

GET Committee

From: Shay Chan Hodges <shay.chanhodges@gmail.com>
Sent: Monday, September 16, 2019 8:40 PM
To: GET Committee
Subject: Testimony in Support of CC19-337

Aloha:

I am intending to testify in person tomorrow but in the meantime, I wanted to ensure that the committee had two documents.

One is testimony submitted by Kiope Raymond, University of Hawaii Maui College Professor of Hawaiian Studies, to the State Senate in March of this year. He gave me his permission to submit it for tomorrow's hearing. The other is a copy of an opinion piece written by Hawaii County Council Member Sue Lee Loy and published in West Hawaii Today on September 9, 2019.

Here is the link and below is the text:

<https://www.westhawaii.com/2019/09/09/opinion/my-turn-counties-united-against-injustice/>

In a unanimous vote, the Honolulu City Council on Sept. 4 joined the Maui, Kauai, and Hawaii county councils in approving resolutions to hold Bank of America accountable for its unfulfilled commitment to Hawaiian Homelands beneficiaries. As a council member for Hawaii County, I am inspired and encouraged by the opportunity for all four counties to work together to resolve this quarter century of injustice.

In 1994, as a condition of its acquisition of Liberty Bank, the Federal Reserve ordered Bank of America to provide \$150 million in loans on Hawaiian Homelands. This order was the result of assertions by the Hawaii Fair Lending Coalition that BofA had been discriminating against Hawaiians and Filipinos in a lending practice known as "redlining."

To date, BofA has only provided \$13 million of the loan amount ordered by the Federal Reserve. According to an article in the Sept. 2 edition of the Honolulu Star Advertiser, "Bank of America officials, while conceding that they only made a fraction of the loans, say they did fulfill their commitment, just not as originally conceived." In response, Sen. Brian Schatz said, "Their explanation of what happened is really just a series of justifications for noncompliance."

As a Hawaiian Homes beneficiary, I know and have had personal experience with the challenges that beneficiaries must endure to get mortgages on Hawaiian Homelands. I also know first-hand how those loans could have helped Hawaiian families move onto their lands. Had Bank of America obeyed the law as ordered by the Federal Reserve, approximately 1,400 families would have been in their homes for the last 20 years, building up equity, and living with a sense of security, instead of facing the harsh realities of skyrocketing rent and affordable homes out of reach.

Many affected by BoA's non-compliance are my constituents. I am saddened to learn that the Star-Advertiser quotes the State Deputy Attorney General's claim that "there are no legal bases for the state to pursue BofA on its past pronouncements regarding loans to native Hawaiians."

I have been following the efforts to hold Bank of America accountable. In 2007, the Deputy Director of the Department of Hawaiian Home Lands wrote a letter to BofA stating that the bank had fulfilled the loan commitment.

However, in 2012, then-Commission Chair Alapaki Nahele-a stated that “the [2007] deputy director ‘signing off’ on the commitment was done without approval of the Hawaiian Homes Commission.” This was the opportunity to resolve the matter. Instead beneficiaries received the status quo of bureaucratic indifferences.

It is disappointing that the state attorney general is not willing to review all available evidence and consider every legal strategy to ensure that Bank of America is held to the rule of law on behalf of Native Hawaiians. And while I hope that state leaders request further explanations from the attorney general, we do not need to wait for others to stand up.

Now that all four counties are unified, council members from all islands have the opportunity to move forward together to secure justice on this matter. On Sept. 17, the Maui County Council's Governance, Ethics, and Transparency Committee will consider a resolution to hire a special counsel to review legal strategies for compelling Bank of America to be held accountable to the rule of law. Meanwhile, Sen. Schatz is looking into the matter. As leaders of our communities, we can ensure that lending laws are applied equally and in doing so, provide much-needed homes and the essential empowerment of living in security for our people.

As I believe you are aware, on September 4, 2019, the Honolulu City Council joined the Maui, Kaua'i, and Hawai'i County Councils in approving resolutions to hold Bank of America accountable for its unfulfilled commitment to Hawaiian Homelands beneficiaries. In a recent Star Advertiser article, U.S. Sen. Brian Schatz weighed in on the issue, saying at a Maui town hall in July that there appeared to be grounds to pursue Bank of America, and that he is looking into it, noting that "as a member of the Banking Committee, I'm in a position to influence how this goes down."

Since the State Attorney General is not willing to review all available evidence and consider every legal strategy to ensure that Bank of America is held to the rule of law on behalf of Native Hawaiians — and now that all four counties are unified — council members from all islands have the opportunity to move forward together to hold Bank of America accountable and bring much-needed funds for housing into the state.

Thank you so much for moving forward on this important opportunity to not just hold Bank of America accountable to the rule of law, but to bring crucially needed funding into the County and State for affordable housing.

—shay chan hodes



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Welina, e ka mea heluhelu ē,

I am Kī'ope Raymond, Professor of Hawaiian Studies at UHMC, submitting testimony on SCR 45:

SUPPORTING THE GOVERNOR'S EFFORTS IN URGING THE BANK OF AMERICA TO RETURN TO HAWAII TO MEET WITH NA PO'E KOKUA AND THE HAWAII FAIR LENDING COALITION TO REACH A SETTLEMENT AGREEMENT RELATING TO A \$150,000,000 LOAN COMMITMENT FOR NATIVE HAWAIIANS ON HAWAIIAN HOME LANDS.

It is my intent to inform you 1) of my thoughts while doing the the translations from Hawaiian to English of recordings from April 23, 1994 of Kahilihiwa Kipapa and Thomas Maunupau; and 2) my thoughts on the appropriateness of SCR 45 in that context.

In addition to my teaching duties, I am a Court Interpreter in Hawaiian language, certified by the State of Hawai'i Office on Equity and Access to the Courts. I, gratis, provide verbal and written translation expertise to the community. Ms. Shay Chan-Hodges approached me with a request to do the translation of the recordings referenced above, related to the sad history of the BoA dealings with Hawaiians.

When Ms. Kipapa and Mr. Maunupau were speaking in Hawaiian it was unquestionable, to my mind, after listening to their testimony that they were filled with dignity and solemnity. And yet too, they were filled with pathos and angst regarding the actions of those who have impacted their lives. They were so distraught over what might happen to them and their descendants if they were denied relief, I was filled with compassion for their plight. I believe we all, and especially our political leadership, should be compassionate too; supportive of the effort to force the Bank of America to return to Hawai'i, meet with Nā Po'e Kōkua and the Hawai'i Fair Lending Coalition, and to reach a settlement in the matter.

Me ka mahalo, me ke aloha,

Kī'ope

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