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Council's 'Aina kupuna bill aims to keep ancestral lands in kanaka 'oiwi hands

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KEANI RAWLINS-FERNANDEZ



Without having legislation in place sooner, many longtime Maui County families have been forced to sell portions or, in many cases, all of their ancestral lands due to rising property taxes as a result of ostentatious housing development in the area, speculation and settler colonialism.

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Faced with an impossible decision — needing to find any means possible to hold on to ancestral 'aina while paying mounting taxes or face being forced to sell — has caused social and familial strife and irreparable harm to communities that will be felt for generations. For many kanaka, 'aina is more than property, it is our ancestor. Thankfully, we are passing legislation now to prevent more of these devastating situations from being repeated.

As part of ongoing efforts to prevent increasing houselessness and displacement of kanaka 'oiwi and generational families through property tax reform,

the Maui County Council is considering a bill I introduced that would provide relief to families on parcels dedicated as 'aina kupuna.

As dramatic changes in speculation from offshore investment interests and development occurred, an equally dramatic increase in tax assessments simultaneously ensued. This required study and swift assistance to keep kanaka 'oiwi lands in 'ohana kupa hands. The 'aina kupuna bill promises to provide a severely needed additional layer of protection.

A fourth-generation resident of Makena who grew up in her home built by her grandfather, testified to the Budget, Finance and Economic Development committee on Sept. 29: *"Growing up our neighbors were like family. Today, we don't even know our neighbors."*

She described being surrounded by multimillion-dollar homes, which affect her taxes, such as the \$20 million house right down the road that just sold. She hopes to preserve the family's historical footprint in the part of Makena nicknamed *"Five Graves"* and Chang's Beach.

"'Aina kupuna" would be real property owned in whole or in part by a lineal descendant of the person who held title to the property for a minimum of three generations dedicated for 10 years, during which time the parcel could not be sold to a nonlinear descendant.

Wayne Tanaka, former public policy manager of the Office of Hawaiian Affairs, who collaborated with legislative drafting for the bill, shared that the native Hawaiian understanding of 'aina is in stark contrast to the Western view of land, where land can be commodified, owned, purchased and sold.

Tanaka explained that the traditional understanding of 'aina dictates that all living things, including kanaka, are connected, physically, spiritually and genealogically — meaning you treat the 'aina as family. If you take care of the 'aina, it will take care of you.

"We must get back to this holistic perspective of 'aina," Tanaka said. *"The 'aina kupuna and the families this bill protects are the embodiment of value and perspectives of 'aina that we need to protect."*

The Real Property Assessment Division is accepting contact information from potential applicants. Interested property owners should email the division at rpa@co.maui.hi.us to request to be placed on the 'aina kupuna application mailing list. The email should include the applicant name, TMK (tax map key) and a mailing address.

The division intends to mail applications to those on the list. Applicants will need to upload their application to the mauipropertytax.com "forms" link within three weeks of bill passage. A new application form for exemptions under Maui County Code 3.48.554 Kuleana Land and Kuleana Act government grant land can be found on the www.mauipropertytax.com "forms" link.

Please continue to share your thoughts on real property tax reform by emailing bfed.committee@mauicounty.us and referencing BFED-78.

* Keani Rawlins-Fernandez is vice chair of the Maui County Council and chairs the Budget, Finance and Economic Development Committee. She holds the County Council seat for the Moloka'i residency area. *"Council's 3 Minutes"* is a column to explain the latest news on county legislative matters. Go to mauicounty.us for more information.