

To my esteemed members of the Hawaii Legislature,

Summary: I am enthusiastically in favor of HB529.

I have lived in the Olomana community located in Kailua for over 35 years. While fortunately the instances described below do not affect me directly, they are unsafe, unhealthy, and dangerous.

There was a situation in which the owner of a home was not of sound mind. While away from her home for an extended period, she invited unknown homeless people to take up residence in her home.

For over one year, there was constant traffic of homeless to and from the home. There were arguments by the homeless within the home using profanity, and in one instance, there was a gun involved. The interior of the home was destroyed and thereby grossly devaluing it. The neighbors of this home were left in fear for their safety and well-being. Despite contact with the owner, she refused to do anything about it.

In this instance, although the police were contacted numerous times, there was not much they were able to do.

There is yet another continuing instance in which another Olomana resident is running a car repair business out of his home. The home is in serious disrepair. There are always numerous derelict vehicles fronting the home in the yard and covering the City easement in front of the home. There are sometimes derelict vehicles parked on the street in front of the home, including an exceptionally large horse trailer. Some of these vehicles have been witnessed up on jacks.

In this instance, neighbors have been attempting for over 20 years to rectify the situation. The property owner has alleged punched a neighbor, and on another occasion, alleged set a boat belonging to a neighbor on fire.

These situations create fear in the neighborhood, affect property values, and are unsafe. There must be a more proactive means of dealing with these homes. Merely levying fines does nothing. Please support HB 529.

With all respect,

Susan D. Alden
1580 Ulupii Street
Olomana, Kailua, HI 96734

HB-529

Submitted on: 1/31/2021 5:38:08 PM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Burgess	Individual	Support	No

Comments:

Aloha,

I am submitting this testimony in support of bill HB529 on behalf of my family and community in Kailua. We live in Olomana and experienced squatters living in the house across the street. At one point there were close to 15 people staying in the home. The owner was hospitalized after having a metal break down, and these people just moved in. Homeless people were seen moving in pushing stolen grocery carts. Some of the people living in the house were obviously suffering from mental illness/drug abuse as we observed erratic behaviors like roaming the street in the middle of the night, screaming, and throwing things. Over the year, we witnessed numerous fights, domestic abuse, breaking into cars, and drug use. One of the people staying in the home admittedly said they moved in to get free drugs. The yard was constantly littered with trash. This went on for an entire year. Police would visit the residence multiple times a day, everyday. Our only choice was to call the police every time there was an incident, and even then there was little the officers could do. This experience took a toll on our family and our neighbors. Many neighbors on our street are elderly and some live alone. We were all concerned for our safety. We stopped letting our kids ride their bicycles on the street, we stopped playing outside in the yard. It truly felt like a hopeless situation. After a year of dealing with this and probably hundreds of complaints and police reports, the people were removed from the house across the street. My hope is that this bill will keep our community safe so a situation like ours does not happen again, and if it does, the situation will be addressed in a timely matter. There is already word in our community that the same thing is happening in a home nearby, that squatters have taken up residence in another empty home. Senator Matayoshi has been very supportive through this process, and we truly appreciate his leadership!

Mahalo,

Dawn Burgess

HB-529

Submitted on: 1/31/2021 7:42:31 PM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kalani Burgess	Individual	Support	No

Comments:

Testimony for HB 529 – Relating to Residential Real Property

To: The House Committee on Judiciary and Hawaiian Affairs

From: Kalani Burgess

Subject: HB529 – Relating to Residential Real Property

Aloha, my name is Stanton Burgess, and I would like to thank you for your consideration of my testimony in support of House Bill 529 (HB 529). This bill is personal to me because it provides a solution to people like myself, and my neighbors, who felt powerless against troublesome homeless squatters and drug dealers who were occupying the house and property across the street from my residence.

Over a year ago, the quiet and peaceful street that I live on was being overrun with homeless squatters, troublemakers, and drug dealers. This was in part due to our neighbor, who slowly developed mental issues that clouded her ability to make sound decisions with regards to the people that she was allowing to stay on her property. She had been a long-time owner of the property of which she converted her house into a complex of one bedroom studio rentals. Over the years it grew to as much as (6) studio rentals in the single house. As time passed, her condition worsened to the point where she was taken into custody and turned over to one of the state mental facilities. But that was just the beginning.

Once she was no longer living at her property and caring for her rentals, a number of individuals (who claimed to be renters of hers) took advantage of the situation and began using the property as their own. It did not take long before squatters were

occupying the property and creating a concerning and unsafe environment for the neighbors and surrounding neighborhood. At one point, my wife and I counted over (20) different people living there. This did not include the people that would speed down our street to stop by the house and conduct numerous illegal activities. The situation continued to escalate with no apparent resolution. The disturbances were also occurring despite countless numbers of police officers responding to this residence, at all times of the day and night. It was not uncommon to hear yelling and screaming between the hours of midnight and 5am. Seeing the same officers having to return to the house sometimes (3) or (4) times a day, was growing frustrating for both the neighborhood as well as the officers. This was also during the time of the tragedy at Diamond Head, so fears and concern was without a doubt growing by the day. There were at least a couple of days I counted police responding to disturbances (7) times to the residence. And this was counting only while I was at home and not at work. There were some days that I either stayed home from work or went in late just to stay at home and guard my house and property, since my wife and kids, and my mom, would be home while the people across the street would be yelling at each other and fighting with one another. And every time that the police would show up and we would speak with them, they would mention to us that they were limited to what they could do to handle the situation. They continued to tell us to call '911' and they'll respond, but as far as removing the threat they couldn't do anything. One of them advised us to get our Representative involved and that's when we turned to Representative Matayoshi. With his countless hours and effort, he was eventually able to help us get rid of the squatters and put the property on the market. The property and home is currently going through renovation with the new owner. Our neighborhood is a lot more peaceful now thanks to Representative Matayoshi and his efforts.

HB 529 will enable us to take action immediately to avoid and/or resolve situations much like mine. I know it is occurring in other neighborhoods and I know this bill can help the people who are experiencing the same thing I (and my neighbors) did. I hope no one else has to endure what myself, my family, and my neighbors had to endure for a few years, and HB 529 will help end that. And that is why I humbly ask for your support of HB 529. Mahalo for your time and consideration!

Sincerely,

Kalani Burgess

HB-529

Submitted on: 1/31/2021 11:29:19 PM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Individual	Support	No

Comments:

I strongly support HB529 to allow government authorities to remedy situations where danger to the public exists, but current law makes it nearly impossible to remedy the problem, because there is no deadline for the owner to remedy the problem. We are talking about situations where the owner is unable to be found, mentally unable to respond to the law, or just doesn't respond despite reasonable efforts.

HB529 allows police to enter a premises where there is reasonable belief that there is imminent threat to health, safety, or violation of public nuisance laws. It allows reasonable time for the owner to cure the threat. It allows for the owner to be fined. Finally, if the owner does not respond to the fine for 90 days, it allows the property to be sold with the proceeds going to the owner. By selling the property, which is valuable in Hawaii, the new owner will likely put the property to safer use.

I live in Olomana, Kailua, one of the safest neighborhoods on Oahu, because of a strong community association that promotes neighborliness, civic spirit, community pride, community action. For several years there was a house that was essentially abandoned by the legal owner and taken over by drug dealers. Despite neighbors' repeated expressed concerns to HPD, DOH, City Planning & Permitting Dept and other government agencies, nothing could be done because the owner could not be located, and when located was unable or unwilling to act. The government agencies went as far as they felt they could go under the law, but nothing could be done. Neighbors were fearful of crime next door.

Through months of painstaking effort, consuming too many hours, residents partnered with Rep Scot Matayoshi to use legal means to finally force the sale of the property and provide the owner the proceeds. Rep Matayoshi left no stone unturned and partnered with neighborhood residents. Finally, problem solved. However, had the police, department of health or city department of planning and permitting been empowered to act to address this problem faster, with a deadline, the problem would not have festered. Basically, if the owner refuses to cure the problem in reasonable time, then fines can be imposed, and after 90 days, the property will be sold.

I believe this bill would have prevented the recent fire at an abandoned home in Makiki also, where fines had been imposed for years but with no final action. There, neighbors

were powerless, possibly because they were unable to mount the kind of coordinated community effort as was done in Olomana. Such extraordinary efforts should not be required. Government exists to cure these problems, but must be given reasonable tools to do so.

Please pass HB529 so government can solve legitimate problems when owners are unable or simply refuse to do so. This will benefit public health and safety.

Chad Taniguchi, Olomana, Kailua

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I live in Olomana, Kailua, one of the safest neighborhoods on Oahu, because of a strong community association that promotes neighborliness, civic spirit, community pride, community action. For several years there was a house that was essentially abandoned by the legal owner and taken over by drug dealers and squatters. This caused me to fear for the safety of myself and my children. The walks we once enjoyed ceased as the drug dealers and their clientele walked the neighborhood, yelling and screaming and threatening all who came near. It was amazing to me how a group of people changed the tone of the neighborhood. I personally contacted the police on at least four occasions reporting on "ninja" warriors riding bikes and banging stop signs, domestic disputes and large arguments all emanating from that house. During this time, there was police presence in our neighborhood almost on a daily basis due to some report that someone called in, offering a temporary reprieve. Once the officers left our neighborhood squatters would return to their behavior. It was frustrating and terrifying at the same time and our family actually considered moving out the home of 25 years.

Despite neighbors' repeated expressed concerns to HPD, DOH, City Planning & Permitting Dept and other government agencies, nothing could be done because the owner could not be located, and when located was unable or unwilling to act. Through months of painstaking effort, consuming too many hours, residents partnered with Rep Scot Matayoshi to use legal means to finally force the sale of the property and provide the owner the proceeds. Rep Matayoshi left no stone unturned and partnered with neighborhood residents. Finally, the problem was solved.

However, had the police, department of health or city department of planning and permitting been empowered to act to address this problem faster, with a deadline, the problem would not have been allowed to fester, in essence holding our community hostage. Such extraordinary efforts should not have been required. By ensuring that Government has reasonable tools to handle this type of situation my hope is that no community will have to go through what ours did.

Please pass HB529 so government can solve legitimate problems when owners are unable or simply refuse to do so. This will benefit public health and safety.

Heidi K. Baginski Olomana, Kailua

HB 529

HB529 must be enacted to allow government authorities to remedy situations where danger to the public exists as a result of neighbors or squatters that fail to observe laws or regulations. I have lived in Olomana, Kailua, for the past 15 years and considered our neighborhood to be one of the safest neighborhoods on Oahu.

However, things changed over the course of the last 2-3 years. One of our neighbors commenced with unpermitted construction on her house (“Subject House”) and then began to rent out the individual rooms to numerous tenants. Over time, the arguments between the Neighbor/Owner escalated into bi-weekly arguments at all hours of the day/night. The Subject House was eventually left abandoned by the Neighbor/Owner, and the tenants (many of whom had been previously evicted) returned with other “friends” or squatters.

The presence of the squatters adversely affected our safety and quality of life. There was a constant stream of car and foot traffic in our neighborhood at all hours of the day/night. There was also an increase in arguments amongst the squatters, loud parties and unprovoked screams coming from the Subject House.

Despite our neighbors' repeated calls to HPD, City Planning & Permitting Department and other government agencies, we were told that nothing could be done without the participation and/or cooperation of the Owner of the Subject House. The government agencies and HPD investigated the situation, but nothing could be done under the current laws in effect.

The Olomana residents have been lucky to receive the assistance of Representative Matayoshi in our efforts to rid our neighborhood and the Subject House of the squatters. The Subject House was recently sold to a new owner, who evicted the squatters and is in the process of refurbishing the Subject House. However, the process should not have been so arduous and lengthy. HB529 is designed to prevent the situation that we had to endure for years. If the police, department of health or city department of planning and permitting had HB 529 to rely upon, the problem would not have lingered for months/years. The problem could have been solved quickly and effectively.

HB529 allows police and/or government inspectors to enter a premises when there is reasonable belief that there is imminent threat to health, safety, or violation of public nuisance/zoning laws. HB529 provides the owner of the premises with a cure period to remedy the situation. The proposed bill also allows for the owner to be fined and the property to be sold if the owner of the violating premises does not cure the violation/respond to the fine for 90 days.

Please pass HB529 so that other neighborhoods on our island do not have to experience the dire situation that we lived through for years. The enforcement tools that HB529 provide will clearly benefit public health and safety.

Very truly yours,

Ronald T. Ogomori

HB-529

Submitted on: 2/1/2021 9:12:07 AM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Teruo Bussen	Individual	Support	No

Comments:

HB 529 Submitted by Scot Z. Matayoshi Hawai'i State Representative - District 49

I have read the written testimony of my neighbor Chad Taniguchi and I agree completely. He says it all and there is nothing more for me to add. On behalf of the Bussen family and a relieved neighborhood, Thank you so much.

Aloha, Joseph T Bussen

I Lawrence Lau who lives at 1559 Uluhaku Pl. am submitting this testimony in support of bill HB529.

I have lived at 1559 all my life over 58 years and have enjoyed the peaceful neighborhood a cul-de-sac gives. The previous owner of the problem house (1542 Uluhaku Pl.) who moved in over 20 yrs ago, was a nice and friendly person. But as the years passed you could tell she was dealing with mental issues. Maybe 15 years ago she started to build multiple rental units/rooms and had numerous tenants over the years.

She began doing crazy things maybe 10 years ago, such as sitting in her car while parked in her driveway at 2:30a with her car alarm going off and not turning it off, driving around the neighborhood at all hours of the day multiple times a day for years, and breaking into her tenants rooms and arguing with police after confronted and arrested. She was locked up in Kaneohe Mental Hospital maybe 2 yrs ago and that's when things started getting real bad.

A person or persons started to rent out all those units/rooms within 1542 and many of those individuals were unsavory. The renters or those living there would bring over people at all hours of the day/night. I personally couldn't see a lot that was going on, but could hear a lot of it. Screaming, swearing, fighting, and yelling at all hours of the day/night. What I did see were many new people who stayed at the house walking up and down our street looking between our houses not knowing what their intent was. I also saw the police coming and going, sometimes up to four or five cars, sometimes up to three to four times a day, and sometimes up to four or five times a week, it was nuts! This was going on for almost a year!

The problem was, by the time the police came it was all quiet at the problem house, and they couldn't do any thing but talk to the individuals within, it was a game for those making all the noise. All the police could do was tell all of us neighbors to call 911 when something happened and that's what we did.

It seems that there needs changes in the law to give police more authority when encountering situations such as the one our street has been going through.

Lawrence Lau

Re HB529

I write in support of HB529 which would offer a remedy to situations that have developed in neighborhoods everywhere on Oahu. As a Kailua resident in the community of Olomana, the issues that this bill seeks to address were right down the street from me. A dangerous situation developed when the homeowner was absent and squatters moved in to the house, occupying it for nearly a year. Drug use, violence, drug dealing, 24-hour traffic to and from the house, all-night gatherings, loud altercations became the norm. The situation had become a health and safety issue for surrounding neighbors who lived in fear of the violence and felt trapped in their own homes remembering the Hibiscus Drive tragedy. Police calls were a daily event, sometimes several times in one day, however the police were unable to protect the neighborhood or the squatters under existing laws. Overcrowding of the house and the yard added to the unsafe conditions. Fear of a fire starting at the home was real, especially to the adjacent property owners.

The absent owner was both unable and unwilling to take any action to remedy the situation and to protect the community as the only person authorized under current law to remove the squatters. Other similar abandoned properties have been occupied by squatters in nearly every neighborhood creating unsafe conditions, health hazards, havens for drug dealers and the mentally ill, many resulting in tragedy.

HB529 would have prevented the promulgation of the situation in my neighborhood as well as in many others.

Please pass HB529 so that the proper agencies can address and resolve these dangers when owners are unable or unwilling to address and resolve the dangers themselves. Hibiscus Drive might have been prevented if such legislation had been in place.

HB-529

Submitted on: 2/1/2021 12:47:00 PM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Ching	Individual	Support	No

Comments:

I support HB529 to allow the forced sale of houses whose owners are unable, unwilling, or are incapable of maintaining their properties and abandon the homes. These houses are taken over by squatters and become centers for drug use and the source of crime in our neighborhoods. Existing regulations do not allow HPD, DPP, and other government agencies, the means to shut down these homes, and excise the infections in our communities.

We have seen multiple news stories on TV of abandoned homes on Oahu being used for illegal activities from gambling operations to drug use and distribution. They are also hazardous. One of the homes caught fire. Neighbors' complaints and requests for help have not resulted in any solutions, and these homes continue to degrade the health and safety of our neighborhoods.

We need HB529 in order to stop the proliferation of these abandoned homes and to preserve the health and safety of our neighborhoods. Please pass this needed legislation.

Mahalo

Eric Ching

LATE

HB-529

Submitted on: 2/1/2021 5:03:32 PM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bill Hicks	Individual	Support	No

Comments:

I support HB529 for the purpose of requiring negligent property owners to maintain property that is safe for the neighborhood, but believe some modification is needed to protect innocent property owners who try but are unable to control the actions of tenants.

In Olomana there was a house that was essentially abandoned by the legal owner and taken over by drug dealers. Despite neighbors' repeated expressed concerns to the Honolulu Police Department, the Department of Health, and the Honolulu Department of Planning and Permitting, nothing could be done because the owner could not be located, and, when located, was unwilling to act. The government agencies went as far as they felt they could go under the law, but nothing could be done. HB 529 would effectively remedy this kind of problem.

Unfortunately, as written, an unintended consequence could be property foreclosure or heavy fines against an innocent property owner who tries but is unable to prevent or remedy harmful actions by a tenant.

I request that HB 529 be modified to add the following to HRS Chapter 46 Part I as either a new subsection (e) -- or add as (d) and rename (d) to (e): "In the event a property owner reasonably suspects tenants or occupants may be the cause of an imminent threat of illness, disease, or injury; or to health or safety; or violation of any county zoning ordinance, the property owner may request that an officer of a county police department or county planning or permitting agency enter the residential real property, without the consent or cooperation of the tenant(s) or occupant(s), for the purpose of investigating any condition on the premises. If tenant or occupant caused violations exist and the property owner is unable to receive cooperation from the tenant(s) or occupant(s) to remediate the conditions found to be in violation, the property owner may request eviction of the tenants or occupants. If the property owner seeks the eviction of the tenants or occupants responsible for the violations, then fines or foreclosure action against the property owner because of tenant or occupant caused violations shall be held in abeyance."

I also have a technical question. By placing this in HRS Chapter 46 which is a general administrative code and not criminal code, is it possible to specify "arrest" as an option in subsection (b)?

LATE

HB-529

Submitted on: 2/1/2021 11:02:18 PM

Testimony for JHA on 2/2/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Geraldine Best	Individual	Support	No

Comments:

I strongly support the passage of HB529 as introduced by Representative Scot Matayoshi to allow HPD to protect the health and safety of the community even if the owner is unwilling to do anything about the frightening state of endangering affairs to the community. The bill goes even further to force DPP to foreclose on the owner if he/she/they will not act to protect the health and safety of the community. This bill came out of a very deep concern over many major health and safety issues that the residents and community in general were forced to live with in fear because the tenants invading a house on Uluhaku Street. The situation was highly volatile and many in our community along with residents living in the area were unnecessarily subjected to being terrorized in their home spaces. The situation there rang of the fiery violence that resulted in the Hibiscus Street massacre of two HPD officers. Residents in our neighborhood were more than doubly afraid of the vagrants, drug dealers, openly volatile and threatening people that lived at the Uluhaku house. Shots rang out at all hours; neighbors were and felt threatened when these vagrants walked around with guns and yelling loudly about killing the neighbors who turned them in. HPD was called on many instances but were POWERLESS to take action as the owner was UNWILLING to take any action against these illegal tenants who occupied the Uluhaku Street house. The health and safety of law abiding citizens is tantamount and should NOT be held hostage by a very irresponsible owner who is NOT mindful or does NOT care about the fear caused by unlawful tenants who inflict health and safety threats on the neighbors/neighborhood. The barrier to taking police action should be removed by the provisions of HB529. The neighbors and the community were held hostage over this legal roadblock to taking action against irresponsible and uncaring owner(s) who owe no responsibility to caring for the health and safety of the neighbors/neighborhood. In addition, these irresponsible owners should also suffer the consequences of foreclosure should he/she/they not want to conform to the provisions of HB 529.

Your support of HB 529 is deeply appreciated. Its passage is strongly supported. The actions taken to bring peace, health and safety back to this neighborhood are deeply appreciated. It is inhumane to force any other neighbors/neighborhood to go through the deep anguish suffered by this neighborhood in re to the house on Uluhaku Street.

Thank you very much.