Territorial Hawaii Delegate to
Congress, 1902 - 1922:**

Prince Jonah Kūhio Kalanianaʻole

A Brief History of Hawaii

- 1778 Arrival of Captain James Cook
- 1810 Establishment of the Hawaiian Kingdom
- 1893 Overthrow of Hawaiian Kingdom
- 1898 United States Annexes Hawaii
- 1921 U.S. Congress passes Hawaiian Homes
 Commission Act**
- 1959 Hawaii becomes a State

Native Hawaiian Population



Honolulu, 1900s



"Rehabilitation"



"The only method in which to rehabilitate [Hawaiians] is to place them back upon the soil. It is certain that they will again retain their former vitality and in the course of years the race will increase."

- Prince Kuhio to the U.S. Senate



Early Purpose of the HHCA

- The Hawaiian must be placed upon the land in order to insure his rehabilitation
- Alienation of such land must be made impossible
- Accessible water in adequate amounts must be provided for all tracts
- The Hawaiian must be financially aided until his farming operations are well underway



In 1921, lands
available for
Hawaiian Home
Lands were certain
tracts of public
lands...

- Minus forest land
- Minus sugar cane land
- Minus lands already leased



Hawaiian Homes Commission Act

- Passed by U.S. Congress in 1921
- Provides for homesteading by native Hawaiians (>50% blood quantum)
- Lands and assets are inalienable
- 3 Types of Homesteading:
 1. Residential
 2. Agriculture/Farming
 3. Pastoral/Ranching

(99 year lease)



Hawaiian Homes Commission Act

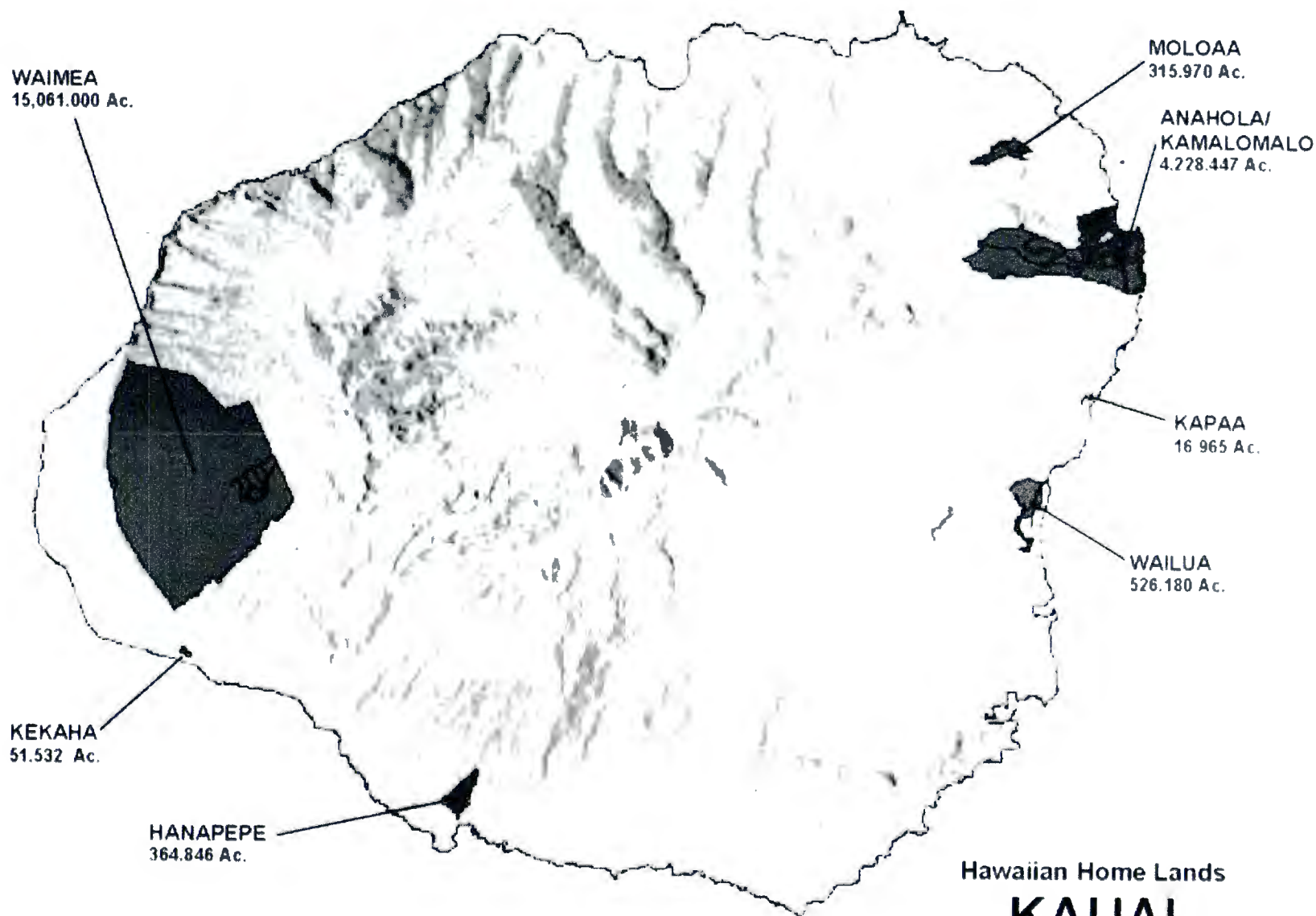
- Administered by the federal government until statehood in 1959
- Transfer of responsibility to Hawaii was a condition of statehood
- DHHL established in 1960 to administer Trust Lands



Hawaiian Home Lands



203,000 acres



(6/30/2003)

Hawaiian Home Lands

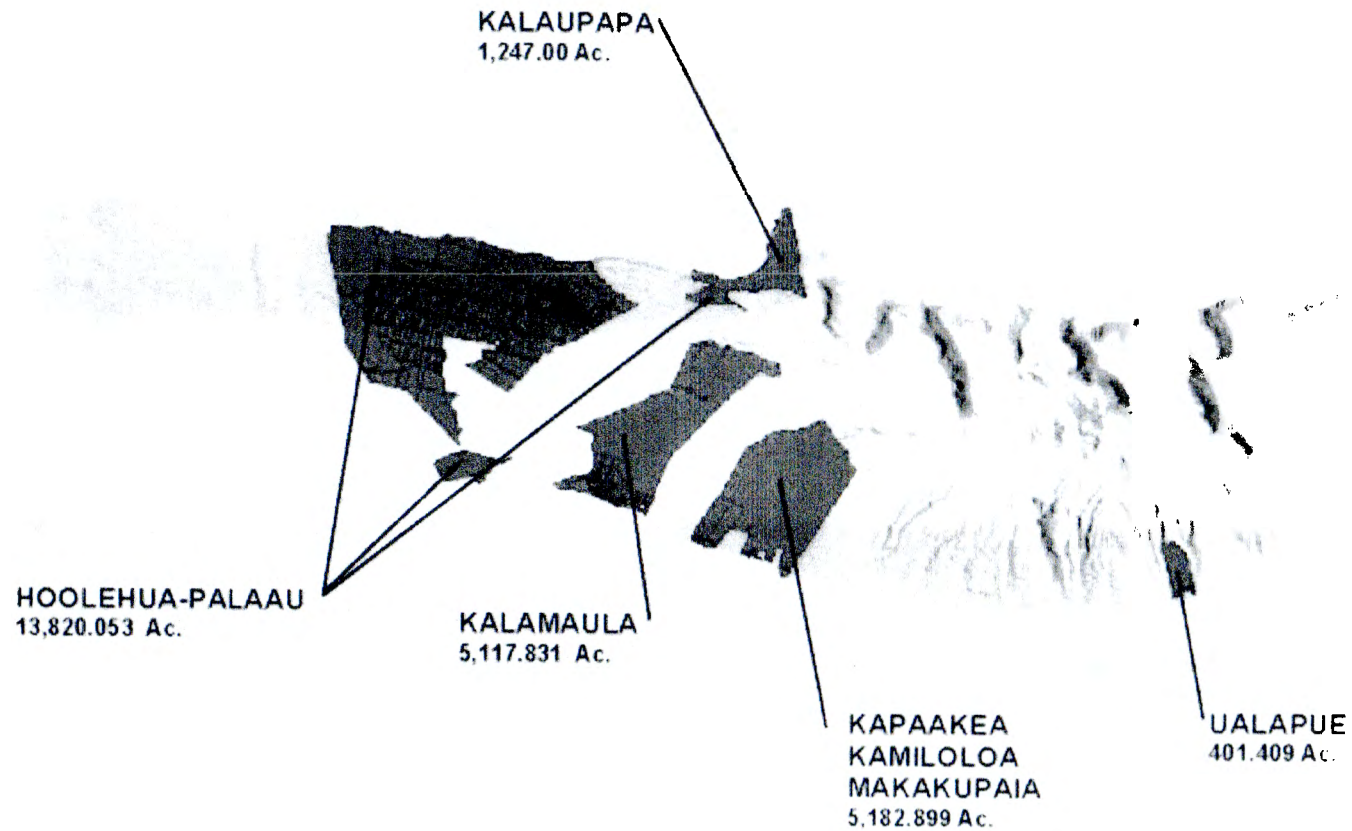
KAUAI

20,564.940 ACRES

Hawaiian Home Lands

MOLOKAI

25,769.192 ACRES

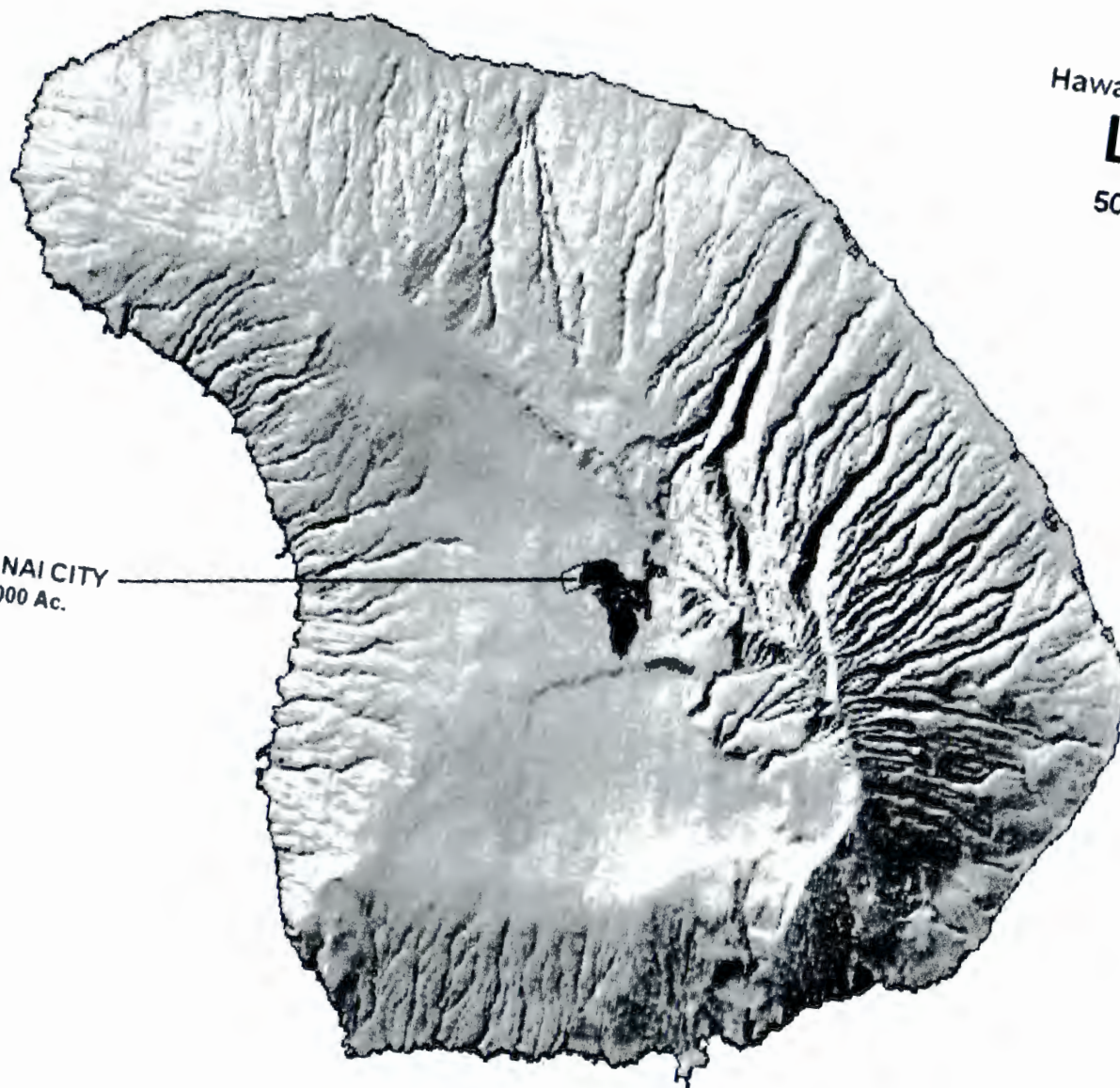


Hawaiian Home Lands

LANAI

50.000 ACRES

LANAI CITY
50.000 Ac.

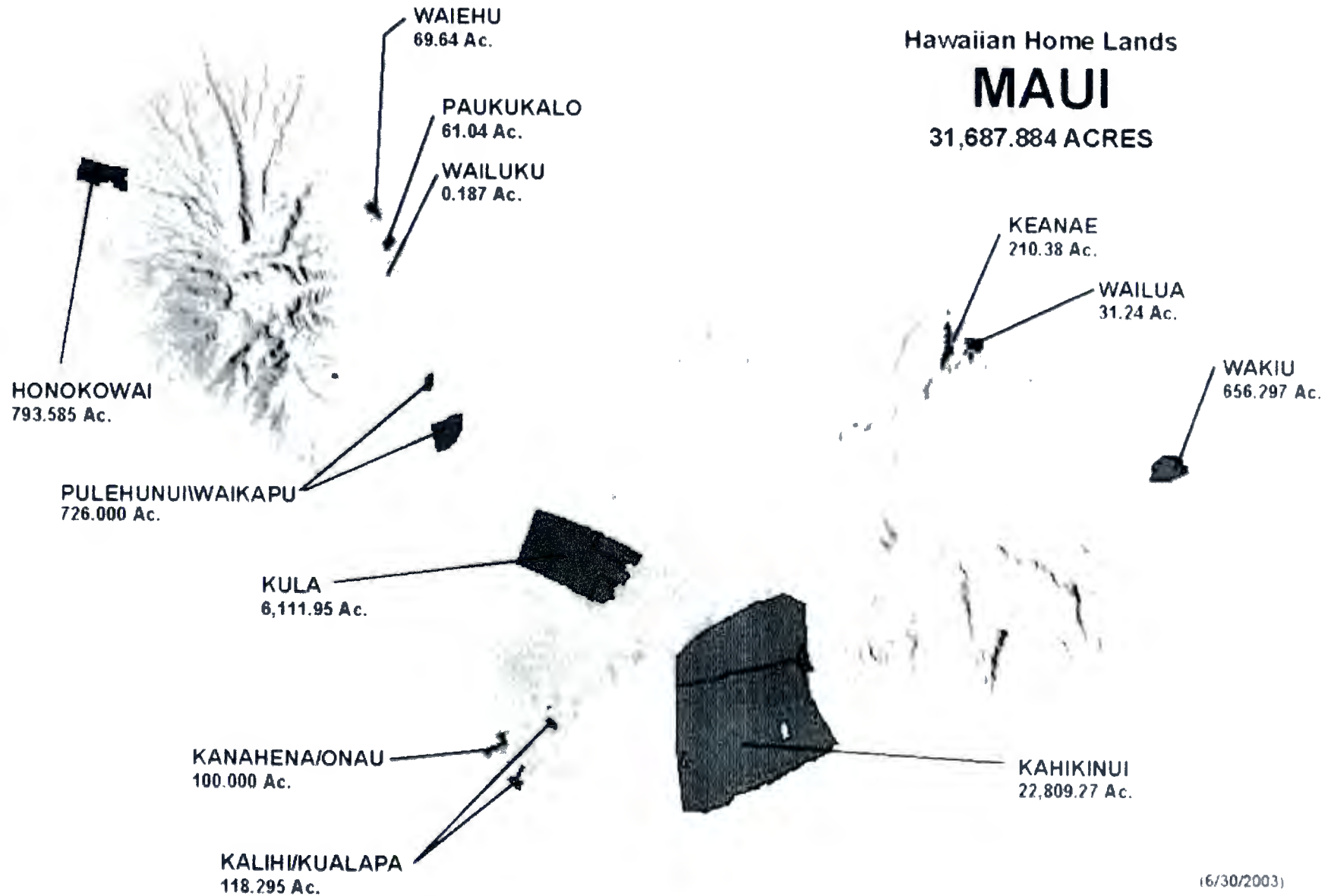


(6/30/2003)

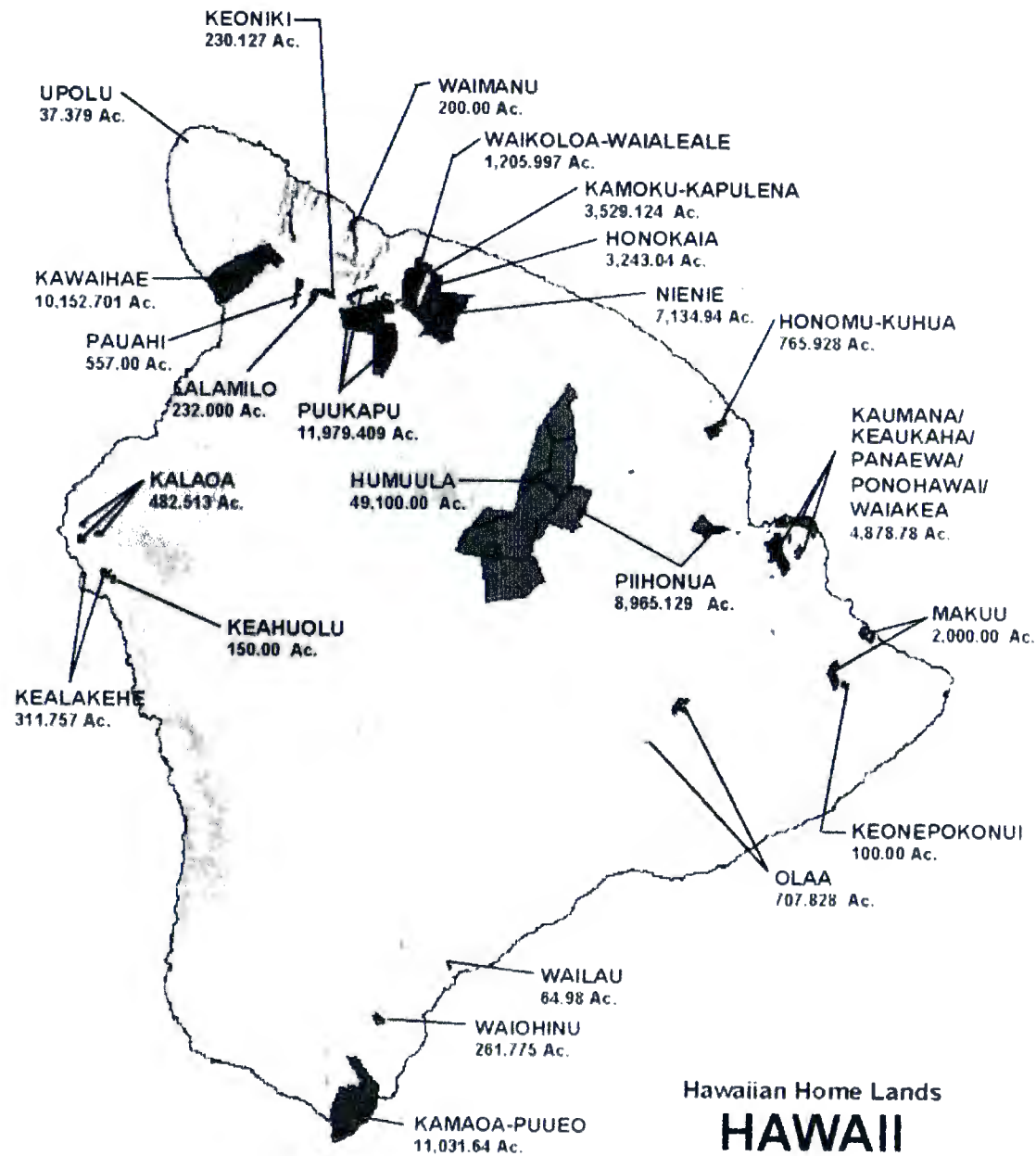
Hawaiian Home Lands

MAUI

31,687.884 ACRES



(6/30/2003)



Hawaiian Home Lands

HAWAII

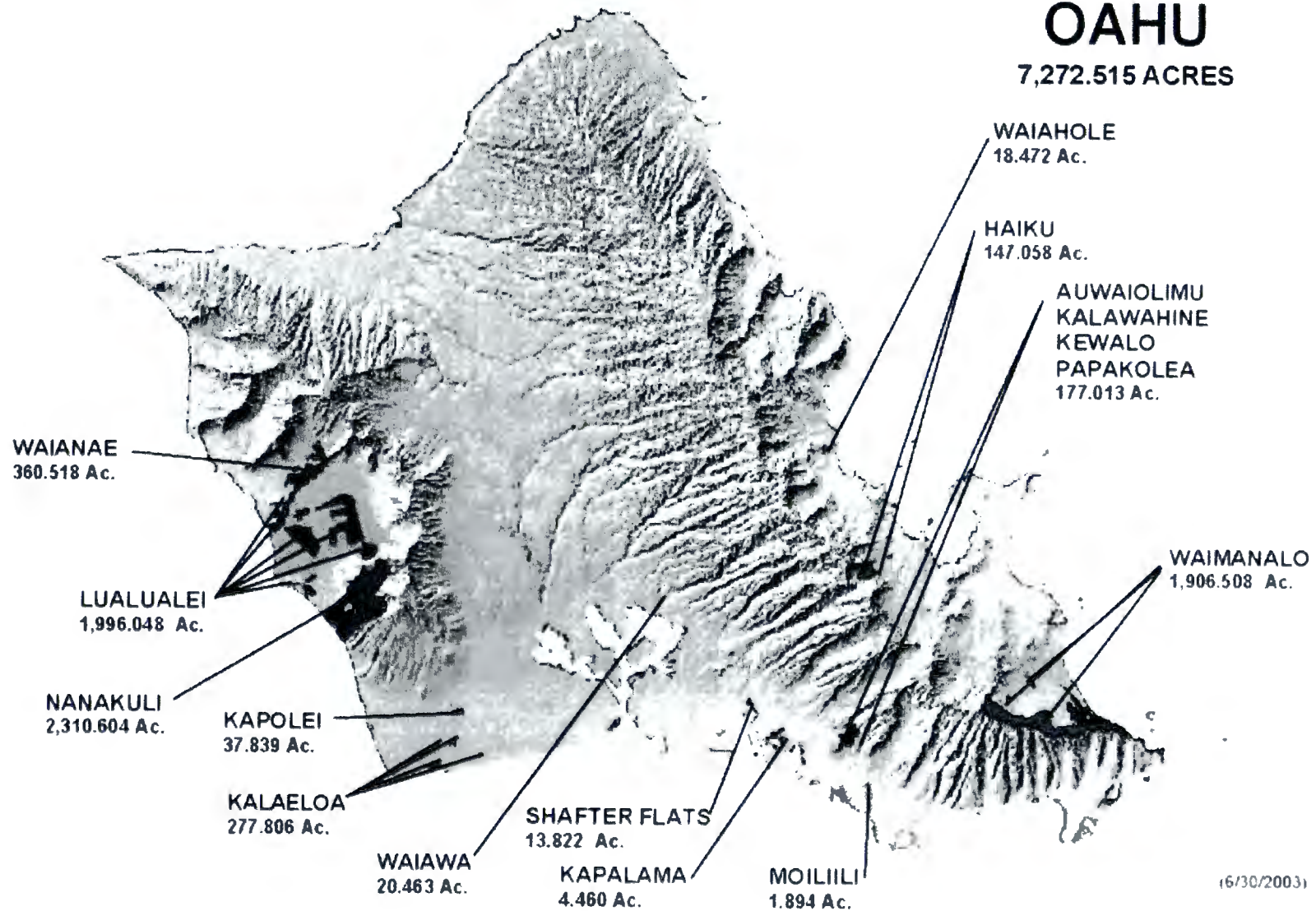
117,313.047 ACRES

(6/30/2003)

Hawaiian Home Lands

OAHU

7,272.515 ACRES



(6/30/2003)

Our Mission

**To manage the Hawaiian
Home Lands trust effectively
and to develop and deliver
lands to native Hawaiians.**



Balancing the housing needs of our beneficiaries...



...with the care and management of our natural and cultural resources.



Department of Hawaiian Home Lands

- Total acreage: **203,000+ acres**
 - 5% of land in Hawaii
- Total homestead leases: **9,815**
- Total homestead applicants: **27,341**
- Total applications: **43,795**

Leases count as of 12/31/15

Applicants and Applications count as of 2014 annual report
(last published)



Department of Hawaiian Home Lands

- Focus last 30+ years on Residential development
- Homestead leasing: DHHL's "sweet spot" is affordable single family residential
- Future direction – more options:
 - Rural lots (subsistence agriculture)
 - Affordable rentals for kupuna (elderly)
 - Rent with option to purchase



Housing Development Challenges

- Affordability
- High cost of living/low wages
- High construction costs
- Slow process
(procurement/environmental)
- Deep subsidies required
- Access to capital for families
(inalienable lands)



NAHASDA & Title VIII

- NAHASDA amended in 2000
- Title VIII – Native Hawaiian
Housing Block Grant
- 184A loan guarantee program
- Helped over 1,500 families in 15 years
- \$8-12 million annually



NAHASDA & Title VIII

- Infrastructure development
- Home construction and repairs
- Financing for self-help/Habitat
- Financial counseling
- Down payment assistance
- Home repair training
- Home energy efficiency training



Eligibility

- 80% Area median income
- Eligible native Hawaiian under the Hawaiian Homes Commission Act, as amended, 1921
- Must be used on DHHL land
- Must be activities identified in annual housing plan



Need

NAHASDA Eligible: 4,517 Lessees
12,303 Applicants
17,366 Potential Applicants =

TOTAL: 34,186 nH Households

Need Calculation: 12,303
17,366

TOTAL: 29,669 X \$350,000 =

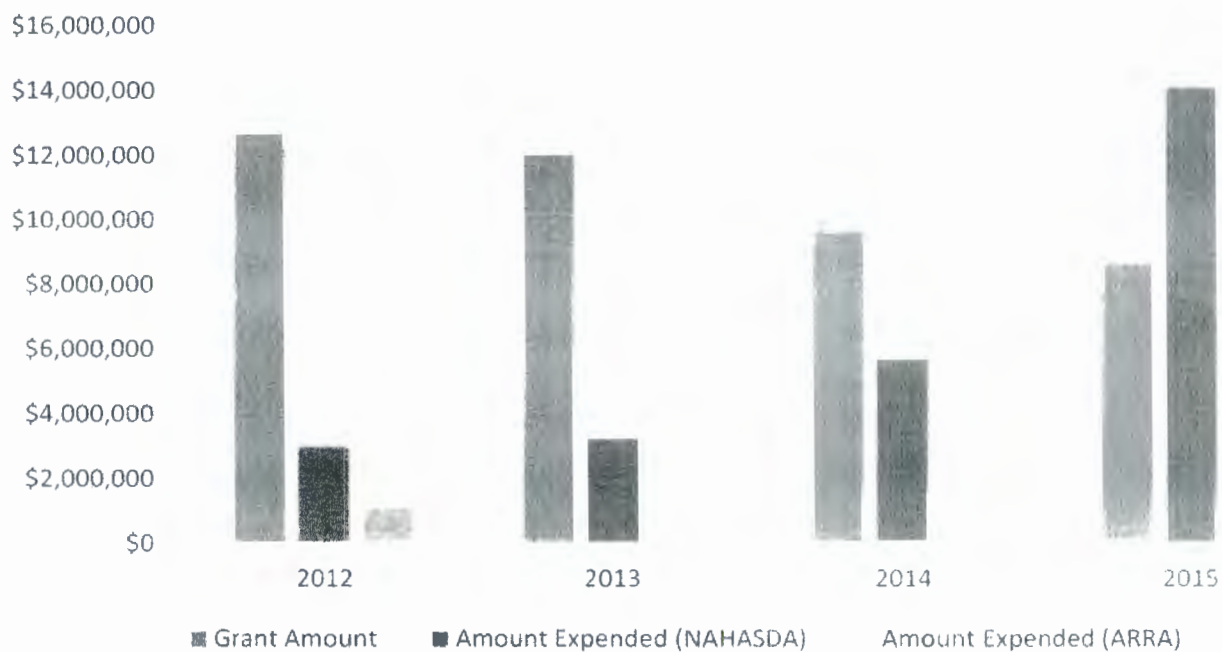
\$10,384,150,000 Sufficient Funding Request

Source: 2015 DHHL NAHASDA Annual Housing Plan



FY ending June 30	Grant Amount	Amount Expended (NAHASDA)	Amount Expended (ARRA)	% Change in NAHASDA Expend. from Previous Year
2012	\$12,700,000	\$2,974,059	\$1,104,937	
2013	\$12,035,714	\$3,217,652		8%
2014	\$9,700,000	\$5,682,328		77%
2015	\$8,700,000	\$14,131,955		149%

NAHASDA GRANT / EXPENDITURES



Source:

NHHBG Overview (prepared by HUD ONAP Local Office)

Packaged Home Financing

- 33 Vacant lots in Keaukaha, Hawaii
- 77 Vacant lots in Kalamaula, Molokai
- Lessees will qualify on 60/40 split:
 - 40% of total cost of packaged home construction with 1% interest
- Remaining 60% set aside for term of mortgage:
 - Recapture provision
- Mortgage payment approx. \$300-\$400



HALE Program

In Hawaiian, *hale* means “house”

“HALE” assists eligible applicants/lessees with the following:

Risk Mitigation

Homebuyer education

Assists borrowers to qualify

Loss Mitigation

Lease cancellation prevention

Keeps families in their homes

- HALE emphasizes *kuleana* in terms of financial behavior
- HALE promotes applicant/lessee empowerment
- Non-profit partners to provide services to families



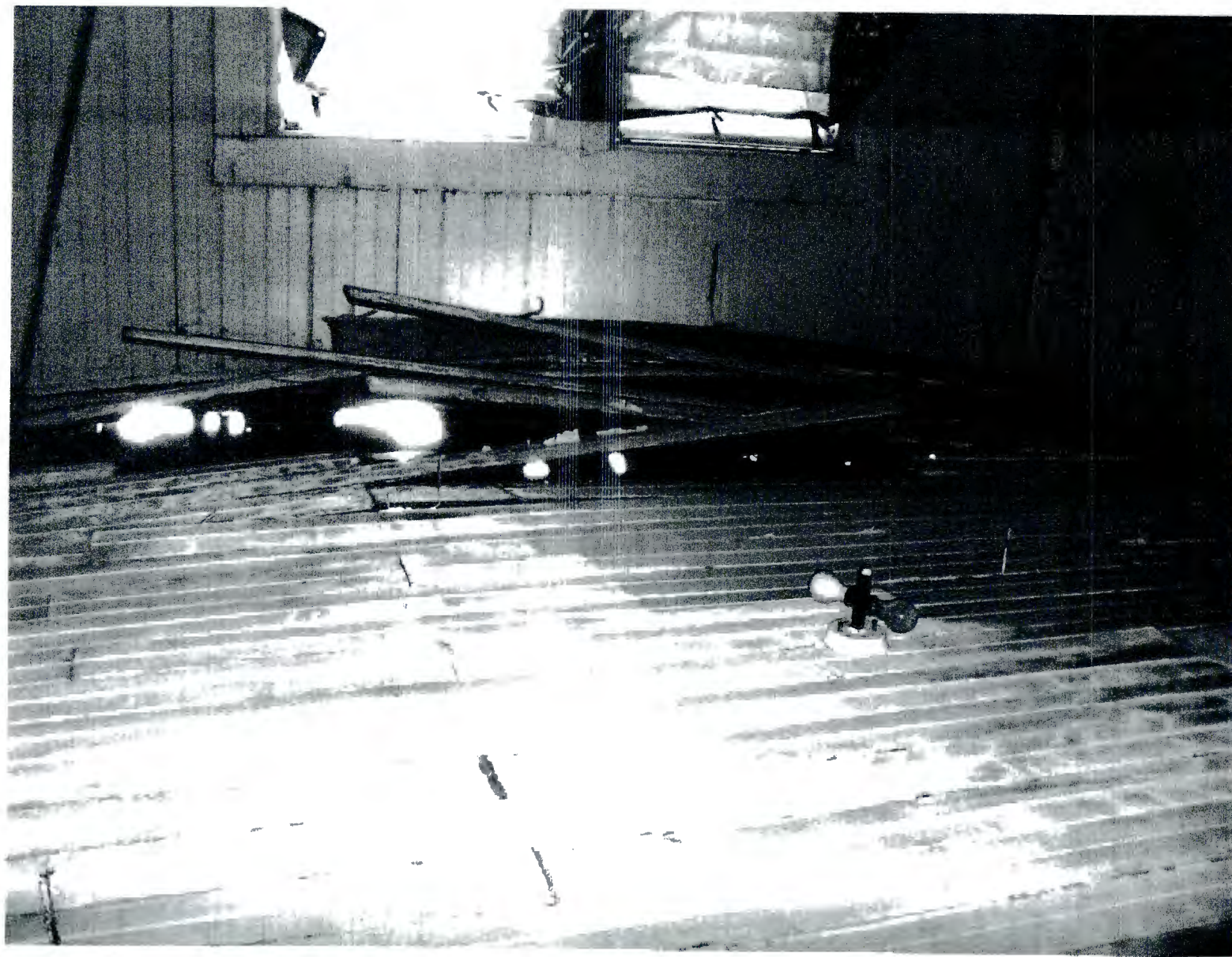
Home Assistance Program

- Provides \$100,000 no-payment loan for critical home repairs
- Approved by HHC 07/2013
- Priority areas defined by mo`oku`auhau of the homesteads (60 homes statewide)
- More need than available resources













Before and After Photos



Bathroom Before

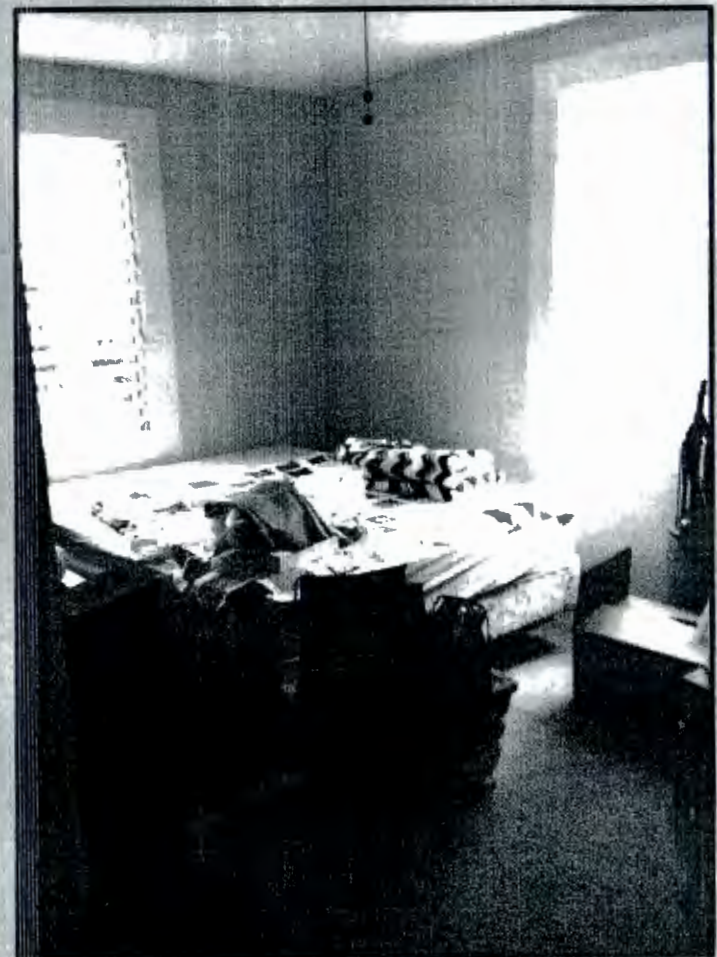


Bathroom After

Before and After Photos



Bedroom Before



Bedroom After

