

105TH CONGRESS
1ST SESSION

H. R. 626

To provide Federal housing assistance to Native Hawaiians.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1997

Mr. ABERCROMBIE (for himself, Mrs. MINK of Hawaii and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Banking and Financial Services

A BILL

To provide Federal housing assistance to Native Hawaiians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native Hawaiian
5 Housing Assistance Act of 1997”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) The Federal Government has a responsibil-
10 ity to promote the general welfare of the Nation by
11 employing its resources to remedy the unsafe and

1 unsanitary housing conditions and the acute short-
2 age of decent, safe, and sanitary dwellings for fami-
3 lies of lower income and by developing effective part-
4 nerships with governmental and private entities to
5 accomplish these objectives.

6 (2) Based upon the status of the Kingdom of
7 Hawaii as an internationally recognized and inde-
8 pendent sovereign and the unique historical and po-
9 litical relationship between the United States and
10 Native Hawaiians, the Native Hawaiian people have
11 a continuing right to local autonomy in traditional
12 and cultural affairs and an ongoing right of self-de-
13 termination and self-governance that has never been
14 extinguished.

15 (3) The authority of Congress under the Con-
16 stitution of the United States to legislate and ad-
17 dress matters affecting the rights of indigenous peo-
18 ple of the United States includes the authority to
19 legislate in matters affecting Native Hawaiians.

20 (4) In 1921, in recognition of the severe decline
21 in the Native Hawaiian population, Congress en-
22 acted the Hawaiian Homes Commission Act, 1920,
23 which set aside approximately 200,000 acres of the
24 ceded public lands for homesteading by Native Ha-
25 waiians, thereby affirming the special relationship

1 between the United States and the Native Hawai-
2 ians.

3 (5) In 1959, under the Act entitled “An Act to
4 provide for the admission of the State of Hawaii into
5 the Union”, approved March 18, 1959 (73 Stat. 4),
6 the United States reaffirmed the special relationship
7 between the United States and the Native Hawaiian
8 people—

9 (A) by transferring what the United States
10 deemed to be a trust responsibility for the ad-
11 ministration of the Hawaiian Home Lands to
12 the State of Hawaii, but continuing Federal su-
13 perintendence by retaining the power to enforce
14 the trust, including the exclusive right of the
15 United States to consent to land exchanges and
16 any amendments to the Hawaiian Homes Com-
17 mission Act, 1920, enacted by the legislature of
18 the State of Hawaii affecting the rights of bene-
19 ficiaries under such Act; and

20 (B) by ceding to the State of Hawaii title
21 to the public lands formerly held by the United
22 States, mandating that such lands be held “in
23 public trust” for “the betterment of the condi-
24 tions of Native Hawaiians, as defined in the
25 Hawaiian Homes Commission Act, 1920”, and

1 continuing Federal superintendence by retain-
2 ing the exclusive legal responsibility to enforce
3 this public trust.

4 (6) In recognition of the special relationship
5 that exists between the United States and the Native
6 Hawaiian people, Congress has extended to Native
7 Hawaiians the same rights and privileges accorded
8 to American Indians and Alaska Natives under the
9 Native American Programs Act of 1974, the Amer-
10 ican Indian Religious Freedom Act, the National
11 Museum of the American Indian Act, the Native
12 American Graves Protection and Repatriation Act,
13 the National Historic Preservation Act, the Native
14 American Languages Act, the American Indian,
15 Alaska Native and Native Hawaiian Culture and
16 Arts Development Act, the Job Training and Part-
17 nership Act, and the Older Americans Act of 1965.

18 (7) The special relationship has been recognized
19 and reaffirmed by the United States Congress in the
20 area of housing—

21 (A) through the authorization of mortgage
22 loans insured by the Federal Housing Adminis-
23 tration for the purchase, construction, or refi-
24 nancing of homes on Hawaiian Home Lands
25 under the National Housing Act;

1 (B) by mandating Native Hawaiian rep-
2 resentation on the National Commission on
3 American Indian, Alaska Native, and Native
4 Hawaiian Housing;

5 (C) by the inclusion of Native Hawaiians
6 in the Native American Veterans' Home Loan
7 Equity Act of 1993; and

8 (D) by enactment of the Hawaiian Home
9 Lands Recovery Act, which establishes a proc-
10 ess that enables the Federal Government to
11 convey lands to the Department of Hawaiian
12 Home Lands equivalent in value to lands ac-
13 quired by the Federal Government.

14 (b) PURPOSES.—The purposes of this Act are as fol-
15 lows:

16 (1) To implement the recommendation of the
17 National Commission on American Indian, Alaska
18 Native, and Native Hawaiian Housing (in this Act
19 referred to as the “Commission”) that Congress es-
20 tablish a Native Hawaiian Housing and Infrastruc-
21 ture Assistance Program to alleviate and address the
22 severe housing needs of Native Hawaiians by extend-
23 ing to them the same Federal housing assistance
24 available to American Indians and Alaska Natives.

1 (2) To address the following needs of the Na-
2 tive Hawaiian population, as documented in the
3 Final Report of the Commission, “Building the Fu-
4 ture: A Blueprint for Change” (1992); the United
5 States Department of Housing and Urban Develop-
6 ment report, “Housing Problems and Needs of Na-
7 tive Hawaiians (1995);” and the State Department
8 of Hawaiian Home Lands report “Department of
9 Hawaiian Home Lands Beneficiary Needs Study”
10 (1995):

11 (A) Native Hawaiians experience the high-
12 est percentage of housing problems in the Na-
13 tion: 49 percent, compared to 44 percent for
14 American Indian and Alaska Native households
15 in tribal areas, and 27 percent for all United
16 States households, particularly in the area of
17 overcrowding (27 percent versus 3 percent na-
18 tionally) with 36 percent of Hawaiian home-
19 lands households experiencing overcrowding.

20 (B) Native Hawaiians have the worst hous-
21 ing conditions in the State of Hawaii and are
22 seriously overrepresented in the State’s home-
23 less population, representing over 30 percent.

1 (C) Among the Native Hawaiian popu-
2 lation, the needs of the Native Hawaiians eligi-
3 ble for Hawaiian homelands are the most se-
4 vere. Ninety-five percent of the current appli-
5 cants, approximately 13,000 Native Hawaiians,
6 are in need of housing, with one-half of those
7 applicant households facing overcrowding and
8 one-third paying more than 30 percent of their
9 income for shelter. Under Department of Hous-
10 ing and Urban Development guidelines, 70.8
11 percent of Department of Hawaiian Home
12 Lands lessees and applicants fall below the De-
13 partment of Housing and Urban Development
14 median family income, with more than half hav-
15 ing incomes below 30 percent.

16 **SEC. 3. HOUSING ASSISTANCE.**

17 The Native American Housing Assistance and Self-
18 Determination Act of 1996 (25 U.S.C. 4101 et seq.) is
19 amended by adding at the end the following new title:

1 **“TITLE VIII—HOUSING ASSIST-**
2 **ANCE FOR NATIVE HAWAI-**
3 **ANS**

4 **“SEC. 801. BLOCK GRANTS FOR AFFORDABLE HOUSING AC-**
5 **TIVITIES.**

6 “(a) GRANT AUTHORITY.—For each fiscal year, the
7 Secretary shall (to the extent amounts are made available
8 to carry out this title) make a grant under this title to
9 the Department of Hawaiian Home Lands to carry out
10 affordable housing activities for Native Hawaiian families
11 on or near Hawaiian Home Lands.

12 “(b) APPLICABILITY OF OTHER PROVISIONS.—

13 “(1) IN GENERAL.—Except as provided pursu-
14 ant to paragraph (3), the provisions of sections 3
15 and 4 and titles I, II, and IV shall apply to assist-
16 ance under this title to the Department of Hawaiian
17 Home Lands for affordable housing for Native Ha-
18 waiian families in the same manner that such provi-
19 sions apply to assistance under such sections and ti-
20 tles to recipients for Indian tribes for affordable
21 housing for Indian families.

22 “(2) REFERENCES.—Except as provided pursu-
23 ant to paragraph (3), for purposes of carrying out
24 this title, any references in titles I, II, and IV—

1 “(A) to ‘Indian area’ is deemed to refer to
2 areas on or near Hawaiian Home Lands;

3 “(B) to ‘Indian housing plan’ is deemed to
4 refer to a plan under section 102 by the De-
5 partment of Hawaiian Home Lands;

6 “(C) to ‘Indian tribe’ as a grant bene-
7 ficiary or to ‘Indian families’ is deemed to refer
8 to Native Hawaiians or the Department of Ha-
9 waiian Home Lands;

10 “(D) to ‘Indian family’ is deemed to refer
11 to Native Hawaiian family; and

12 “(E) to ‘recipient’, ‘tribally designated
13 housing entity’, or ‘housing entity’ is deemed to
14 refer to the Department of Hawaiian Home
15 Lands.

16 “(3) EXCEPTION.—The Secretary may, by reg-
17 ulation, waive or modify any provision of section 3
18 or 4, title I, II, or IV, or paragraph (2) of this sub-
19 section, for purposes only of the applicability of such
20 provision to assistance under this title, as the Sec-
21 retary determines necessary to provide for assistance
22 under this title to meet the unique housing needs
23 and circumstances of Native Hawaiians.

24 “(c) USE OF NONPROFIT ORGANIZATIONS.—As a
25 condition of receiving grant amounts under this title, the

1 Department of Hawaiian Home Lands shall, to the extent
2 practicable, provide for private nonprofit organizations ex-
3 perience in the planning and development of affordable
4 housing for Native Hawaiians to carry out affordable
5 housing activities with such grant amounts.

6 **“SEC. 802. DEFINITIONS.**

7 “For purposes of this title, the following definitions
8 shall apply:

9 “(1) DEPARTMENT OF HAWAIIAN HOME
10 LANDS.—The term ‘Department of Hawaiian Home
11 Lands’ means the agency or department of the gov-
12 ernment of the State of Hawaii that is responsible
13 for the administration of the Hawaiian Homes Com-
14 mission Act, 1920.

15 “(2) HAWAIIAN HOME LANDS.—The term ‘Ha-
16 waiian home lands’ means the lands set aside for
17 homesteading by Native Hawaiians under the Ha-
18 waiian Homes Commission Act, 1920, and any other
19 lands acquired pursuant to such Act.

20 “(3) NATIVE HAWAIIAN.—The term ‘Native
21 Hawaiian’ has the meaning given such term in sec-
22 tion 201 of the Hawaiian Homes Commission Act,
23 1920.

1 **“SEC. 803. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated for grants
3 under this title such sums as may be necessary for each
4 of fiscal years 1997, 1998, 1999, 2000, and 2001.”.

5 **SEC. 4. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUS-**
6 **ING.**

7 Section 184 of the Housing and Community Develop-
8 ment Act of 1992 (12 U.S.C. 1715z–13a) is amended by
9 adding at the end the following new subsection:

10 “(1) **APPLICABILITY TO NATIVE HAWAIIAN HOUS-**
11 **ING.—**

12 “(1) **GUARANTEE AUTHORITY.—**To provide ac-
13 cess to sources of private financing to Native Hawai-
14 ian families, Native Hawaiian housing authorities,
15 and private nonprofit organizations experienced in
16 the planning and development of affordable housing
17 for Native Hawaiians, who otherwise could not ac-
18 quire housing financing because of the unique legal
19 status of Hawaiian Home Lands, the Secretary may
20 guarantee not to exceed 100 percent of the unpaid
21 principal and interest due on any loan eligible pursu-
22 ant to this subsection made to a Native Hawaiian
23 family, a Native Hawaiian housing authority, or
24 such a private nonprofit organization.

25 “(2) **APPLICABILITY OF OTHER PROVISIONS.—**

1 “(A) IN GENERAL.—Except as provided
2 pursuant to subparagraph (C), the provisions of
3 subsections (b) through (k) shall apply to loan
4 guarantees under this subsection to Native Ha-
5 waiian families and to Native Hawaiian housing
6 authorities and private nonprofit organizations
7 referred to in paragraph (1) in the same man-
8 ner that such provisions apply to guarantees
9 under such subsections to Indian families and
10 Indian housing authorities.

11 “(B) REFERENCES.—Except as provided
12 pursuant to subparagraph (C), for purposes of
13 carrying out this subsection, any references in
14 subsections (b) through (k)—

15 “(i) to ‘Indian’ is deemed to refer to
16 Native Hawaiian;

17 “(ii) to ‘Indian area’ is deemed to
18 refer to the area within which a Native
19 Hawaiian housing authority is authorized
20 to provide housing;

21 “(iii) to ‘Indian housing authority’ is
22 deemed to refer to Native Hawaiian hous-
23 ing authority or a private nonprofit organi-
24 zation referred to in paragraph (1); and

1 “(iv) to ‘trust land’ is deemed to refer
2 to Hawaiian Home Lands.

3 “(C) EXCEPTION.—The Secretary may, by
4 regulation, waive or modify any provision of
5 subsection (b) through (k) or of subparagraph
6 (B) of this paragraph, for purposes only of the
7 applicability of such provision to loan guaran-
8 tees under this subsection, as the Secretary de-
9 termines necessary to provide for loan guaran-
10 tees under this subsection to meet the unique
11 housing needs and circumstances of Native Ha-
12 waiians.

13 “(3) DEFINITIONS.—For purposes of this sub-
14 section, the following definitions shall apply:

15 “(A) DEPARTMENT OF HAWAIIAN HOME
16 LANDS.—The term ‘Department of Hawaiian
17 Home Lands’ means the agency or department
18 of the government of the State of Hawaii that
19 is responsible for the administration of the Ha-
20 waiian Homes Commission Act, 1920.

21 “(B) HAWAIIAN HOME LANDS.—The term
22 ‘Hawaiian Home Lands’ means the lands set
23 aside for homesteading by Native Hawaiians
24 under the Hawaiian Homes Commission Act,

1 1920, and any other lands acquired pursuant to
2 that Act.

3 “(C) NATIVE HAWAIIAN.—The term ‘Na-
4 tive Hawaiian’ has the meaning given such term
5 in section 201 of the Hawaiian Homes Commis-
6 sion Act, 1920.

7 “(D) NATIVE HAWAIIAN HOUSING AU-
8 THORITY.—The term ‘Native Hawaiian housing
9 authority’ means any public body (or agency or
10 instrumentality thereof) established under the
11 laws of the State of Hawaii, that is authorized
12 to engage in or assist in the development or op-
13 eration of low-income housing for Native Ha-
14 waiians, including the Department of Hawaiian
15 Home Lands and the Office of Hawaiian Af-
16 fairs of the State of Hawaii.

17 “(4) AUTHORIZATION OF APPROPRIATIONS.—
18 For costs (as such term is defined in section 502 of
19 the Congressional Budget Act of 1974) of loan guar-
20 antees under this subsection, there are authorized to
21 be appropriated to the Indian Housing Loan Guar-
22 antee Fund under subsection (i) such sums as may
23 be necessary for each of fiscal years 1997, 1998,
24 1999, 2000, and 2001.”.

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