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April 5, 2016

**The Honorable Gilbert S.C. Keith-Agaran, Chair**  
Senate Committee on Judiciary and Labor  
State Capitol, Room 016  
Honolulu, Hawaii 96813

**RE: H.B. 1561, Relating to Nuisance Abatement**

**HEARING: Tuesday, April 5, 2016 at 9:00 a.m.**

Aloha Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

I am Myoung Oh, Government Affairs Director, here to testify on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawai'i, and its 8,900 members. HAR **supports** H.B. 1561 which amends nuisance abatement laws to authorize civil suits to abate violations of trespass offenses that involve the unlawful occupation of real property, including an order of abatement permanently prohibiting the perpetrators from residing in or entering into the subject real property.

The truth is there are online how-tos and handbooks on how to squat. While trespassing is deemed criminal, foreclosure and lease proceedings are under the jurisdiction of civil courts. What many squatters do is doctor up a lease agreement and with a forged "lease" in hand get a driver's license to match the address, have the utilities turned on, get mail delivered, and are able to basically live rent-free until someone notices and decides to take action.

The formal eviction process in Hawai'i exists as a mechanism to protect tenants from unscrupulous landlords, but the current state of the law places most of the burden on the landlord. As such, despite a formal eviction process, it could take months and cost thousands of dollars in lost rent, additional fees, and clean-up costs.

The eviction process consists of legal fees and serving notice to the person being evicted—a process which can make removing even an illegal squatter long and expensive. However, failure to follow the eviction process could lead to criminal charges such as theft if a landlord were to disturb the property or any of the squatter's belongings inside of it.

While Hawai'i has been very fortunate in comparison to other states and communities across the country, this measure will help accelerate the process of removing these unlawful occupants.

Mahalo for the opportunity to testify.

Senate JDL Committee

**Re: HB1561**

I am a homeowner in Kailua Kona living next to a home with squatters. I am writing this email to express my feelings on the situation.

It's my belief that the squatters have been there for approximately 1-1/2 to 2 years. Initially there was just one light in the house at night that led me to believe there was someone in the house. The people in there are extremely secretive and avoid contact with us. They have multiple vehicles at their house which are there one day and gone for days at a time and then return. They keep the front of the yard cleaned up but the back half of the yard is a jungle. We have a gardener but it is very difficult to keep our property cleaned up with their weeds and weed trees growing over into our property. My biggest concern is that that property is a fire hazard as it is so dry.

A neighbor asked an occupant what they were doing there and the woman angrily replied they had permission to be there. The out of state owner has said they do not.

I want this email to be anonymous. This is a beautiful neighborhood and suddenly I don't feel comfortable being in my own home. I believe more people may have moved in during the last month or so.

I ask you to put some teeth into the law so that we can get the people out who are not paying rent or paying a mortgage.

Anonymous

## **I support HB 1561.**

The reason this Bill needs to be approved is because:

- 1) It is a starting point for law abiding citizens to start living safely in their community again.
- 2) Squatters are already making healthy community out of control by abusing their rights. It means squatters have more rights than lawful people who don't have protection from squatters.

Squatters don't have the right to trespass and make unsafe environment. Legal house owners and legitimate renters agreed to pay for the house value and the community's safety. Squatters invaded without any consensus and took away our rights to live safely in our community on this island.

If authorities understand more of the situation of squatters, citizens' frustration and concerns, notice that the law somehow protects squatters' rights seriously while lawful citizens' rights are ignored. They know the weakness of the judiciary system and abuse the Tenant Law .It should not be applied to the squatters because they are not tenants at all even though squatters and their groups claims they are renters. It just lacks a law between lawful people and squatters. This circumstance allows squatters abusing the Tenant law and keep unsafe and worse community.

They make up a false statements, fake lease documents or just ignore others' rights to keep on illegally living in a house and in a community where they have no rights to be while authorities have minimal power over these squatters. The outcome always results in the safety issues in a neighborhood where people have worked hard to buy a house legitimate or keep paying rent. Who has the responsibility of our safe community and safe life on this island?

Squatters are saying they won't get out of the house without court order. Lack of squatters' law makes them abusing the Tenant Law and insist that they have rights to live in the house they trespassed. They are confident to demand a warrant to the police. They handle the squatting situation for their own peace without thinking about legal house owners and renters in the community. Yes, squatters seem to be on top of the pyramid right now because somebody allowed to do it.

We found out squatters don't mind deceiving neighbors and have more power than police. The only thing they have to obey is the law. While it is so late to authorities establish a law, squatters are so quick to learn the situation and getting larger professionals as a group.

If squatting method is allowed, everybody will attempt to do the same thing. They could even sub lease the house. Neighbors are getting more bothered by their overflowing parking cars, heavy traffic , breaking community rules ,lowering the standard ,illegal occupants' activities ,safety issues and harassment .They bring in crimes by their relations .In that situation they lower the community and property value . If you look on squatter issues unconcernedly, they will slip into your community unnoticed.

They are looking for a house to squat and more and more people are interested in squatting. It is a lovely business for them to squat, no need to pay for the rent and no law to stop them.

If squatting isn't illegal who wants to pay rent or owe loans for living? It doesn't make sense to live honestly for anybody when vacant home is free for you. People are living within their means because lawful people learn it from parents and acquire moral. Squatters love Hawaii .More people could turn into squatters in Hawaii. They take advantage of Aloha spirit and home away owners/foreclosure owners/deceased owners.

We heard it is easy to use food stamp program and squatting in Hawaii. To live in paradise without paying rent in gorgeous house, just minimum payment for food, water, electricity and save money for the future must be an American dream for squatters. A lot more people including their relatives and children learn about this, who wants to pay rent in paradise? More squatters could live beyond their means with disrespecting Hawaii cultures and uniqueness for their benefit.

Squatter groups claims that they are renters. These squatters aren't amateur. They already learned how to, when to, where to and what to do to squat in the house more than anybody else while authority let them allow it. They already learned that authorities and owners couldn't punish them or evict them. Authorities need to catch up with these professional squatters afterward. Safety starts from prevention. If you see a fire you extinguish it even if you don't have a law. You know it's spread widely and will destroy your possession and peace. You could not predict how &when squatters slip into your neighborhood. They've abused and will abuse the Tenant Law to live there until the situation allows .They feel no guilt in taking advantage of a situation and other people so they repeat squatting over and over. They have more networking than before. It makes them finding homes easily and helping each other.

Who allowed them? Somebody did. That's why they could keep doing it. Just imagine every 10 to 15 house there lives squatters and they don't mind what they are doing. Your community environment is slowly changing and feel unsafe with illegal occupants. You just need to put up with the situation living with squatters on the same street with lowering the quality of your everyday life and the safety. Your community suffer from crimes and have to expect more.

We sincerely ask authority to learn the situation quickly and prevent squatters in timely manner. If authority catches problems faster and establish a law, it makes police and prosecutor's job less hectic. Also Law-abiding people don't need to suffer from unnecessary confrontation and crime. Squatters doesn't need to spend time on learning about how to trespassing others' rights and property. Lawful people are responsible doing their duty supporting healthy society, living morally. People who feels less responsible may think differently. It shows their self-seeking and priority. They have researched on how to squat and some are even consulting lawyers, have established a network in occupying homes that they can easily occupy. They have already been given years to learn how.

This Bill needs to be approved in order for Hawaii to start taking back the peace and safety of the Hawaiian Islands and culture. They are disrespectful to the others and the community. It seems to be slowly crushed by irresponsible people.

If anybody thought no law is needed for squatters, please tell us the reason why, tell us what is the reason to keep denying the squatters' reality. Who needs to be responsible for this situation? What is the cause of this situation? Who is taking advantage of it? Who is suffering? What is the effect of the squatters? What is created by continuously giving them the right to live there? Who has the authority to give them permission?

There are so many things that are not making sense for this situation.

While owners are away from home neighbors keep suffering, only squatter occupying home owner has the right to evict squatters.

Trespassing onto private property is illegal but squatting is not punished.

When buying a house with no knowledge of squatters, everyday life safety is threatened. Multiple families squatters daily traffic from several homes of squatters, increasing crimes, busy crime watching, possibility of future crime.

It takes time to evict squatters, the process looks impossible for neighbors to evict squatters in timely and effective manner.

Squatters have tenant right which doesn't make sense because they are not tenant.

Home owners does not have right because tenant right has more power.

Neighbor has no right even they suffer every minute, everyday 365days

They keep growing numbers and establish their method already and law enforcement is behind

We are watching authorities to reply citizens' voice, phone call for help and screaming of frustration.

Please help us to protect our island from squatters.

**Anonymous**

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
**Date:** Monday, April 04, 2016 12:09:07 AM

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aleks Vladovich	Individual	Support	No

Comments: Lucky squatters live free in Hawaii but honest people pay for homes. This is a serious crime, not a 'nuisance,' but any law is better than nothing. The situation has gotten so bad that businesses too are squatting for years. Just one example, Kirill Vekhov has his company Hi Landscaping doing land-clearing and squatting for themselves and other deceitful Russians and they also run business from these squatted homes in Kona: Vekhov business Hi Landscaping squatting in 75-5785 Elena Place, 73-1040 Ahikawa Place and sister Vekhova squatting in 75-348 Hoene St.; Shihikin and Tkach business All Around Mobile Auto Detailing squatting in 75-5778 Kaila Place; Tishenko business Alvint squatting in 75-5819 Pelekila Place, also squatted by Styopin. Plus more family is squatting in many homes without businesses also. Honest people know squatting is a crime. Honest people are hurt when these deceitful people act. It is cheap to live in Hawaii when you don't have to pay for your home, and when you can run your business also from your home. Until we have laws stopping this crime, more people will come and take a free home and a free place for business. Live aloha. I support this legislation to help honest people stop squatters.

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Barbara A. Huitt

Kailua-Kona, Hawaii 96750

April 3, 2016

Senator Gilbert S.C. Keith-Agaran, Chair  
Senate Judiciary and Labor Committee  
State Capitol, Room 221  
Honolulu, Hawaii 96813

RE: H.B. 1561 Relating to Nuisance Abatement  
Hearing: Tuesday, April 5, 2016, 9:00 a.m.

Dear Chair Keith-Agaran,

Please consider this testimony in support of H.B. 1561.

I am an own and live in a home in Kamani Trees Condominium in Kailua-Kona. I am also the current President of the Association of the Dwelling Owners of the Kamani Trees Condominium. The Kamani Trees Condominium project is comprised of 135 dwelling units (two small, individual homes per lot of record). The economic downturn in 2008 caused a number of homes in our subdivision to go into foreclosure. For the most part, those homes have new owners and the value of homes in our subdivision has risen in recent years.

However, there is one home that has not been foreclosed upon but was abandoned by the owner who now lives on the mainland. We cannot get the owner to respond to communications and the financial institution has taken no initiative in taking possession. This home has occupied by several persons who have "no title, lease, or other legal claim" but who have lived there for at least five years. These "squatters" do not pay monthly assessments to our homeowners' association, they do not keep the home in a condition consistent with our association governing documents, nor do they do make any improvements to the property. The unkempt property has a direct impact on the value of all of the properties in our subdivision. It is believed that the squatters pay the real property taxes to avoid a tax foreclosure--a small cost in comparison to rent. They seem to be expert in manipulating all circumstances that have allowed them to entrench themselves for years in this home that is in legal limbo.

Our community is not a resort-type community. Our homes are modest and the persons who live here are retired persons on limited income and hard-working young parents, single persons, and couples. Although we have hired legal counsel to advise us on our options, we do not want a costly legal battle under the existing laws to remove these squatters from our neighborhood. This is disappointing for the members of our association.

We need legislation that takes into perspective the uniqueness of this type of situation and gives our community and others in our situation a way to deal with unlawful occupation in a timely, cost-effective, fair, and direct manner.

Respectfully submitted,

Barbara A. Huitt

I'm very concerned about this bill not going through. We need to have some rights for residents who work hard, pay their bills and play by the rules. What is going on in Hawaii and other parts of the county with squatters is just wrong. It is stealing from the rest of homeowners or those who hope to be. Enough is enough. Pass this bill so our police can do their job. Stop letting this BIG issue get swept under the rug. Big banks created this problem and got away with it and the little guy is still paying for their greed. Criminals are following by squatting in homes and destroying good neighborhoods. Let us prove that we can have a functioning government and get the job done.

Mahalo, Barbara Robertson



**From:** [Barbara Scott](#)  
**To:** [JDLTestimony](#)  
**Subject:** HB 1561 Hearing-April 5, 2016 at 9:00 a.m.  
**Date:** Sunday, April 03, 2016 11:09:29 PM

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Barbara E. Scott  
Kailua Kona, HI 96740

April 3, 2016

The Honorable Senator Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor  
State Capitol Conference Room 016

Re: HB 1561, RELATING TO NUISANCE ABATEMENT

Hearing: Tuesday, April 5, 2016 at 9:00 a.m.

To: Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuru, Vice-Chair  
Honorable Members of the Senate Committee on Judiciary and Labor

This action to resolve the problem of the unlawful occupation of property is exceptional.

Although some unlawful occupants are actually homeless and in somewhat dire straits, the problem of a party (or parties) moving into a vacant home, setting up housekeeping with utilities and using the property address for identification purposes or as a business address is more like theft.

What strikes me as inspired about HB 1561 is the opportunity for the parties to just move on, without regard for their motivation, if the matter involves Simple Trespass as cited in **§708-0815**:

- (1) A person commits the offense of simple trespass if the person knowingly enters or remains unlawfully in or upon premises.**
- (2) Simple trespass is a violation. [L 1972, c 9, pt of §1; gen ch 1993]

The penalties are minor. In the instance where the trespass is due to actual homelessness, there is an opportunity to direct the trespasser(s) to assistance through the Department of Human Services or possibly a religious organization.

Whether the occupant is homeless or a blatant opportunist, illegal occupation is an action available when there is no interested or responsible party managing a property. Over time, HB 1561 enforcement might result in the identification of a surprising inventory of abandoned, foreclosed and/or neglected properties.

While Governor Ige and the State Legislature continue to consider solutions to the growing problems of homelessness and affordable housing, abandoned properties might present some viable options.

Best wishes,

Barbara E. Scott

As a resident owner in Hawaiian Paradise Park, in the district of Puna, on Hawaii Island, I'm asking for your support in efforts to make it more difficult for people to take over homes that they do not own, do not pay rent on, nor have a vested interest in.

**This legislation is not about the homeless.**

This is about individuals and groups, primarily from the mainland, who come to Hawaii to live at the expense and pain of lawful State residents. There are even web sites that direct individuals to these vacant and abandoned properties. They have no respect for the Aina and invade homes that they have no right to occupy. I have lived in HPP for 8+ years and recently had squatters move into an abandoned house near ours. The main person was a known drug offender and their. The police were called in, but could never catch him at the abandoned house, and they really couldn't do anything anyways; it's private property, right?. In the end we had to chase down the owner in Thailand, do some legalese to get a power of ownership, and then serve these squatters papers. It literally took months and months to do this. Meanwhile, they were dumping cars on our street, racing up and down the road, partying at all hours loudly, and we suspect dealing drugs out of the house.

Why do we have to put up with this?

**Picture these people as your neighbors, and then respond to this legislation accordingly.**

I trust the Hawaii Legislature will support **HB 1561**, in an effort to allow lawful residents to enjoy the homes we worked all our lives so diligently to attain. It's time you heard our plight and provide law abiding, tax-paying residents with the tools necessary to address this very serious problem.

Regards,  
Brent Magstadt

Keaau, HI 96749

From: [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
To: [JDLTestimony](#)  
Cc:  
Subject: Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
Date: Sunday, April 03, 2016 9:33:27 PM

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## **HB1561**

Submitted on: 4/3/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Doug Hay	Individual	Support	No

Comments: As a resident owner in Hawaiian Paradise Park, in the district of Puna, on Hawaii Island, I ask your support in efforts to make it more difficult for people to take over homes that they do not own, do not pay rent on, nor have any vested interest in. This legislation is not about the homeless. This is about individuals and groups, primarily from the mainland, who come to Hawaii to live at the expense and pain of lawful State residents. There are even web sites that direct individuals to these vacant and abandoned properties. They have no respect for the Aina and invade homes that they have no right to occupy. I have lived in HPP for over six years and for four of those years our lives have been made miserable by squatters who appear to have more rights than I do as a legitimate home owner. The police are sympathetic, but their hands are tied, the bank who owns title to the property is based in Texas and has absolutely no interest in doing anything about the issue and refuses to respond to request for assistance, and the lawyer from Honolulu who is the 'overseer' could not care less. Meanwhile the property located several lots away has become a squatter's haven. They burn sections of the home to cook their food, and since there is no electricity to pump water, their human waste is left out in the open (on adjacent properties of course), and their open, uncovered catchment is probably one of the best Dengue mosquito breeding sites in Puna. As another example, there are two abandoned homes on one lot, located on a main street in Hawaiian Paradise Park that have been the attention of squatters for several years. These two homes are directly across the street from a daycare center. One of the homes has a burnt out rear section because some squatters tried to 'cook' something in the bedroom. Why do we have to put up with this? These are only several examples of numerous squatter properties. Picture these people as your neighbors, and then respond to this legislation accordingly. I trust the Hawaii Legislature will support HB 1561, in an effort to allow lawful residents to enjoy the homes we worked all our lives so diligently to attain. It's time you heard our plight and provide law abiding, tax-paying residents with the tools necessary to address this very serious problem. Respectfully, Name removed for privacy I COULDN'T SAY IT BETTER THAN THIS DOUG HAY.

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**Cc:**  
**Subject:** Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
**Date:** Monday, April 04, 2016 6:22:51 AM

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gladys W. Brigham	Individual	Support	No

Comments: I was born and raised over 60+ years in the Puna district of Hawaii Island. I've lived in Paradise Park over 12 years now. As residents of HPP, we are in support of HB1561 to enable legal residents, homeowners, and the laws of the State of Hawaii to take legal actions against criminal trespassers on private properties visible to land owners, effective immediately. The laws of the State of Hawaii should support those residents who lives on their properties and not those who owns the properties and live away, while squatters are taking advantage of empty homes illegally! Landowners and squatters should be liable for their illegal actions! And with this HB1561 put into law, it will benefit us residents to take legal actions lawfully with the laws of the State of Hawaii supporting us! Mahalo nui and God bless!

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I am giving testimony in favor of passing H.B. No 1561.

I am a law abiding citizen and have worked hard in my life to create value and while I am sympathetic to those who have a harder time “squatting” is not something that should be easy for those who apparently are taking advantage in my neighborhood. We have 4 squatter families, 3 of them from a Russian network where someone in their group robbed another in our neighborhood. One of the people who are squatting rang my doorbell to ask if I wanted limes. I have a lime tree and believed the woman was actually checking out my home. If people are taking advantage of properties that have been foreclosed on, and those who want the squatters out can't locate the Bank. This is a problem. The police can't do much about the problem if they are not contacted by the owners and there should be another remedy to remove squatters legally either through the Homeowner's Association.

I am often living alone for stretches of time when my husband is away on business and having people in the neighborhood who have caused problems creates a feeling of unsafety in my own home. I also have a concern that if I travel myself I might get back home, and have a squatter in it and I would be burdened with trying to get the person out. This is wrong and the laws should be changed to prevent this. I am on the neighborhood watch and receive constant reports and these people who have taken advantage of the neighborhood and the neighbors is unfair and unsafe and can only lead to further problems. Thank you for your attention to this matter.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
**Date:** Monday, April 04, 2016 5:39:44 AM

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Tatar	Individual	Support	No

Comments: This is a desperately needed bill to close a very large loophole in our current laws to rid a vacant home of unlawful occupation. We have numerous incidents here in HPP but they can currently do the same thing anywhere in the state and the police are powerless to remove them with the current legislation.

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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
**Date:** Monday, April 04, 2016 2:07:27 PM  
**Attachments:** [1561\\_support.txt](#)

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Klyman	Individual	Support	No

Comments:

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**Subject:** Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
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**HB1561**

Submitted on: 4/1/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jocqueline Kowrach	Individual	Support	No

Comments: Please take a STRONG stand against unauthorized people occupying property of others. Squatters has become an all to common issue in Hawaii. I have been a resident of Hawaii for 16 years. This problem has gotten to a point of impacting all neighborhoods...it is past time to do what is right to take care of those that do not do what is right.

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**Cc:**  
**Subject:** Submitted testimony for HB1561 on Apr 5, 2016 09:00AM  
**Date:** Monday, April 04, 2016 7:25:10 AM

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## **HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
K Roberts	Individual	Support	No

Comments: I am in favor of this bill because many owners of abandoned homes cannot be found and, even if the owners can be found, only owners are allowed to attempt to remove the squatters. People who have abandoned their homes have no interest in filing claims against squatters because they are not paying the mortgage anymore and have moved on with their lives. There is a large squatter population in Kona, especially in Kailua View Estates and Kona Heights subdivisions. The squatters are not homeless people with nowhere else to go. They choose to live this lifestyle because they know that laws are in their favor. The Kona squatters are members of an extended family who are told which homes to move into after land clearing companies do yard work. If the legal owners of these homes can be found, they have confirmed that they are NOT renting out the house and did not hire anyone to do yard work. Hi Landscaping is one of those companies. There is photographic evidence of the company cleaning yards at specific homes and soon afterwards family and friends move into those homes, telling neighbors that they have a lease. The owners of Hi Landscaping themselves are squatters and moved into their second squatter home last summer. This appears to be a successful company with up to date vehicles and equipment. How are they able to afford these things? Because they have been squatting for years paying no rent while law abiding citizens in Hawaii are working more than one job to be able to afford to live here. One member of a Kona Heights squatter family was recently released from Hawaii Correctional Center after he was caught robbing a home in nearby Kailua View Estates. We don't want people like this living in our neighborhoods. This bill will give people and organizations the power to take back their neighborhoods from squatters. Please consider passage of HB 1561 so that we can have another way to remove squatters.

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**HB 1561 (Squatter/Nuisance Abatement bill)**  
**Michael Bernard, Puna, Hawaii 96749**

As a resident owner in Hawaiian Paradise Park, in the district of Puna, on Hawaii Island, I ask your support in efforts to make it more difficult for people to take over homes that they do not own, do not pay rent on, nor have any vested interest in.

**This legislation is not about the homeless.** This is about individuals and groups, primarily from the mainland, who come to Hawaii to live at the expense and pain of lawful State residents. There are even web sites that direct individuals to these vacant and abandoned properties. They have no respect for the Aina and invade homes that they have no right to occupy.

I have lived in HPP for over six years and for four of those years our lives have been made miserable by squatters who appear to have more rights than I do as a legitimate home owner. The police are sympathetic, but their hands are tied, the bank who owns title to the property is based in Texas and has absolutely no interest in doing anything about the issue and refuses to respond to request for assistance, and the lawyer from Honolulu who is the 'overseer" could not care less.

Meanwhile the property located several lots away has become a squatter's haven. They burn sections of the home to cook their food, and since there is no electricity to pump water, their human waste is left out in the open (on adjacent properties of course), and their open, uncovered catchment is probably one of the best Dengue mosquito breeding sites in Puna.

As another example, there are two abandoned homes on one lot, located on a main street in Hawaiian Paradise Park that have been the attention of squatters for several years. These two homes are directly across the street from a daycare center. One of the homes has a burnt out rear section because some squatters tried to 'cook' something in the bedroom.

Why do we have to put up with this? These are only several examples of numerous squatter properties. **Picture these people as your neighbors, and then respond to this legislation accordingly.**

I trust the Hawaii Legislature will support **HB 1561**, in an effort to allow lawful residents to enjoy the homes we worked all our lives so diligently to attain. It's time you heard our plight and provide law abiding, tax-paying residents with the tools necessary to address this very serious problem.

Respectfully,

Michael Bernard, District of Puna, Hawaii Island

April 3, 2016

Aloha State Senate Members,

As a resident of a Kailua Kona community, I have recently witnessed the absolutely absurd legal wrangling necessary to evict illegal squatters who have taken up residence in three vacant homes along a three block stretch of my neighborhood. (That is a ridiculous, true statistic.)

Research performed by vigilant residents of the neighborhood discovered a startling and very disturbing pattern by which this particular group of squatters locates potential properties and their pattern of housing several branches of their extended family. It all begins with Land Clearing Firms, owned by the squatters, hired by banks or realtors to clear the foreclosed properties. They are able to gain foreclosure information and scope out the property prior to illegally moving in. (In some cases, the properties are not foreclosed, but owned by absentee owners who, when reached for their information, are adamant they did not hire this firm and no one should be in the house.) ( Full document has been forwarded to the Prosecuting Attorney's office.)

Even though the Neighborhood Watch group was well equipped with this 85 page damning documentation, we have been unable to legally force any of these squatters out of the homes and they are becoming bolder in their actions; more trash in the yards, more cars and people in the homes, ill-cared for large dogs to guard the residence. It is apparent they know the lopsided laws governing this issue are clearly in their favor. They too, have done their homework.

Each instance of the invasion is different. The first home is in foreclosure, with the owner "in the wind", as one of our Property Management employee's stated. This leaves the bank to turn to who is less than responsive to any of our inquiries as to any leases being instituted. (This issue needs to be clearly addressed in the bill. Banks should be required to answer the question as to whether anyone should be occupying a foreclosed property.) The illegal residents are fully aware of this loophole and play it to its fullest.

The second home has an absentee owner who was tracked down by our Watch Group. He confirmed no one should be on his property and is currently having to retain legal counsel, at his own cost, to evict these squatters. A summons had been served and the squatters had vacated, but returned shortly thereafter and remain there to this day, demanding a warrant and court ordered eviction notice before they leave. This particular group has also displayed threatening behavior to anyone questioning their residency. How is it the squatters can demand anything? Another instance of the squatters knowing the laws protect them, not the owners.

The third property housed at least 3 families. They moved in after the owner died on the Mainland. This group has recently relinquished their stronghold on a property, but only after our neighborhood watch program, along with dedicated police assistance, refused to allow their lies justify their "legal" residency on the property and insisted on a copy of the lease they claimed to have but could not produce. Their current whereabouts are unknown, but I would suspect we need only to follow the trail outlined above to find the next property they found to illegally occupy.

The laws governing squatting must change. Squatters now have more rights than the legal property owners. Squatters are breaking and entering, obtaining utilities under false pretenses, causing gross destruction of property, in some cases expressing threatening behavior to those who question their existence on the property, all without consequences because the laws explicitly protect their "rights" leading to a warped sense of entitlement. Stop the madness!

Aloha,

Patricia Clark

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**Date:** Monday, April 04, 2016 9:59:52 AM

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### **HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
PAUL SCAPPECHIO	HPPOA	Support	No

Comments: Dear Legislature, I am a resident and property owner in Hawaiian Paradise Park. Our home is on a short dead end street between Kaloli and Shower. Over the last 2 two years, we have had two abandoned houses on our street illegally inhabited by squatters. The first incident involved drug traffickers. After 4 months of futile attempts by the police to remove them, one of the inhabitants suffered a massive drug overdose. The police came along with the ambulance. Upon entering the house, they found large quantities of illegal drugs and paraphernalia. The police were then able to remove them. Several months later, the second squatter incident involved constant harassment by the squatters on the residents who would walk their dogs along the street. They had vicious dogs and wild parties. Because they had no electricity, they ran a generator all night long (not for ag purposes). They even went to a neighbor's house and threatened the neighbor with bodily harm. Luckily, because the squatted house foreclosure had not reached the courts yet, one of the neighbors here who knew the previous owners of the abandoned house was able to contact them and get an official signed document stating that they still owned the house. Only then could the police remove them....but it took over 6 months. These are not homeless, penniless people. All of the squatters had generators and decent automobiles. They are ruining our, once peaceful, community. Please help...because this will only get worse. Pass HB1561. Thank you.

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We strongly support HB 1561 and any other laws that would make squatting a punishable crime that can be easily enforced by police.

My wife and I have owned a home in Kailua View Estates for 16 years. We chose this neighborhood because it was quiet, well kept, safe, and convenient. What began as a safe and desirable place to live is being quickly eroded by a number of squatters. There are four homes in our development that we know of that are currently occupied by squatters.

These are not four random squatting occurrences but rather a carefully planned attempt to take advantage of foreclosures in the sub-division. I choose to call this illegal activity a squatting syndicate. We have evidence that many of the squatters are Russian, many have family ties, and many of them moved here from Washington State. They are also members of the same local church. A landscaping company owned by Russians has been working with banks on foreclosed properties. We believe the landscape company has been involved in identifying potential properties for squatters.

Since the squatters have moved into this development we have had a daytime robbery, two young men armed with knives, one of them was caught the other escaped. The one caught and charged is Russian and is a member of one of the squatter families in the area.

Recently on a Saturday morning there was a window broken out of a locked car at 8:30 a.m. two houses makai to our home, the perpetrator escaped.

Something needs to be done immediately to remove the squatters. We need strong laws and a committed police response. It is time to make a powerful statement to the squatters, " You are criminal trespassers and you are not welcome in Hawaii". We need media coverage, we need quick evictions, and we need the ability to change locks after evictions so vacant homes are secure.

As far as we are concerned there is nothing more detrimental to maintaining property value, community safety, and the integrity of community than an influx of squatters.

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Seastrom	Individual	Support	No

Comments: As a resident owner in Hawaiian Paradise Park, in the district of Puna, on Hawaii Island, I ask your support in efforts to make it more difficult for people to take over homes that they do not own, do not pay rent on, nor have any vested interest in. This legislation is not about the homeless. This is about individuals and groups, primarily from the mainland, who come to Hawaii to live at the expense and pain of lawful State residents. There are even web sites that direct individuals to these vacant and abandoned properties. They have no respect for the Aina and invade homes that they have no right to occupy. I have lived in HPP for over 29 years and our lives have been made miserable by squatters who appear to have more rights than I do as a legitimate home owner. The police are sympathetic, but their hands are tied, the bank who owns title to the property is based in Texas and has absolutely no interest in doing anything about the issue and refuses to respond to request for assistance, and the lawyer from Honolulu who is the "overseer" could not care less. Picture these people as your neighbors, and then respond to this legislation accordingly. I trust the Hawaii Legislature will support HB 1561, in an effort to allow lawful residents to enjoy the homes we worked all our lives so diligently to attain. It's time you heard our plight and provide law abiding, tax-paying residents with the tools necessary to address this very serious problem. Respectfully, J. Seastrom

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Steven Jacquier	Individual	Support	No

Comments: Please support HB 1561; Rep. San Buenaventura is entirely correct about this issue. Mahalo!

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## **HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sunshine Woodford	Individual	Support	No

Comments: I would like to let you know about my experience with squatters and how they harm our island. About a year ago I became a homeowner in HPP. I would have been a homeowner much sooner if it wasn't for squatters. There were several homes I tried to purchase, but was unable to because of squatters. Approximately 90% of the unoccupied homes I looked at had evidence of squatters and made it difficult to purchase or brought the value of the homes down. The homes that had squatters were destroyed. The home smelled disgusting, squatters broke windows and doors, ruined carpets, covered the homes in filth and stole anything and everything they could remove. It was very common to discover that the squatters stole the water system, including the pump, pressure tank and even the 10,000 gallon catchment tank itself. Without running water in a home, the banks would not clear escrow and I was unable to purchase the first three homes I was interested in. When I finally thought I was going to purchase the home I am in now, some squatters came in (in the middle of escrow) and took the brand new water pump and pressure tank with them. The bank told me this was the third water pump and pressure tank they stole. They also stole all the gates to the property, broke a window and some other items. Luckily they didn't take the catchment tank itself. Since escrow hadn't closed, I was able to negotiate to get the seller to put in another water pump and pressure tank. However, this delayed the closing of escrow for another three month. Squatters are bringing down home values, making home-ownership undesirable, and costing people their hard earned time and money. There are a handful of "professional" squatters. They wait to be evicted and move into the next empty home. It seems like they have more rights than the actual homeowner. Please pass HB1561.

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**HB1561**

Submitted on: 4/4/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Hahn	Individual	Comments Only	No

Comments: Aloha, I had squatters on the road I live on,(18TH and Paradise), for over a YEAR! They were not just living there. They were all wanted by the Hawaii Police Department. They demolished this house that had my dear elderly friends living right next store. HPP is Getting to be like an inner city dumping grounds. We have no "rules" for anything. I mean anything! Gunshots, firecrackers, and SQUATTERS! This place use to be safe. NOT ANYMORE!!! Please pass this bill. Thank you, Sue Hahn

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**HB1561**

Submitted on: 4/3/2016

Testimony for JDL on Apr 5, 2016 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Oswald	Individual	Support	No

Comments: I strongly support this bill. Our neighborhood has 4 houses with squatters, all related to one another. We need stronger laws to keep these people out of vacant homes.

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