



OSTRA

Oahu Short-Term Rental Alliance

Aloha Chair Nakashima, Vice Chair Sayama and Members of the House Committee on Consumer Protection & Commerce,

RE: OPPOSITION TO BILL SB875, NON-JUDICIAL FORECLOSURE FOR MINOR ZONING OFFENSES

OSTRA **OPPOSES** unconstitutional Bill SB875 as it weaponizes a county to take property for minor offenses.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=875&year=2023

BACKGROUND

Bill SB875 provides that a county may exercise *power of sale* without a judicial order of foreclosure. This county, the City & County of Honolulu, through its Department of Planning and Permitting Director Dawn Takeuchi Apuna has commented on the reasoning on “clone” Bill HB15. This testimony is repeated in substance on companion Bill HB498. The foregoing documents in this paragraph are hereafter referred to as DPP TESTIMONY.

The purpose of our testimony is not to complain about abuse of short term rental hosts by a county zoning department. Instead, it is intended to provide a clear and compelling reasoning of why it is unconstitutional and dangerous to grant counties the power of non-judicial foreclosure.

DPP Testimony states:

“Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth.”

Even a cursory investigation by this committee of the existing county zoning Notice of Orders and their handling, will show that the fines and liens since October 23, 2022 **are abuse** our citizens.

BILL LANGUAGE

This is the SB875 language to the bill:

"After all notices, orders, and appeal proceedings are exhausted, a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien."

These changes would provide greater protections to homeowners:

"After all notices, orders, administrative appeals, and judicial appeal proceedings are exhausted; and an affirming resolution by the full council passed, a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien."

The City Council has modeled an example of affirming resolution this past year.

EFFICIENCY AND STAFFING

DPP TESTIMONY states page 1 last paragraph:

"The City lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines"

Efficiency is not a sufficient reason to deprive citizens of their constitutional rights. The City already has the authority to remedy its internal staffing issues with appropriations and hiring.

FORECLOSURE FOR MINOR OFFENSES

A vote for Non-Judicial foreclosure is a vote to weaponize the DPP to take homes for minor offenses. While perhaps not intended, this is the reality because this county has implemented an active regime to take homes for minor offenses.

DPP TESTIMONY on page 1, paragraph 2:

"This Bill would empower the DPP to better enforce against repeat and egregious offenders, who generally rack up the largest fines ..."

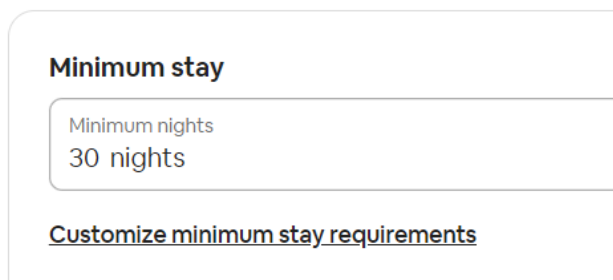
This statement is misleading as the bill also ensnares minor offenders. This example arises out of the advertising restriction provision of zoning City Ordinance 22-7 (Bill 41 page 32-33):

It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to Section 21-4.110-1 or Section 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and must include the following statement: "This property may not be rented for less than 90 consecutive days."

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This quoted statement above could be included (corrected to 30 days per federal court preliminary injunction) could be included in the text of the listing. The violation would still could occur by neglecting a setting inside the platform (Screenshot Airbnb settings):

Trip length



The screenshot shows a settings card for 'Minimum stay'. The title is 'Minimum stay'. Below it is a text input field containing '30 nights'. At the bottom of the card is a link that says 'Customize minimum stay requirements'.

Any reasonable person would conclude that an owner failing to fix a setting in a platform app is a minor offense, yet the DPP hands out \$10,000+ fines. They offer no explanation in the DPP TESTIMONY as to why the decision makers at the DPP think it necessary to punish an STR owner who has used in his/her listing a couple of words that violate the county's ban on rentals of fewer than 90 days with the maximum fine on the first offense. Even worse, the offending

STR owner is given no time at all, five days or seven days to cure the violation, when the standard is 30 days to cure. The fact that a county already imposes excessive fines for minor offenses is a harbinger of grave injustice stemming from any bill that provides authority for non-judicial foreclosure.

It is easier to miscode a listing—without realizing it—than to drive in excess of the speed limit. Likewise, an STR owner may use the required language in the listing and find that the platform's software posts language that DPP investigators will find unlawful when one goes into the listing as a guest instead of as an owner.

DISCRIMINATION

Kūpuna make up a disproportionately high percentage of property hosts and landlords. They particularly struggle with arbitrary and capricious rules as the required rule making process is not complete.. The appeal process needs to be fully explained in writing with full awareness of the deadlines.

31 U.S. Code § 6711 prohibits entities who receive federal funds such as local governments from engaging in discrimination based on age:

§6711. Prohibited discrimination

(a) **GENERAL PROHIBITION.**-No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

(b) **ADDITIONAL PROHIBITIONS.**-The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

It is up to us, the residents of O'ahu, to stand up to the punitive culture at the DPP through the mayor's office, through representation at City Counsel, and if necessary through the courts. Providing the greater authority of non-judicial foreclosure aggravates this issue. Our kūpuna will suffer the most.

It is the will of our communities that the DPP should have the burden of proof to go to court and give an account as to why they believe an aged or disabled person had control over the advertising, the cure could have occurred in the time allotted, and that the punishment rises to the level of taking their home. Non-judicial foreclosure does not provide for these protections.

Because the law, a modification to the Enabling Act does discriminate, a yes vote on this bill is validation that a member has investigated and concluded that the measure meets the strict scrutiny test. The law must satisfy a *compelling governmental interest*. It does not as it harms (not protects) the public.

https://www.law.cornell.edu/wex/strict_scrutiny



Cornell Law School

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Overview

Strict scrutiny is a form of judicial review that [courts](#) use to determine the constitutionality of certain laws. Strict scrutiny is often used by courts when a [plaintiff sues](#) the government for [discrimination](#). To pass strict scrutiny, the legislature must have passed the law to further a "compelling governmental interest," and must have narrowly tailored the law to achieve that interest.

Non-Judicial foreclosure for minor offenses is the antithesis of *narrowly tailored*. A county does not have the authority to create or enforce an ordinance that discriminates unless there is a compelling governmental interest. The DPP Director does not present any evidence to support a governmental interest in taking property for minor offenses. Courts make these interpretations.

The Fourth Amendment of the United States Constitution:

*“The right of the people to be secure in their persons, **houses**, papers, and effects, against **unreasonable** searches and **seizures**, shall not be violated, and no Warrants shall issue, but upon **probable cause**, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

Taking property for minor offense is clearly an unreasonable seizure. Judicial review is essential to insure the homeowner is protected from DPP overreach:

1. The advertising provision applies to the homeowner.
2. The advertising was allowed because of previous court settlements and injunctions.
3. A Notice of Violation (NOV) was issued and received by the homeowner.
4. The 7-day period in the ordinance was practically a reasonable period of time to cure the violation.
5. Curing the violation was within the control of the homeowner.
6. The listing was in control of the homeowner (and not a scammer).
7. Advertisement was caused by the homeowner and no third parties caused the advertisement of less than 30-day through their own action. Examples of third parties are DPP investigators and platform customer service.
8. Only after lack of compliance a lien was placed on the property.
9. All time to comply has been exhausted.
10. The homeowner received specific instructions on how to appeal including the precise deadline.
11. The DPP acted in good faith to achieve compliance by responding in writing and timely answering phone inquiries.

Before voting on this measure OSTR recommends that DPP give an account of all Notice of Order violations of this advertising provision since October 23, 2022 and for each one ask if probable cause has been satisfied.

INTIMIDATION IS DAMAGE

Article I and the Constitution of the State of Hawai'i:

EMINENT DOMAIN

Section 20. Private property shall not be taken or damaged for public use without just compensation. [Am Const Con 1968 and election Nov 5, 1968; ren Const Con 1978 and election Nov 7, 1978]

Power of Sale is “taking” private property for the purpose of public purpose of collecting on a lien for a minor offense. The mere existence of non-judicial foreclosure policy is intimidation by county officials.

The Fifth Amendment of the United States Constitution:

“... nor shall private property be taken for public use, without just compensation.”

The idea of the mechanism of county intimidation is to make a real possibility of the expulsion of a citizen from the islands by assessing a maximum fine and then deducting that significant amount from the proceeds of the sale. The process renders the homeowner unable to replace property forcing that person from the islands.

The Eighth Amendment of the United States Constitution:

“...nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

A \$10,000 fine for a minor advertising offense is by any definition excessive. The resulting Power of Sale and resulting expulsion is cruel and unusual punishment.

IN CONCLUSION

SB875 is just one of a tsunami of bills before the legislature this session designed to intimidate property owners from relying on their renting and property rights as they go about local Hawai'i business contributing to the approximately \$2,000,000,000 state annual domestic product.

Now is the time to send a message to the counties that if they desire additional authority through the Enabling Act they must first propose bills that are constitutional. Debate on these bills should take in account the trust developed with the department. County zoning departments should be effective at the mandate given including being current of permit review.

Please soundly reject this measure.

Respectfully Submitted,

Edward Jones
P: 292-7512
Board Member
O'ahu Short Term Rental Alliance

EXHIBIT A1 – TESTIMONY OF
CITY AND COUNTY OF HONOLULU DPP DIRECTOR

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

JIRO SUMADA
DEPUTY DIRECTOR

February 9, 2023

The Honorable David A. Tarnas, Chair
and Members of the Judiciary and Hawaiian Affairs
Hawaii State House
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas and Committee Members:

**Subject: House Bill No. 15, HD 1
Relating to the Real Property Liens**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 15, HD 1, which would allow the counties to collect liens on properties for civil fines through a non-judicial foreclosure process.

This Bill would empower the DPP to better enforce against repeat and egregious offenders, which generally rack up the largest accruals of fines. Specifically, this Bill would authorize the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use ordinances and building codes, through a non-judicial or administrative process. The counties currently have and exercise the authority to use the non-judicial foreclosure process for collection of real property tax liens, which this Bill would extend to collection of liens on properties for civil fines.

Currently, the DPP issues a Notice of Violation (NOV) to notify the violator of the violation and to provide a reasonable amount of time to cure the violation, either by removing the violation or obtaining the proper approvals. If the landowner fails to comply with the NOV, a Notice of Order is issued to impose daily civil fines until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. If the violator continues to be noncompliant and/or does not pay the fines, the City moves forward with the judicial foreclosure process. However, the current judicial foreclosure process is a much lengthier and costlier process subject to a legal process mostly beyond of the City's control. The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines.

EXHIBIT A2 – TESTIMONY OF
CITY AND COUNTY OF HONOLULU DPP DIRECTOR

The Honorable David A. Tarnas, Chair
and Members of the Judiciary and Hawaiian Affairs
Hawaii State House
House Bill No. 15, HD 1
February 9, 2023
Page 2

Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth. We assure you that this method of foreclosure provides abundant notice and opportunity to contest the foreclosure.

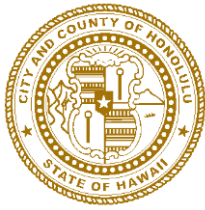
We respectfully request that you approve this Bill to allow the counties to implement non-judicial foreclosures to efficiently and effectively collect civil fines.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dawn Takeuchi Apuna', with a stylized flourish at the end.

Dawn Takeuchi Apuna
Director Designate



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 202
HONOLULU, HAWAII 96813-3065
TELEPHONE: (808) 768-5010 • FAX: (808) 768-5011

Councilmember District 5
Telephone: (808) 768-5005
Email: ckysay@honolulu.gov

March 10, 2023

TO: CHAIR MARK M. NAKASHIMA, COMMITTEE ON CONSUMER
PROTECTION & COMMERCE
VICE CHAIR JACKSON D. SAYAMA, COMMITTEE ON CONSUMER
PROTECTION & COMMERCE

FROM: COUNCILMEMBER CALVIN SAY
HONOLULU CITY COUNCIL, DISTRICT V

SUBJECT: TESTIMONY IN SUPPORT OF SENATE BILL 875

Aloha Chair Nakashima, Vice Chair Sayama, and Members of the Committee on Consumer Protection & Commerce:

I am a current member of the Honolulu City Council representing District 5 and serving as the Chair of the Zoning Committee. I stand in support of Senate Bill 875, which aims to authorize the State and the County in which the affected real property is situated to place a lien on the property for unpaid civil fines resulting from a violation of a land use law in connection with the property. It also authorizes the State and applicable County to sell the property after all notices, orders, and appeal proceedings, if any, are exhausted and use those revenues to pay unpaid civil fines related to that property.

Within the district I represent, we have multiple properties with Notices of Violations and/or Notices of Orders which have resulted in substantial fines to the property owners. These properties have brought health and safety hazards to the neighboring residents and community, however the accruing fines have not been a strong enough incentive to move the property owners to corrective action.

Our City Corporation Counsel is currently able to initiate a Judicial Foreclosure process, which has been successful in similar instances, however this is a long process that takes valuable resources away from other pressing legal matters. It also leaves the community with detrimental public nuisances such as fires, trash, and vermin. SB 875 would allow the City to keep our neighborhoods safe by stopping illegal activities, health hazards, and other public nuisances on properties in a more efficient and expeditious manner.

Thank you for this opportunity to testify in **support** of Senate Bill 875. Thank you for your time and consideration.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR

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March 14, 2023

The Honorable Mark M. Nakashima, Chair
and Members of the Committee on Consumer Protection
and Commerce
Hawaii House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nakashima and Committee Members:

**Subject: Senate Bill No. 875, SD 1
Relating to the Counties**

The Department of Planning and Permitting (DPP) **supports, with comments,** Senate Bill No. 875, SD 1, which would allow the counties to collect liens on properties for civil fines through a non-judicial foreclosure process.

This Bill would empower the DPP to better enforce against repeat and egregious offenders, which generally rack up the largest accruals of fines. Specifically, this Bill would authorize the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use ordinances and building codes, through a non-judicial or administrative process. The counties currently have and exercise the authority to use the non-judicial foreclosure process for collection of real property tax liens, which this Bill would extend to collection of liens on properties for civil fines.

Currently, the DPP issues a Notice of Violation (NOV) to notify the violator of the violation and to provide a reasonable amount of time to cure the violation, either by removing the violation or obtaining the proper approvals. If the landowner fails to comply with the NOV, a Notice of Order is issued to impose daily civil fines until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. If the violator continues to be noncompliant and/or does not pay the fines, the City moves forward with the judicial foreclosure process. However, the current judicial foreclosure process is a much lengthier and costlier process subject to a legal process mostly beyond of the City's control. The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax

The Honorable Mark M. Nakashima, Chair
and Members of the Committee on Consumer Protection
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Hawaii House of Representatives
Senate Bill No. 875, SD 1
March 14, 2023
Page 2

collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines.

Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth. We assure you that this method of foreclosure provides abundant notice and opportunity to contest the foreclosure.

We do question the justification for the amended SD 1, which states:

“...the county shall sell the property at not less than the market value of similarly situated properties and that all revenues received from the sale that exceed the amount of the unpaid civil fines shall be refunded to the property owner.”

It is unclear what is meant by determining the market value based on “similarly situated properties.” Do we base this on sales of properties in the vicinity of the subject property, or properties of similar size? Potentially, the price could be higher than the assessed value and more than anyone would want to pay, particularly if the violations still exist, or if the property is dilapidated and in disrepair. Because there is no clear definition, we ask that this section be deleted. We take no position on the requirement to refund the revenues that exceed the amount of unpaid fines to the property owner.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, consisting of a stylized, cursive 'D' followed by a horizontal line extending to the right.

Dawn Takeuchi Apuna
Director

KILL SB 875

Counties cannot be the Police, Prosecutor, Jury, Judge and Executioner.

Bill scheduled to be heard by CPC on Tuesday, 03-14-23 2:00PM in House conference room 329 VIA VIDEOCONFERENCE.

Aloha Legislators:

I know you are swarmed and cannot digest every bill. It's humanly impossible to carefully read and deliberate so much bills and its consequences all at once in such a short compressed time.

SB 875 is destroying basic civil rights of Private Property Rights. **The Counties already have the existing tools** like Judicial Foreclosure and Eminent Domain powers. It also have the police, department of health and a long list of resources to manage city affairs and enforcement.

So far, none of the other counties besides Honolulu has participated in these Bills.

But the Honolulu city's written testimony states that existing tools are too slow and costly for them. In other words, they want **more quickie but unconstitutional powers**.

But the City wants NON-Judicial Power of Sale to seize properties based on **Civil Fines WITHOUT going through the judicial court**. This is trampling on the basic civic rights of private property owners.

To make it easier reading, I'm posting the headlines. There is no trust in the system. Who can blame the public?

I've been a long-time community advocate at Honolulu City Hall. These power of sale bills are most alarming and egregious. I've also been in the real estate brokerage for 30 years.

Please Kill SB 875, HB 15 and HB538.

Sincerely,

Choon James

ChoonJamesHawaii@gmail.com

www.CountryTalkStory.com

Oahu problem properties owe \$130 million in building fines to city

By [Ashley Mizuo](#) Honolulu Star-Advertiser · Nov. 13, 2022



CINDY ELLEN RUSSELL / CRUSSELL@STARADVERTISER.COM

The owners of 1581 Murphy St. in Kalihi have the highest amount in fines against their property — \$15.8 million. The Honolulu Star-Advertiser was unable to contact the owners.

You cannot assume that DPP is always right and the public always wrong.

One has to ask how a 5,000 square feet residential lot with ‘overgrown weeds’ violations can be \$15.9 million in fines.

The Honolulu City may see this as a quick way to make new revenues.

There are many concerns. A kupuna said that he was worried about the fines on his property that he didn’t know about. He called the city and was told to “quitclaim” his property to the city to solve his problems.

Another kupuna asked why a small handicap ramp has to be torn down in front of a small Hicks Home while other more affluent home owners get the pass.

All private owners must have DUE PROCESS under the US Constitution. NON-Judicial Foreclosures to seize property WITHOUT going to court will be undoubtedly challenged.

Honolulu

Years Before Indictments, Honolulu Permitting Department Was Warned About Corrupt Culture

A city watchdog had raised red flags for years about potential corruption in Honolulu's planning and permitting department.

41

By Christina Jedra / September 29, 2021
Reading time: 15 minutes.



In the decade before federal investigators charged five permitting employees for bribery, the Honolulu Ethics Commission warned the Department of Planning and Permitting about questionable behavior by staff and lax oversight that could lead to abuses of power.

The city watchdog agency investigated the department several times after it received numerous



Civil Beat

<https://www.civilbeat.org> > 2023/01 > honolulu-permi... ⋮

Honolulu Permitting Inspector OK'd His Own Company's Projects

Jan 18, 2023 — Arthur Suverkropp, a supervising **electrical** inspector, ... come to light as **DPP** struggles to repair its image following a **bribery** scandal.

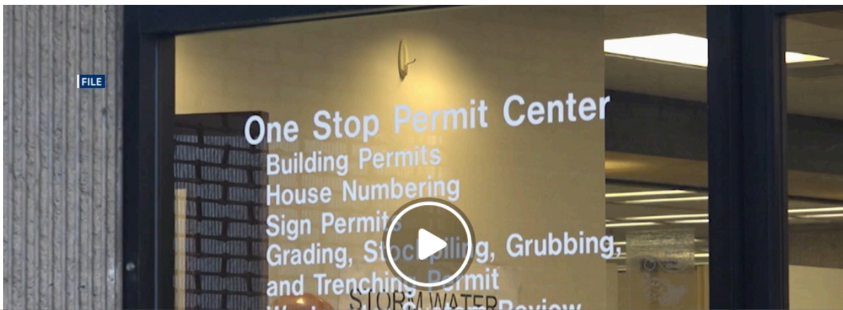
Homeowner says former DPP employee arrested by FBI delayed his permits back in 2015



Honolulu DPP Director strategist resigns amid permit backlogs

Sep 7, 2022 0

f t y i



WATCH ISLAND NEWS



Currently in Honolulu

76°F Fair 76°F / 69°F

10 AM	11 AM	12 PM	1 PM	2 PM
79°F	80°F	81°F	81°F	81°F
☁️	☁️	☁️	☁️	☁️



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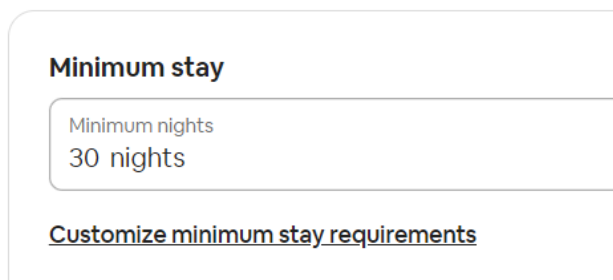
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Trip length



Minimum stay

Minimum nights
30 nights

[Customize minimum stay requirements](#)

Any reasonable person would conclude that an owner failing to fix a setting in a platform app is a minor offense, yet the DPP hands out \$10,000+ fines. They offer no explanation in the DPP TESTIMONY as to why the decision makers at the DPP think it necessary to punish an STR owner who has used in his/her listing a couple of words that violate the county's ban on rentals of fewer than 90 days with the maximum fine on the first offense. Even worse, the offending

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(b) **ADDITIONAL PROHIBITIONS.**-The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

It is up to us, the residents of O'ahu, to stand up to the punitive culture at the DPP through the mayor's office, through representation at City Counsel, and if necessary through the courts. Providing the greater authority of non-judicial foreclosure aggravates this issue. Our kūpuna will suffer the most.

It is the will of our communities that the DPP should have the burden of proof to go to court and give an account as to why they believe an aged or disabled person had control over the advertising, the cure could have occurred in the time allotted, and that the punishment rises to the level of taking their home. Non-judicial foreclosure does not provide for these protections.

Because the law, a modification to the Enabling Act does discriminate, a yes vote on this bill is validation that a member has investigated and concluded that the measure meets the strict scrutiny test. The law must satisfy a *compelling governmental interest*. It does not as it harms (not protects) the public.

https://www.law.cornell.edu/wex/strict_scrutiny



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Overview

Strict scrutiny is a form of judicial review that [courts](#) use to determine the constitutionality of certain laws. Strict scrutiny is often used by courts when a [plaintiff sues](#) the government for [discrimination](#). To pass strict scrutiny, the legislature must have passed the law to further a "compelling governmental interest," and must have narrowly tailored the law to achieve that interest.

Non-Judicial foreclosure for minor offenses is the antithesis of *narrowly tailored*. A county does not have the authority to create or enforce an ordinance that discriminates unless there is a compelling governmental interest. The DPP Director does not present any evidence to support a governmental interest in taking property for minor offenses. Courts make these interpretations.

The Fourth Amendment of the United States Constitution:

*“The right of the people to be secure in their persons, **houses**, papers, and effects, against **unreasonable** searches and **seizures**, shall not be violated, and no Warrants shall issue, but upon **probable cause**, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

Taking property for minor offense is clearly an unreasonable seizure. Judicial review is essential to insure the homeowner is protected from DPP overreach:

1. The advertising provision applies to the homeowner.
2. The advertising was allowed because of previous court settlements and injunctions.
3. A Notice of Violation (NOV) was issued and received by the homeowner.
4. The 7-day period in the ordinance was practically a reasonable period of time to cure the violation.
5. Curing the violation was within the control of the homeowner.
6. The listing was in control of the homeowner (and not a scammer).
7. Advertisement was caused by the homeowner and no third parties caused the advertisement of less than 30-day through their own action. Examples of third parties are DPP investigators and platform customer service.
8. Only after lack of compliance a lien was placed on the property.
9. All time to comply has been exhausted.
10. The homeowner received specific instructions on how to appeal including the precise deadline.
11. The DPP acted in good faith to achieve compliance by responding in writing and timely answering phone inquiries.

Before voting on this measure OSTR recommends that DPP give an account of all Notice of Order violations of this advertising provision since October 23, 2022 and for each one ask if probable cause has been satisfied.

INTIMIDATION IS DAMAGE

Article I and the Constitution of the State of Hawai'i:

EMINENT DOMAIN

Section 20. Private property shall not be taken or damaged for public use without just compensation. [Am Const Con 1968 and election Nov 5, 1968; ren Const Con 1978 and election Nov 7, 1978]

Power of Sale is “taking” private property for the purpose of public purpose of collecting on a lien for a minor offense. The mere existence of non-judicial foreclosure policy is intimidation by county officials.

The Fifth Amendment of the United States Constitution:

“... nor shall private property be taken for public use, without just compensation.”

The idea of the mechanism of county intimidation is to make a real possibility of the expulsion of a citizen from the islands by assessing a maximum fine and then deducting that significant amount from the proceeds of the sale. The process renders the homeowner unable to replace property forcing that person from the islands.

The Eighth Amendment of the United States Constitution:

“...nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

A \$10,000 fine for a minor advertising offense is by any definition excessive. The resulting Power of Sale and resulting expulsion is cruel and unusual punishment.

IN CONCLUSION

SB875 is just one of a tsunami of bills before the legislature this session designed to intimidate property owners from relying on their renting and property rights as they go about local Hawai'i business contributing to the approximately \$2,000,000,000 state annual domestic product.

Now is the time to send a message to the counties that if they desire additional authority through the Enabling Act they must first propose bills that are constitutional. Debate on these bills should take in account the trust developed with the department. County zoning departments should be effective at the mandate given including being current of permit review.

Please soundly reject this measure.

Respectfully Submitted,

Edward Jones
P: 292-7512
Board Member
O'ahu Short Term Rental Alliance

EXHIBIT A1 – TESTIMONY OF
CITY AND COUNTY OF HONOLULU DPP DIRECTOR

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

JIRO SUMADA
DEPUTY DIRECTOR

February 9, 2023

The Honorable David A. Tarnas, Chair
and Members of the Judiciary and Hawaiian Affairs
Hawaii State House
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas and Committee Members:

**Subject: House Bill No. 15, HD 1
Relating to the Real Property Liens**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 15, HD 1, which would allow the counties to collect liens on properties for civil fines through a non-judicial foreclosure process.

This Bill would empower the DPP to better enforce against repeat and egregious offenders, which generally rack up the largest accruals of fines. Specifically, this Bill would authorize the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use ordinances and building codes, through a non-judicial or administrative process. The counties currently have and exercise the authority to use the non-judicial foreclosure process for collection of real property tax liens, which this Bill would extend to collection of liens on properties for civil fines.

Currently, the DPP issues a Notice of Violation (NOV) to notify the violator of the violation and to provide a reasonable amount of time to cure the violation, either by removing the violation or obtaining the proper approvals. If the landowner fails to comply with the NOV, a Notice of Order is issued to impose daily civil fines until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. If the violator continues to be noncompliant and/or does not pay the fines, the City moves forward with the judicial foreclosure process. However, the current judicial foreclosure process is a much lengthier and costlier process subject to a legal process mostly beyond of the City's control. The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines.

EXHIBIT A2 – TESTIMONY OF
CITY AND COUNTY OF HONOLULU DPP DIRECTOR

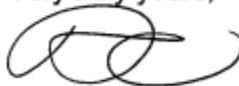
The Honorable David A. Tarnas, Chair
and Members of the Judiciary and Hawaiian Affairs
Hawaii State House
House Bill No. 15, HD 1
February 9, 2023
Page 2

Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth. We assure you that this method of foreclosure provides abundant notice and opportunity to contest the foreclosure.

We respectfully request that you approve this Bill to allow the counties to implement non-judicial foreclosures to efficiently and effectively collect civil fines.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, representing Dawn Takeuchi Apuna.

Dawn Takeuchi Apuna
Director Designate



OSTRA

Oahu Short-Term Rental Alliance

Aloha Chair Nakashima, Vice Chair Sayama and Members of the House Committee on Consumer Protection & Commerce,

RE: OPPOSITION TO BILL SB875, NON-JUDICIAL FORECLOSURE FOR MINOR ZONING OFFENSES

OSTRA **OPPOSES** unconstitutional Bill SB875 as it weaponizes a county to take property for minor offenses.

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=875&year=2023

BACKGROUND

Bill SB875 provides that a county may exercise *power of sale* without a judicial order of foreclosure. This county, the City & County of Honolulu, through its Department of Planning and Permitting Director Dawn Takeuchi Apuna has commented on the reasoning on “clone” Bill HB15. This testimony is repeated in substance on companion Bill HB498. The foregoing documents in this paragraph are hereafter referred to as DPP TESTIMONY.

The purpose of our testimony is not to complain about abuse of short term rental hosts by a county zoning department. Instead, it is intended to provide a clear and compelling reasoning of why it is unconstitutional and dangerous to grant counties the power of non-judicial foreclosure.

DPP Testimony states:

“Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth.”

Even a cursory investigation by this committee of the existing county zoning Notice of Orders and their handling, will show that the fines and liens since October 23, 2022 **are abuse** our citizens.

BILL LANGUAGE

This is the SB875 language to the bill:

"After all notices, orders, and appeal proceedings are exhausted, a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien."

These changes would provide greater protections to homeowners:

"After all notices, orders, administrative appeals, and judicial appeal proceedings are exhausted; and an affirming resolution by the full council passed, a county may satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien."

The City Council has modeled an example of affirming resolution this past year.

EFFICIENCY AND STAFFING

DPP TESTIMONY states page 1 last paragraph:

"The City lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines"

Efficiency is not a sufficient reason to deprive citizens of their constitutional rights. The City already has the authority to remedy its internal staffing issues with appropriations and hiring.

FORECLOSURE FOR MINOR OFFENSES

A vote for Non-Judicial foreclosure is a vote to weaponize the DPP to take homes for minor offenses. While perhaps not intended, this is the reality because this county has implemented an active regime to take homes for minor offenses.

DPP TESTIMONY on page 1, paragraph 2:

"This Bill would empower the DPP to better enforce against repeat and egregious offenders, who generally rack up the largest fines ..."

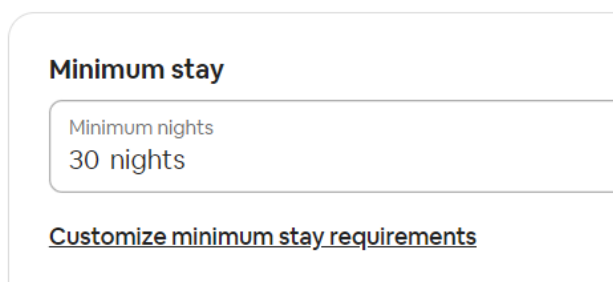
This statement is misleading as the bill also ensnares minor offenders. This example arises out of the advertising restriction provision of zoning City Ordinance 22-7 (Bill 41 page 32-33):

It is unlawful for any person to advertise or cause the advertisement of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit pursuant to this section or is not operating under a nonconforming use certificate pursuant to Section 21-4.110-1 or Section 21-4.110-2, for a term of less than 90 consecutive days. Any advertisement for the rental of a dwelling unit that is not a registered bed and breakfast home or transient vacation unit or is not operating pursuant to a nonconforming use certificate as aforesaid may not include daily or less than three-month rental rates, and must include the following statement: "This property may not be rented for less than 90 consecutive days."

Rental prices will not be reduced or adjusted based on the number of days the rental is actually used or occupied."

This quoted statement above could be included (corrected to 30 days per federal court preliminary injunction) could be included in the text of the listing. The violation would still could occur by neglecting a setting inside the platform (Screenshot Airbnb settings):

Trip length



Minimum stay

Minimum nights
30 nights

[Customize minimum stay requirements](#)

Any reasonable person would conclude that an owner failing to fix a setting in a platform app is a minor offense, yet the DPP hands out \$10,000+ fines. They offer no explanation in the DPP TESTIMONY as to why the decision makers at the DPP think it necessary to punish an STR owner who has used in his/her listing a couple of words that violate the county's ban on rentals of fewer than 90 days with the maximum fine on the first offense. Even worse, the offending

STR owner is given no time at all, five days or seven days to cure the violation, when the standard is 30 days to cure. The fact that a county already imposes excessive fines for minor offenses is a harbinger of grave injustice stemming from any bill that provides authority for non-judicial foreclosure.

It is easier to miscode a listing—without realizing it—than to drive in excess of the speed limit. Likewise, an STR owner may use the required language in the listing and find that the platform's software posts language that DPP investigators will find unlawful when one goes into the listing as a guest instead of as an owner.

DISCRIMINATION

Kūpuna make up a disproportionately high percentage of property hosts and landlords. They particularly struggle with arbitrary and capricious rules as the required rule making process is not complete.. The appeal process needs to be fully explained in writing with full awareness of the deadlines.

31 U.S. Code § 6711 prohibits entities who receive federal funds such as local governments from engaging in discrimination based on age:

§6711. Prohibited discrimination

(a) **GENERAL PROHIBITION.**-No person in the United States shall be excluded from participating in, be denied the benefits of, or be subject to discrimination under, a program or activity of a unit of general local government because of race, color, national origin, or sex if the government receives a payment under this chapter.

(b) **ADDITIONAL PROHIBITIONS.**-The following prohibitions and exemptions also apply to a program or activity of a unit of general local government if the government receives a payment under this chapter:

(1) A prohibition against discrimination because of age under the Age Discrimination Act of 1975.

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Strict scrutiny is a form of judicial review that [courts](#) use to determine the constitutionality of certain laws. Strict scrutiny is often used by courts when a [plaintiff sues](#) the government for [discrimination](#). To pass strict scrutiny, the legislature must have passed the law to further a "compelling governmental interest," and must have narrowly tailored the law to achieve that interest.

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Before voting on this measure OSTR recommends that DPP give an account of all Notice of Order violations of this advertising provision since October 23, 2022 and for each one ask if probable cause has been satisfied.

INTIMIDATION IS DAMAGE

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The idea of the mechanism of county intimidation is to make a real possibility of the expulsion of a citizen from the islands by assessing a maximum fine and then deducting that significant amount from the proceeds of the sale. The process renders the homeowner unable to replace property forcing that person from the islands.

The Eighth Amendment of the United States Constitution:

“...nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

A \$10,000 fine for a minor advertising offense is by any definition excessive. The resulting Power of Sale and resulting expulsion is cruel and unusual punishment.

IN CONCLUSION

SB875 is just one of a tsunami of bills before the legislature this session designed to intimidate property owners from relying on their renting and property rights as they go about local Hawai'i business contributing to the approximately \$2,000,000,000 state annual domestic product.

Now is the time to send a message to the counties that if they desire additional authority through the Enabling Act they must first propose bills that are constitutional. Debate on these bills should take in account the trust developed with the department. County zoning departments should be effective at the mandate given including being current of permit review.

Please soundly reject this measure.

Respectfully Submitted,

Edward Jones
P: 292-7512
Board Member
O'ahu Short Term Rental Alliance

EXHIBIT A1 – TESTIMONY OF
CITY AND COUNTY OF HONOLULU DPP DIRECTOR

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

JIRO SUMADA
DEPUTY DIRECTOR

February 9, 2023

The Honorable David A. Tarnas, Chair
and Members of the Judiciary and Hawaiian Affairs
Hawaii State House
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas and Committee Members:

**Subject: House Bill No. 15, HD 1
Relating to the Real Property Liens**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 15, HD 1, which would allow the counties to collect liens on properties for civil fines through a non-judicial foreclosure process.

This Bill would empower the DPP to better enforce against repeat and egregious offenders, which generally rack up the largest accruals of fines. Specifically, this Bill would authorize the City to bring closure to pending civil fines imposed on landowners who are in violation of the City's land use ordinances and building codes, through a non-judicial or administrative process. The counties currently have and exercise the authority to use the non-judicial foreclosure process for collection of real property tax liens, which this Bill would extend to collection of liens on properties for civil fines.

Currently, the DPP issues a Notice of Violation (NOV) to notify the violator of the violation and to provide a reasonable amount of time to cure the violation, either by removing the violation or obtaining the proper approvals. If the landowner fails to comply with the NOV, a Notice of Order is issued to impose daily civil fines until the violation is corrected. Once the fines accrue to a certain amount based on the type of violation, a lien is placed on the property. If the violator continues to be noncompliant and/or does not pay the fines, the City moves forward with the judicial foreclosure process. However, the current judicial foreclosure process is a much lengthier and costlier process subject to a legal process mostly beyond of the City's control. The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believes that the non-judicial foreclosure process as currently employed by the real property tax collections, is a viable, more efficient and effective method for the City to collect liens on properties for civil fines.

EXHIBIT A2 – TESTIMONY OF
CITY AND COUNTY OF HONOLULU DPP DIRECTOR

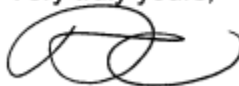
The Honorable David A. Tarnas, Chair
and Members of the Judiciary and Hawaiian Affairs
Hawaii State House
House Bill No. 15, HD 1
February 9, 2023
Page 2

Concern has been raised that the City will abuse this authority and use it to “take” private property from our citizens. This could not be further from the truth. We assure you that this method of foreclosure provides abundant notice and opportunity to contest the foreclosure.

We respectfully request that you approve this Bill to allow the counties to implement non-judicial foreclosures to efficiently and effectively collect civil fines.

Thank you for this opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dawn Takeuchi Apuna', with a stylized flourish at the end.

Dawn Takeuchi Apuna
Director Designate



March 14, 2023

2 p.m.

Conference Room 329 and via videoconference

To: House Committee on Consumer Protection & Commerce

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

From: Grassroot Institute of Hawaii

Joe Kent, Executive Vice President

RE: SB875 SD1 — RELATING TO THE COUNTIES

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer comments on [SB875 SD1](#), which would allow counties to sell private property in order to pay unpaid civil fines related to that property after all notices, orders and appeals have been exhausted, provided that the county sells the property at not less than market value and that revenues received from the sale that exceed the fine amount are refunded to the property owner.

We applaud the bill's addition of a safeguard against home equity theft through language that requires that the property be sold at market value and that revenues over the amount of the fine be returned to the homeowner. This is essential to protect homeowners who could otherwise lose their most valuable asset and their accumulated equity with little recourse.

However, even with this addition, we caution the committee that this bill may be premature. With a relevant case before the U.S. Supreme Court this session, the landscape of foreclosure may change over the next several months.

In addition, we are concerned that the counties might abuse the power that this measure would grant them. Numerous corruption scandals have been uncovered in county departments across the state, with

several Honolulu county permitting officials pleading guilty to bribery charges in the past year¹ and a Maui wastewater official being sentenced just this month to 10 years in prison for accepting bribes.²

With favoritism and corruption so commonplace, what safeguards would exist to prevent counties from selectively using nonjudicial foreclosure against certain property owners while allowing others to keep their properties?

This measure's effects might also fall most heavily on older individuals living on fixed incomes who do not have the resources to pay their fines, hire an attorney or otherwise navigate complicated legal and financial matters. According to the AARP, "tax authorities' seizure of all of their home equity is nothing short of catastrophic" for older individuals.³

Further, we suggest the committee consider the effect that *Tyler v. Hennepin County, Minnesota* — the case currently before the U.S. Supreme Court — might have on the constitutionality of this measure.

In that case, Hennepin County sold Geraldine Tyler's condominium for \$40,000 to settle unpaid property tax debts. Tyler's tax bill was only \$2,300, and that the bulk of the \$15,000 she owed was due to an accumulated \$12,700 in interest and fees. After settling the \$15,000 debt, the county refused to pay the difference back to Tyler.

She filed a lawsuit against the county alleging violations of the Fifth and Eighth amendments.⁴ The issue at the heart of the case is whether selling a home to satisfy a debt to the government and keeping surplus value is an unconstitutional taking. Thus, it is likely that the Court's decision will touch on the entire process of foreclosure and sale of a property to satisfy a county's civil fines.

Under the circumstances, it may be best to wait for further guidance from the courts before changing the law regarding the counties' power of sale.

Thank you for the opportunity to testify.

Sincerely,

Joe Kent
Executive vice president
Grassroot Institute of Hawaii

¹ Christina Jedra, "[Honolulu's Former Top Permit Inspector Pleads Guilty To Bribery](#)," Honolulu Civil Beat, Oct. 17, 2022.

² "[Former Maui official sentenced for 'outrageous' role in state's largest-ever bribery scheme](#)," Hawaii News Now, Feb. 8, 2022.

³ [Brief of Amici Curiae AARP and AARP Foundation Supporting Petition for Writ of Certiorari](#), Tyler v. Hennepin County, Minnesota, Sept. 22, 2022, p. 4.

⁴ Christina Martin, "[Government-sponsored home equity theft robs the elderly and poor of millions of dollars](#)," The Hill, Dec. 5, 2022; "[Tyler v. Hennepin County, Minnesota](#)," Oyez, accessed Feb. 22, 2023.

SB-875-SD-1

Submitted on: 3/11/2023 1:11:10 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara JH Machado	Individual	Oppose	Remotely Via Zoom

Comments:

SB 875 would authorize counties to sell my home if its issued a civil fine through a process called Non--Judicial foreclosure therefore removing standard legal protections from my property!

SB-875-SD-1

Submitted on: 3/11/2023 5:45:33 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Halls	Individual	Oppose	Remotely Via Zoom

Comments:

THIS IS NOT ACCEPTABLE ON ANY LEVEL!

As residents of Hawaii, we deserve to have our due legal process and taking our rights away to a legal and lawful foreclosure is not an option!

WE HAVE THE RIGHT TO DEFEND OURSELVES IN A COURT OF LAW IN FRONT OF A JURY OF OUR PEERS!

A non-judicial foreclose with the already excessive fines that you are currently imposing is criminal.

PLEASE STOP ONLY TAKING HOTEL LOBBYISTS INTO CONSIDERATION AND START SUPPORTING THE CITIZENS OF HAWAII !!!!

SB-875-SD-1

Submitted on: 3/12/2023 8:31:09 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Tews	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Members of the Hawaii Legislature,

I am writing to you today to express my deep concern and opposition to the proposed bill SB875. This bill would authorize counties to sell private property to pay off unpaid civil fines related to that property, without the standard legal protections of a judicial foreclosure process. As a property owner in Hawaii, I find this bill to be a gross violation of my property rights and an attack on the very foundation of our legal system.

The judicial foreclosure process exists for a reason - it is to ensure that property owners have the opportunity to defend their homes and their rights in a court of law. By authorizing non-judicial foreclosure, SB875 removes this fundamental legal protection from property owners and leaves us vulnerable to the whims of the government. This is simply unacceptable.

Moreover, I have serious doubts about the competency and transparency of the government to yield this power fairly. There have already been cases where property owners were misled by the government about proper notice of order appeal processes, resulting in a rapid lien placement on their homes. If SB875 were to be implemented, property owners would have no chance to defend themselves and their homes. This is a clear violation of our rights and goes against the very principles of justice and fairness.

Our homes are not just mere pieces of property. They are the foundation of our families, our livelihoods, and our lives. To allow the government to take away our homes without due process and proper legal recourse is simply unthinkable. It is a fundamental violation of our rights as citizens of this great state.

I implore you to consider the far-reaching consequences of this bill and to stand with me in opposition to it. We must protect our property rights and our legal system by standing up to those who seek to undermine them. We cannot allow our government to infringe upon our rights and threaten the stability of our homes and our lives.

Not all vacation rental owners are millionaires that can lose their properties without our legal right to due process, we are hard working, tax paying residents that should be revered and not constantly scrutinized, and penalized to further the hotel lobbyists agenda.

VOTE NO on SB875

Respectfully,

Patti Tews

SB-875-SD-1

Submitted on: 3/12/2023 5:24:31 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Hall	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Hawaiian Representatives,

I am writing to express my strong opposition to Hawaii SB875, which seeks to authorize counties to sell private property owned by short term vacation rental (STVR) operators through non-judicial foreclosure. As a long time property owner, I believe that this bill poses a serious threat to the legal rights and protections that we are entitled to.

The judicial foreclosure process is a critical safeguard for property owners in Hawaii, providing us with the necessary legal protections to defend our homes and livelihoods in court. By contrast, the proposed non-judicial foreclosure process that SB875 seeks to implement would remove these protections and leave property owners vulnerable to arbitrary and unjust decisions by county officials.

Furthermore, the proposed bill is in direct conflict with the protections granted by the Hawaii Constitution. Article I, Section 5 of the Hawaii Constitution states that no person shall be deprived of life, liberty, or property without due process of law. The judicial foreclosure process is a cornerstone of this protection, and it ensures that property owners have a fair and impartial opportunity to defend their rights in court.

Moreover, Hawaii Revised Statutes Section 667-1 provides specific protections for homeowners facing any type of foreclosure. This includes the requirement that the lien holder must follow a specific process before initiating a foreclosure, and it provides homeowners with the opportunity to cure any default before the foreclosure proceeds forward.

In addition to these legal protections, homeownership is a protected right in Hawaii. The state recognizes the importance of homeownership and has implemented several laws to ensure that residents are able to obtain and maintain ownership of their homes. Allowing counties to sell private property without due process is illegal, and this proposed bill must be stopped now in its entirety.

Furthermore, short term vacation rentals are a valuable asset to the state of Hawaii, both in terms of supporting the local economy and as a valuable resource for visitors. This bill sets a dangerous precedent for future legislation by undermining the legal protections that currently exist for all Hawaii property owners.

I urge you to VOTE NO on Hawaii SB875 and to uphold the lawful principles of due process and equal protection under the law. Our legal system in Hawaii exists to protect our rights and freedoms, and any attempt to circumvent these protections is a grave threat to our democracy.

In conclusion, I respectfully urge you to immediately stop Hawaii SB875 and to protect the legal rights and freedoms of all Hawaii residents.

Respectfully and with Aloha,

David Hall

SB-875-SD-1

Submitted on: 3/12/2023 7:36:11 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ka'eo Keeling	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha members of the Hawaii Legislature-

The non-judicial foreclosure process proposed in SB875 would remove the basic legal protections of due process from lawful property owners, therefore I am adamantly opposed to SB875 moving forward in any capacity. This proposed process is particularly concerning as it would not allow homeowners to defend themselves in court, and this runs contrary to the legal statutes of Hawaii law. Under Hawaii Revised Statutes 667-1, the judicial foreclosure process is required to allow property owners to present their case and defend their property. This highly flawed proposed legislation would eliminate these legal protections, depriving property owners of the opportunity to stop any foreclosure.

Furthermore, the proposed legislation is not compatible with Hawaii's legal framework of protecting homeownership. Hawaii law recognizes the importance of homeownership and the legal protections afforded to property owners. These protections include the right to due process and the right to challenge a foreclosure. Additionally, Hawaii Revised Statutes 667-2 provides that the judicial foreclosure process must be followed before any property can be sold by a foreclosure. The proposed legislation would deny homeowners of these fundamental legal protections, and would remove the crucial legal protections of due process from property owners and threaten our legal right to homeownership.

Under Hawaii law, the judicial foreclosure process is in place to protect property owners and ensure that we have an opportunity to defend our property rights in court. Any non-judicial foreclosure would deprive property owners of our legal rights, which is illegal.

The right to own property is one of the most fundamental rights that individuals possess, and it is protected by both Hawaii state and federal law, the Hawaii Constitution specifically recognizes that "the right to acquire, possess, and protect property" is a "natural right," and that "no person shall be deprived of life, liberty, or property without due process of law.". SB875 is in direct opposition to our basic laws.

I urge you to strongly oppose Hawaii SB875. Non-judicial foreclosure is not an acceptable way to address any issues with STVR properties, and it would deny us of our legal rights as property owners. We must protect the right to homeownership and ensure that all property

**owners have access to the due process of law.
Mahalo for voting no on SB875.**

With Aloha and Respect,

Ka'eo Keeling

SB-875-SD-1

Submitted on: 3/12/2023 9:58:31 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Henry	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Honorable Members of the Hawaii State Legislature,

The proposed legislation SB875 raises serious concerns regarding the protection of property rights and due process, particularly in light of existing Hawaii state statutes on foreclosure protections and our due process laws.

As a legal expert, it is my strong opinion that the proposed legislation is unconstitutional and violates fundamental laws of Hawaii property rights and due process. Under Hawaii state law, property owners are entitled to certain protections against foreclosure, including the right to notice, an opportunity to cure the default, and the right to a fair and impartial hearing. These protections are essential to ensure that property owners are not illegally deprived of their property and that their legal rights are preserved.

SB875 is seeking to subvert and circumvent these fundamental legal protections by allowing counties to sell private property without adequate due process protections. Under this obviously flawed proposed legislation, a county could sell a homeowners stvr property without providing property owners with the opportunity to cure the default, contest the sale or to participate in a judicial hearing. This raises significant concerns regarding the protection of property rights and preserving the legal due process rights of all property owners in the state of Hawaii.

This is particularly concerning for vulnerable property owners who may not be able to properly defend their rights against a governmental entity as powerful as their county. Wherein counties already possess the final authority to deny the property owner licensing, unfairly tax or penalize them, they also have the ultimate ability to shut down their legally operating, income producing, short term vacation rental business at any time, for the slightest of infractions. Granting these counties even more powers to facilitate a non-judicial foreclosure without the proper checks and balances is supremely unconstitutional. This unfair balance of power creates an inequitable relationship between the county and the homeowner, and therefore makes the need for an impartial judicial foreclosure process mandatory to ensure the preservation of the legal rights of all homeowners equally.

In conclusion, I strongly urge you to unilaterally reject SB875 which directly conflicts with Hawaii State laws and instead work to develop alternative solutions to address outstanding civil fines. Any legislation in this area should be carefully crafted to ensure the

continued protection of the legal rights of all property owners in the state of Hawaii are well preserved. Extreme caution should be taken to not violate any protected rights or legal processes of Hawaii homeowners, especially those of due process.

Respectfully,

Robert Henry

SB-875-SD-1

Submitted on: 3/12/2023 10:17:14 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Hall	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Honorable Members of the Hawaii Legislature,

As SB875 seeks to circumvent the legal judicial foreclosure process and replace it with a non-judicial foreclosure process that would deprive property owners of their legal rights. This is unacceptable, and it undermines the foundation of our legal system, and therefore I hereby declare in writing my vehement opposition of SB875 continuing forward in any capacity.

Both the right to own property and the right to due process are fundamental rights protected by the Constitution of the State of Hawaii. Article I, Section 5 of the Hawaii Constitution states that "No person shall be deprived of life, liberty, or property without due process of law."

Additionally, Hawaii Revised Statutes Chapter 667 provides specific procedures for judicial foreclosure, which ensures that property owners are afforded the opportunity to defend their homes and interests in court.

As a citizen of Hawaii and a long time homeowner and tax payer, I believe that our legal property rights must be fiercely protected.

Homeownership is a fundamental right in Hawaii that cannot not be taken away without the legally protected due process of law. The current judicial foreclosure process allows property owners to defend their homes and livelihoods in court, ensuring that their rights are protected.

The Hawaii Revised Statutes, specifically HRS §667-5, provide that foreclosure of mortgages *or other liens* on real property shall be conducted in accordance with the law of this state, including all applicable procedural and substantive requirements. Non-judicial foreclosure, as proposed by SB875, blatantly attempts to circumvent these legally protected procedural and substantive requirements, and would be a direct violation of our right of due process afforded to all property owners under the Constitution of the United States as well as the Hawaii State Constitution.

I am writing to express my extreme opposition to SB875, which authorizes counties to sell private property to pay for unpaid civil fines related to that property.

Hawaii State Statute provides long standing legal foreclosure protections for all property owners. . Under Hawaii Revised Statutes §667-1, homeowners have a right to receive notice and a participate in fair and impartial judicial hearing before foreclosure proceedings can be commenced. This is a crucial legal protection that ensures homeowners have the opportunity to

address any outstanding liens, are given the legal right to due process and have their case adjudicated before the proper legal authority.

SB875 would allow counties to sell private property to pay for unpaid civil fines related to that property, without the constitutionally protected due process of the judicial foreclosure for homeowners. This runs counter to the strong protections for homeowners established under Hawaii state law.

Lastly, I urge you to obliterate the proposed legislation SB875 and instead seek alternative resolutions to address the issue of levied fines against stvr property owners. Any legislation in this area should be considered carefully to ensure that it respects and protects the rights of every Hawaii property owner, and provides water tight foreclosure protections, and upholds the principles of due process that our laws are foundationally based upon.

With Aloha and Great Respect,

Lisa Hall

SB-875-SD-1

Submitted on: 3/13/2023 7:24:52 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Fisher	Individual	Oppose	Remotely Via Zoom

Comments:

that must be safeguarded by the due process of law, and STVRs are an extremely valuable Hawaiian resource that should be fiercely protected, not undermined, by the government.

With Aloha and Respect,
Lynn Fisher

SB-875-SD-1

Submitted on: 3/13/2023 9:01:16 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John An	Individual	Oppose	Remotely Via Zoom

Comments:

I am writing to testify in opposition to SB875 SD1. This bill proposes to give the DPP near absolute power to take proeprty without due process or just compensation! Judicial foreclosure is there to protect all parties from capricious and flippant attempts at taking an individual's property, and provides a forum fair and balance procedure when something as grave a foreclosing on private proerty. This bill attempts to make the DPP the judge, jury and executioner, beholden to no one for oversight.

The DPP in Honolulu is already mired in an entangled mess of Federal corruption investigations and indictments. The DPP also has been incapable of taking steps to enforce existing regulations, and has continued to try to grab more power and authority as it continued to shirk it's duty to enforce existing regulations. The DPP is not capable of processing simple permit applications in a timely manner, taking over 1 year to approve minor renovation permits. The corrupt and inept DPP has shown time and again that it cannot be entrusted function as the judge, jury and executioner.

Judicial foreclosure provides ample opportunity for the DPP to go through the process needed to foreclose on egregious violators. The attempt to side-step the judicial process is an attempt to legalize a fundamental tenet of the US Constitution that states that governments cannot take proerpty without due process and just compensation. Please vote no on this bill.

SB-875-SD-1

Submitted on: 3/13/2023 9:35:47 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Storrs	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Representatives of the Hawaii Legislature,

I am writing to you in the strongest terms possible to express my absolute opposition to Hawaii SB875. As a concerned citizen, I believe that this bill is a grave and direct threat to the rights of all property owners in the state and should not be allowed to move forward in any way. SB875 would authorize counties to sell private property owned by short term vacation rental operators without the protected right of legal due process, using an unacceptable non-judicial foreclosure process. This means that the current legal protections afforded to property owners would be stripped away, leaving us vulnerable to having our homes taken away without our legal right defend ourselves and our properties in a court of law. As a property owner and a citizen of the great state of Hawaii, I strongly believe in the importance of due process and the right to a fair trial. Under the current system of judicial foreclosure, property owners are able to defend their homes and livelihoods in court, presenting evidence and arguments to support their case. This process ensures that the rights of all parties are protected and that justice is served. However, if SB875 were to become law, property owners would be left with no recourse if their properties were seized by the county. The non-judicial foreclosure process would allow counties to take away homes without any legal protections, leaving property owners without the opportunity to defend themselves or their property.

Furthermore, this bill specifically targets STVR operators, who are already facing a challenging business environment due to the lingering effect COVID-19 pandemic. By allowing counties to sell their properties without due process, SB875 would further harm these operators and their families, who rely on this income to make ends meet.

I urge you to vote no for Hawaii SB875. This bill is a direct threat to the rights of property owners and the principles of due process that are so important to our legal system. Please vote against this bill and protect the rights of all citizens of this great state.

Sincerely,
Rebecca Storrs

SB-875-SD-1

Submitted on: 3/13/2023 9:57:45 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
karin omahony	Individual	Oppose	Remotely Via Zoom

Comments:

Oppose SB 875

Nonjudicial foreclosure has no place in the governments hands. Citizens and homeowners Being able to defend against accusations in court is essential as no government agency is above error, whether deliberate, accidental, or corrupt in nature. And we already have evidence of DPP corruption, error, and deliberately misleading homeowners. But even without such evidence that DPP should not be able to forclose on someone's home without them being able to defend themselves in court.

We taxpayers are also tired of defending unconstitutional laws such as this one in court. Our tax dollars should be used for the good of the people not to waste money on unnecessary attorney, and court costs with these attempts to strip homeowners of basic rights.

Please vote no on SB 875

thank you.

SB-875-SD-1

Submitted on: 3/13/2023 9:50:43 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bart Storrs	Individual	Oppose	Remotely Via Zoom

Comments:

To whom it may concern,

Please accept my vehement opposition to SB875. This proposed bill is an affront to our property rights and our ability to defend ourselves in court. It is an outrageous attack on our homes and our lives, and we cannot allow it to pass.

Our homes are our sanctuaries, our safe havens, and our investments. They are the foundations upon which we build our lives and our families. To allow the government to take them away without proper legal recourse is simply unacceptable. Our homes are our homes, whether we use them as our primary residence or as a short term vacation rental to support our families, these are still our homes that we have spent a our life savings to acquire and they are legally protected by due process under the laws of the State of Hawaii.

SB875 would authorize counties to sell our homes to pay off unpaid civil fines through a process called non-judicial foreclosure, which would strip us of our fundamental right to defend our homes in court. This is a blatant disregard for our property rights and our ability to protect our homes and our families.

The judicial foreclosure process exists for a reason, and that is to ensure that property owners have a fair and just legal system to defend their homes. If SB875 were implemented, we would be left vulnerable to the whims of the government, and we would not have a chance to defend ourselves and our homes in a court of law, denying our legal rights.

Furthermore, I do not trust the competency or transparency of any government to yield this power fairly.. SB875 would only make it way too easy for the government to take our homes without proper legal recourse.

This bill is a violation of our constitutional rights and I implore you to veto SB875 to ensure that the property rights of all Hawaiians are respected and upheld.

Sincerely,

Bart Storrs

SB-875-SD-1

Submitted on: 3/13/2023 10:45:24 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Fernandez	Individual	Oppose	Remotely Via Zoom

Comments:

I oppse this SB875. I should not have to be writing to the State Legislature, who I pay for their salaries with my hard earned tax money just to convince them to preserve my homeowner rights.

I am very concern that this bill not not allow a judicial process for my property to get taken by the State or City. How the hell is this possible?!! We work for a living and our home are sacred to us and we do not want anyone one to avoid a proper and judicial process. Remember Hawaii is not NORTH KOREA.

VERY UPSET CONSTITUENT,

RICHARD

SB-875-SD-1

Submitted on: 3/13/2023 10:56:51 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Sherwood	Individual	Oppose	Remotely Via Zoom

Comments:

To Whom It May Concern,

Please accept my vehement opposition to Hawaii SB875, which proposes to authorize counties to sell private property owned by short term vacation rental owner operators through non-judicial foreclosure. As a property owner, I strongly oppose this bill as it threatens to undermine the very foundations of our legal system and deprive us of our due process rights.

The judicial foreclosure process has long been a cornerstone of our legal system, providing property owners with the necessary legal protections to defend our homes and livelihoods in a court of law. This proposed non-judicial foreclosure process that SB875 seeks to eliminate these legal long standing legal protections and leave Hawaii property owners without their right of legal representation and our rights for due process.

Under this bill, counties would be given the power to foreclose on our short term vacation rental properties without any judicial oversight or due process protections. This is an egregious violation of our constitutional rights and would allow counties to seize our property without any legal recourse or defense. This is a gross abuse of power that should not be tolerated in any democratic society, let alone in our great state of Hawaii. Furthermore, this bill would set a very dangerous precedent for future legislation, undermining the very fabric of our legal system and threatening the stability of our constitutional property rights. By allowing counties to sell private property, regardless of its usage, without due process, SB875 would create a legal framework that is perfect for abuse and exploitation. SB875 is a unilaterally flawed bill that has grave and far reaching consequences and it cannot be allowed to move forward.

In conclusion, I strongly urge you to reject Hawaii SB875 in its entirety and continue to work to protect the fundamental rights of all property owners in our state. This bill would set a dangerous precedent that will have far-reaching consequences for our legal system and our property rights.

As a very concerned citizen and property owner, I implore you to do the right thing and oppose this bill unilaterally.

Aloha,

Jason Sherwood

SB-875-SD-1

Submitted on: 3/13/2023 11:13:37 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
RALPH FURLEY	Individual	Oppose	Remotely Via Zoom

Comments:

Dear State Legislature,

I OPPOSE SB875. I am really disturbed by this SB875. I read it and it seems to fast track the removal or property right to a judicial process. Who in the State wants to dilute out constitutional rights? I want to know because me and many other will not be voting for you.

Sincerely,

Ralph Furley

SB-875-SD-1

Submitted on: 3/13/2023 1:34:13 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa Harden	Individual	Oppose	In Person

Comments:

I oppose SB875 in it's entirety as it completely trespasses on Property Owner Rights.

I witnessed a hearing last week of the Department of Land and Resources who told an owner of an oceanfront property that he could pay the \$180,000 fine in 30 days or if he agreed to "move the house" off the property completely (to include utilities & cesspool) by applying for a permit within 30 days and moving the house off the land within 6 months, they would waive the outrageous fines. THIS IS BLACKMAIL / EXSORTION and otherwise illegal.

The City and County has a legal process to force the forfeiture of an owner's property called "eminent domain", however if the situation does not meet the criteria under eminent domain, then The City and County of Honolulu is abusing their powers by trying to write a law that infringes on the property owner's rights unfairly.

The City and County of Honolulu is acting like a mobster, and it is now clear that our constitutional rights are being infringed upon more and more in addition to property owner's rights. It is illegal for legislators to write new laws which infringe on the constitution rights of the people WHICH ARE VOID. The fact that you all keep trying to do just that, I think it is time to make fines / penalties for each one of you personally, for every time you allow these UNLAWFUL attacks against the people.

The weaponization of our local government against the people must be stopped or the people will have no choice but to REMOVE THIS TRYANNICAL GOVERNORMENT completely, all of you. STOP ABUSING YOUR POWERS. START PROTECTING THE PEOPLE AND OUR CONSTITUTIONAL AND GOD GIVEN RIGHTS.

SB-875-SD-1

Submitted on: 3/11/2023 11:18:15 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-875-SD-1

Submitted on: 3/11/2023 12:05:41 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jill Paulin	Individual	Oppose	Written Testimony Only

Comments:

Please do not take away residents' rights to a judicial process in the case of a foreclosure. This is unconstitutional.

SB-875-SD-1

Submitted on: 3/11/2023 12:18:46 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Debra Piro	Individual	Oppose	Written Testimony Only

Comments:

I oppose this because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, I do not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper Notice of Order appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If SB875 were implemented, they would not have a chance to defend themselves.

SB-875-SD-1

Submitted on: 3/11/2023 12:36:47 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
candis thomas	Individual	Oppose	Written Testimony Only

Comments:

I am a homeowner on Oahu and I oppose SB875 because it gives DPP too much power that may easily be abused. Homeowners such as myself pay tens of thousands of dollars in taxes to the state and counties. Homeowners deserve the right to defend their homes in a court of law. Period. Receiving a civil fine does not warrant a 7 million dollar house be sold due to non-judicial foreclosure. Standard legal protection for homeowners is necessary to maintain proper "checks and balances" within the judicial system.

SB-875-SD-1

Submitted on: 3/11/2023 7:45:24 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lillie mcafee	Individual	Oppose	Written Testimony Only

Comments:

PLEASE VOTE NO ON SB 875. I CAN'T EVEN IMAGINE PASSAGE OF THIS BILL--THIS IS AMERICA!

SB-875-SD-1

Submitted on: 3/11/2023 8:04:35 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Swart	Individual	Oppose	Written Testimony Only

Comments:

The State wants to allow Counties to take away people's hale for not having paid a fine before their case is heard in court? Sounds like a Banana Republic policy.

SB 875 is unwelcome legislation in a Democratic society.

For a state that is solidly Democratic, I would expect our legislators to have a little more respect for our Constitution, which grants citizens the right to Due Process, even people who really do owe whatever fines.

HB 875 is so contrary to the Spirit of Aloha, you'd think you're in a MAGA state.

Please do the right thing and let this bill perish.

Paul Swart

SB-875-SD-1

Submitted on: 3/11/2023 8:47:36 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Les Moy	Individual	Oppose	Written Testimony Only

Comments:

I'm Against this proposal of SB 875 so I oppose this bill.

Les Moy

SB-875-SD-1

Submitted on: 3/11/2023 9:53:43 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Meetay Moonay	Individual	Oppose	Written Testimony Only

Comments:

Big brother government,
Please stop bullying the people who you are supposed to be serving.
Thank you.

SB-875-SD-1

Submitted on: 3/11/2023 8:35:06 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynne wood	Individual	Oppose	Written Testimony Only

Comments:

Take peoples home for doing a short-term rental?? I could be making meth for years and I wouldn't get my home taken away but have a tourist there and you will!!?? Unreal. Remember you work for us , not criminals nor tyrannical government. Act accordingly to the position you were hired for. We the people want short term and tourist money. Not just for hotels! Nor some guys wife that is the seo of Aston who is probably getting a kick back with Hannemann and ????

SB-875-SD-1

Submitted on: 3/12/2023 1:45:52 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
snow2136@netzero.net	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair and Committee Members,

My family and I strongly oppose this bill SB875. We think it would be a taking of home owner's rights to not be able to appeal in court and exhaust the opportunity for home owners to defend their properties from being taken for sale by the DPP. There are elderly homeowners who might not be able to finance fines against their property and need a possible payment plan, at the very least the difference in profits and fines from the sale of their property. There is great concern for the DPP to wield such power unchecked. Where are the safeguards especially when there have been instances of corruption and bribery at DPP's in Hawaii? There must be a way for DPP to collect fines without taking your home.

Sincerely,

Jane Moy and family

SB-875-SD-1

Submitted on: 3/12/2023 4:37:46 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sebastyen Jackovics	Individual	Oppose	Written Testimony Only

Comments:

SB 875 as another illegal attempt to create "takings" of Hawaiian residential properties without the proper protections or protocols afforded by due process rights in our state and federal constitutions. It would only lead to greater government corruption at planning departments that have already been demonstrated to have deep corruption within them according to the recent FBI arrests and charges. Focus instead on making the housing permit system easier to get permits necessary to keep homeowners up to date on their housing projects and housing easier to build.

SB-875-SD-1

Submitted on: 3/12/2023 5:05:37 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristina Anderson	Individual	Oppose	Written Testimony Only

Comments:

In 2010-2012, I was losing my home to foreclosure. At the time Hawaii was a non judicial state. I was a single mom whose only hope was a loan modification through Bank of America. As we now know, they scammed millions of Americans with false promises of modifications through the federal HAMP program, which did nothing at all but delay or restart the process with little hope of achieving a modification. My home was always two weeks from a sale date under a non judicial foreclosure and there was nothing I could do to stop it. Incredibly stressful to say the least! When the state switched over to the judicial process, it gave me much more time to modify and I was able to eventually save my home, where I live today as a senior citizen.

The idea that the state wants to revisit this method of home seizure is my worst nightmare come true. Everyone should have the right to save their home through the judicial process!

I am vehemently, adamantly opposed to this bill! There's no reason for this overreach by the state government which unfairly targets a particular group of homeowners. Please vote NO on this heinous legislation!

SB-875-SD-1

Submitted on: 3/12/2023 8:02:17 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Jackson	Individual	Oppose	Written Testimony Only

Comments:

This bill is severe over-reach by government, and is illegal and unconstitutional.

SB-875-SD-1

Submitted on: 3/12/2023 12:38:57 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Wright	Individual	Oppose	Written Testimony Only

Comments:

To Whom it May Concern,

I am writing to express my strong opposition to Hawaii SB875, which relates to the counties' authority to sell private property to pay unpaid civil fines.

SB875 would remove the standard legal protections from property owners by authorizing counties to sell short term vacation properties, which is considered private property, if it has been issued a fine through a process known as non-judicial foreclosure. This means that a property owner could lose their home without being able to defend themselves in court, simply because of a fine. This is an egregious abuse of power that violates the fundamental rights of property owners.

I am against SB875 because the judicial foreclosure process is in place to protect property owners and allow them to defend their homes in court. By removing this process, SB875 would undermine the very foundations of our legal system and leave property owners vulnerable to abuses by the government. Property owners would not have a chance to defend themselves against the government's actions if SB875 were implemented.

In conclusion, I strongly urge you to reject SB875. This bill would undermine the legal protections of property owners and enable the government to abuse their power. I believe that the judicial foreclosure process is essential to protect property owners' rights and prevent abuses of power. Therefore, I urge you to vote against SB875 and uphold the principles of justice and fairness that are fundamental to our legal system.

Sincerely,

Elizabeth Wright

SB-875-SD-1

Submitted on: 3/12/2023 1:27:19 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Penny Lee	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE SB 875

Government overreach at its finest. The counties do not need the right to non-judicial foreclosure. Plus: considering the degree of corruption and illegalities already rampant in the current departments, this would be an absolute disaster. Hopefully some common sense will prevail.

The legislature can not continuously undermine property rights without serious repercussions. In a state with soaring real estate prices people will be suing the counties and state for their property rights that they paid for dearly.

We should remember who introduced this bill:

CHANG, MORIWAKI, Dela Cruz

SB-875-SD-1

Submitted on: 3/12/2023 2:42:28 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Francis Oasay	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Hawaii State Legislature,

I am writing to express my strong opposition to SB875, a proposed law that would authorize counties to sell private property owned by short-term vacation operators through non-judicial foreclosure. This legislation would remove the current standard legal protections of due process from the property owners, which is a gross violation of our constitutional rights.

As a property owner in Hawaii, I am deeply concerned about the implications of this bill. The judicial foreclosure process is designed to allow property owners to defend their home and livelihood in court. It is a crucial safeguard that ensures that we have a fair and just legal system. SB875 would eliminate this important protection and leave us vulnerable to unfair and unjust treatment at the hands of local governments.

If this bill were to be implemented, it would mean that we would not have a chance to defend ourselves from losing our properties. This is simply unacceptable. It is not right that the government can take away our homes without due process of law. It is an affront to our basic human rights and the principles of justice that our country was founded upon.

Furthermore, SB875 unfairly targets short-term vacation rental operators, who have made significant investments in our local economy. These individuals have created jobs, supported local businesses, and contributed to the growth of our community. They deserve to be treated with respect and fairness, not punished for their hard work and dedication.

In conclusion, I urge you to reject SB875 and protect the rights of all property owners in Hawaii. The judicial foreclosure process is a fundamental right that should not be taken away without just cause. I implore you to stand with us and defend our homes, our livelihoods, and our constitutional rights.

Mahalo for your consideration.

Sincerely, Francis Oasay

SB-875-SD-1

Submitted on: 3/12/2023 1:25:42 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mali Hawes	Individual	Oppose	Written Testimony Only

Comments:

Stop! Stop warring against ordinary citizens and homeowners. Just Stop!

SB-875-SD-1

Submitted on: 3/12/2023 2:48:05 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kassidy oasay	Individual	Oppose	Written Testimony Only

Comments:

Aloha Esteemed Legislators,

I am writing to express my strong opposition to Hawaii Bill SB875, which would authorize counties to sell private property without judicial oversight. This bill would result in an unjust and disproportionate penalty for property owners which would result in property owners losing their valuable asset, often millions of dollars, for levied civil fines.

I urge you to reject this bill and instead work towards solutions that hold property owners accountable for unpaid fines while ensuring that their rights and interests are protected. Perhaps alternative solutions, such as payment plans, could be explored to address unpaid civil fines without resorting to such extreme and draconian measures as the sale of private property.

Thank you for considering my views on this matter.

Sincerely,
kassidy Oasay

SB-875-SD-1

Submitted on: 3/12/2023 3:10:53 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill! It removes standard legal protections for home owners. It is an egregious overreach of power by the government. I urge you to reject this bill.

Mahalo,

Alice Abellanida

SB-875-SD-1

Submitted on: 3/12/2023 4:25:45 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Oakley	Individual	Oppose	Written Testimony Only

Comments:

This bill lends itself to government corruption which is already rampant in hawaii. Please find another way to collect the fines without making someone homeless or taking away someones property rights.

SB-875-SD-1

Submitted on: 3/12/2023 6:04:32 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Randel Ostrom	Individual	Oppose	Written Testimony Only

Comments:

Sirs

I am writing to express my displeasure with SB 875. This bill allows county governments the right to foreclose on private property without due process.

The fees are punitive and regressive and only the wealthiest could afford

Mahalo

Randel Ostrom

SB-875-SD-1

Submitted on: 3/13/2023 4:30:01 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Szymialis	Individual	Oppose	Written Testimony Only

Comments:

Aloha Honorable Members of the Legislature,

I am writing to express my strong opposition to Hawaii Senate Bill 875, which proposes to authorize counties to sell private property owned by short term vacation rental (STVR) operators through non-judicial foreclosure. This bill would remove the standard legal protections of due process from property owners, which is a violation of the legal rights of homeowners.

The current Hawaii law provides for a judicial foreclosure process, which allows property owners to defend their homes and livelihoods in court. The proposed legislation would eliminate these legal protections, depriving property owners of their legal right to due process under Hawaii law. The Constitution of the State of Hawaii, Article 1, Section 5, guarantees that "No person shall be deprived of life, liberty, or property without due process of law." SB875 is in direct conflict with this constitutional provision, and I urge the Legislature to reject this bill in its entirety.

Homeownership is a protected right under Hawaii law. The Hawaii State Constitution, Article XI, Section 1, guarantees the right of "acquiring, possessing, and protecting property." Short term vacation rentals are a valuable resource asset to the state of Hawaii, and property owners should not be deprived of their right to own and operate these legally protected properties.

In conclusion, I urge the Legislature to reject in its entirety Senate Bill 875 and instead focus on crafting legislation that upholds the legal rights of stvr property owners that bring ongoing substantial income into our state and counties.

Aloha,

Linda Szymialias

SB-875-SD-1

Submitted on: 3/13/2023 5:06:42 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kianna Wissinger	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Hawaii Legislature,

I am writing to express my vehement opposition to SB875, which would allow counties to sell private property to pay off unpaid civil fines related to that property. This bill is a direct attack on our property rights and would strip us of our ability to defend ourselves in court through non-judicial foreclosure.

Our homes are more than just physical structures; they represent the culmination of our hard work and investment in our future. To allow the government to sell our homes, even vacation rental homes, without proper legal recourse is a direct threat to our property rights and our ability to provide for ourselves and our families.

The judicial foreclosure process exists for a reason: to ensure that we have a fair and just legal process to defend our homes. By allowing non-judicial foreclosure through SB875, we would be at the mercy of the government and allow them to sell our homes without any opportunity to defend ourselves.

Furthermore, I do not trust the competency or transparency of the Hawaii government, or any government for that matter, to yield this power fairly. History has shown that the government has been known to make mistakes and abuse their power time and again. By allowing counties to sell our homes through non-judicial foreclosure, we would be placing too much power in the hands of the government, and the potential for abuse is simply too high.

Our homes are the foundation upon which we build our lives and our families. They are the embodiment of our dreams and aspirations. We cannot allow the government to take them away from us without a fair and just legal process.

I strongly urge you to oppose SB875 and protect our fundamental property rights as property and business owners in the state of Hawaii

MAHALO for your NO VOTE on SB875.

Sincerely,

Kianna Wissinger

SB-875-SD-1

Submitted on: 3/13/2023 8:33:13 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Pomeroy-Theoret	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose and request that this bill be squashed. SB875 is unfair and unconstitutional. This bill authorizes the non-judicial foreclosure of constituent properties if issued a civil fine. This bill removes the standard legal protections of property owners. This bill does not benefit the people of Hawaii.

SB-875-SD-1

Submitted on: 3/13/2023 8:41:55 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr Marion Ceruti	Individual	Oppose	Written Testimony Only

Comments:

Kill this bill now. It gives too much power to the counties to violate individual rights.

Vote NO on SB875.

SB-875-SD-1

Submitted on: 3/13/2023 9:16:08 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valarie Leal	Individual	Oppose	Written Testimony Only

Comments:

SB875 because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, I do not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper Notice of Order appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If SB875 were implemented, they would not have a chance to defend themselves. This is completely against our rights or homeownership!

SB-875-SD-1

Submitted on: 3/13/2023 9:49:56 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martin	Individual	Oppose	Written Testimony Only

Comments:

I **oppose** this bill as it unfairly circumvents the legal process that has been established to protect property owners by **affording them the oversight of the justice system and due process.**

The bill as written unilaterally empowers the executive arm to sell property **without proper judgements being obtained** -- shifting the balance of power to the detriment of property owners.

We view this as a **violation of the constitution** and hence urge the representatives to not proceed with this bill.

Checks and balance have been put in place for the protection of all and should NOT be eliminated!!!

Mahalo

SB-875-SD-1

Submitted on: 3/13/2023 9:52:10 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
martin haas	Individual	Oppose	Written Testimony Only

Comments:

I oppose It's the same as a taking!!!!!!!!!!!!!!

SB-875-SD-1

Submitted on: 3/13/2023 10:18:47 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dan Choi	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose SB 875 because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, I do not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper Notice of Order appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If SB875 were implemented, we would not have a chance to defend ourselves.

SB-875-SD-1

Submitted on: 3/13/2023 10:25:43 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ken Kribel	Individual	Oppose	Written Testimony Only

Comments:

I am against SB 875. DPP should not be given that much power. That is not their function.

Vote no!

SB-875-SD-1

Submitted on: 3/13/2023 10:32:47 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen Cochran	Individual	Oppose	Written Testimony Only

Comments:

Dear representatives,

Please vote against proposed SB 875, which would authorize counties to take possession of a home if it is issued a civil fine through a process called non-judicial foreclosure therefore removing standard legal protections from the property owners.

The City Corporation Counsel(CCC) is already able to initiate a Judicial Foreclosure process, which , in its own words, has been successful, and which also gives the home owner a chance to respond. One concern of the CCC is that this process can take too long. Owning property is usually an owner’s largest asset – taking it away should not be shortened just to relieve governmental bureaucracy. This bill would give the CCC too much power to take property without safeguards for the owner as currently set in the foreclosure process.

The other concern the CCC expressed was that the “process that takes valuable resources away from other pressing legal matters.” This indicates the CCC feels they have the right to determine that something else is more pressing than taking property away from a legal owner. Are we headed down the road of Communism? We all know there have been several recent cases of corruption scandals uncovered in county departments across the state, with several Honolulu county permitting officials pleading guilty to bribery charges. This bill opens the door to greater risk of abuse by officials in power.

Lastly, if there are problems with illegal activities, health hazards or public nuisances, these can all be addressed short of seizing the property from the owner.

Hawaii is currently one of a large number of states that wisely prohibit “home equity theft.” Should this bill pass as currently written, Hawaii would join a handful of outlier states that do not adequately protect private property, and the most vulnerable would feel its effects the hardest.

For these reasons, please vote "no" on SB875

SB-875-SD-1

Submitted on: 3/13/2023 11:12:56 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shayna Noelani Dabis-Tom	Individual	Oppose	Written Testimony Only

Comments:

I definitely oppose SB875

SB-875-SD-1

Submitted on: 3/13/2023 11:19:11 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tricia Rosqvist	Individual	Oppose	Written Testimony Only

Comments:

Aloha Legislatures,

As a VERY concerned citizen, I am writing to express my strong opposition to SB875. This bill, if passed, would authorize counties to sell private property owned by short-term vacation operators through non-judicial foreclosure, thus stripping property owners of their fundamental right to due process.

The right to own property is a fundamental right protected under both the Hawaii State Constitution and the United States Constitution. As such, any attempts to infringe upon these rights, such as the proposed non-judicial foreclosure process under SB875, must be stopped and vetoed.

Our judicial foreclosure process provides homeowners with the opportunity to defend their homes and livelihoods in court. This process is a vital legal protection for all property owners. By removing this protection, SB875 would allow counties to foreclose on our citizens homes without allowing them to utilize their constitutional rights of defending their property in a court of law and would deny us our sacredly held protected rights to a fair and just legal process.

Moreover, short-term vacation rentals are a valuable resource asset to the state of Hawaii. Our rentals provide important economic benefits, including job creation and revenue generation, especially for small businesses and communities rely heavily on tourism and our stvr's can give guests an authentic Hawaiian cultural experience that hotels just cannot provide.

It is crucial that any legislation related to short-term vacation rentals takes into account the rights of all property owners and the economic benefits that these rentals provide to the state. SB875 fails to do so and instead places undue burdens on homeowners who are simply trying to utilize their properties to support themselves and their families.

The Hawaii State Legislature has no other alternative than to reject SB875 because of the irreparable harm that it will cause to so many Hawaiian property owners without utilizing our justice systems checks and balance system. Lastly, the right to own property is a fundamental legal right that must be protected at all costs, and any attempts to remove these legal rights from our Hawaiian people must be met with swift and resolute opposition.

Aloha,

Tricia Rosqvist

SB-875-SD-1

Submitted on: 3/13/2023 11:16:53 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cecila Gomez	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose SB875 because there is a risk that my home will be taken away from me without legal due process. I am really upset you guys are even considering this stupid bill. In case you are not aware, home here costs a lot of money , we pay huge amounts of money in property taxes and you guys now want to remove safeguards to prove our innocence on any proceedings. I can guarantee you that if this ever gets passed there will be a class action law suit.

State Senators be warned of your votes on this matter!!

Irmira Fernandez

SB-875-SD-1

Submitted on: 3/13/2023 11:31:47 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathleen Ochsenbein	Individual	Oppose	Written Testimony Only

Comments:

This bill will not hold up in court and will expose the state to yet another lawsuit. Please oppose.

SB-875-SD-1

Submitted on: 3/13/2023 11:38:33 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vladimir Gurovich	Individual	Oppose	Written Testimony Only

Comments:

I oppose S875 because judicial foreclosure process is there for a reason -- to make it difficult for the government to take people's homes from them. This is especially true for organizations that have not proved to be transparent or competent such as Honolulu DPP which has been embroiled in all sorts of controversies, including cases of corruption.

SB-875-SD-1

Submitted on: 3/13/2023 11:50:41 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Norm Nichols	Individual	Oppose	Written Testimony Only

Comments:

There is a reason for judicial foreclosure it is to protect our homeowner rights. Non judicial foreclosure is a tool used by autocratic governments to steal and control their citizens and should be opposed at all costs. Hawaii state government is walking a very fine line for even thinking about such a move. Uphold our constitutional right and drop and kill the SB 875 bill.

SB-875-SD-1

Submitted on: 3/13/2023 11:53:49 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rustin Smith	Individual	Oppose	Written Testimony Only

Comments:

I am AGAINST SB875 because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, I do not place trust in competency or transparency of DPP to yield this power fairly: we already are aware of an example where a owners were misled by DPP about proper Notice of Order appeal process which resulted in a rapid lien placement on a home, which is now being addressed by the owners attorney. If SB875 were implemented, they would not have a chance to defend themselves.

SB-875-SD-1

Submitted on: 3/13/2023 11:55:45 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christina Countryman	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill SB875 because of the lack of faith in DPP. It also seems unconstitutional for the State to take my land, the land that we live on, we pay our mortgage, and we pay are taxes because we chose to share our home with tourists. Tourists who bring so much money to our State! DPP has been proven to be so corrupt in the State of Hawaii and I feel that if this bill would pass, the corruption would get worse!

SB-875-SD-1

Submitted on: 3/13/2023 12:22:26 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoekalani Shawney Dabis-Tolentino	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB875

SB-875-SD-1

Submitted on: 3/13/2023 12:31:03 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Rubinstein	Individual	Oppose	Written Testimony Only

Comments:

Non Judicial Foreclosure for the inability to pay excessive fines for any reason whatsoever on the heels of the DPP instigating high fines for things like citing a local man for having a shade canopy over his head on a sunny day and other unmentionables, seems not just like instant graft, but moral corruption that smacks un American and absolutly un Hawaiian. Is this state so anxious to mimic the mainland that they feel the need to overstep to prove they are 'somebody'? It's a bully tactic, which normally comes from low self esteem. From all appearances, it seems like the State goal is to become squeaky clean looking on the outside in the endeavor to become an enormous resort or theme park, while on the inside, the corruption is so deep that trying to follow the thread back to the source reveals incredibly wretched schemes for politicians to line their pockets, while at the same time, turning away anyone with any sincere attempt to better the status of our local population. Even if you concrete every inch this is Still Hawaii. Killing the local customs will only turn away the tourii being begged to come and Pay Pay Pay thru their noses. These people do hear about the ways of the State while they are here, they are not exempt and their reactions to these tactics like stealing homes from the local populace, and trying to charge 35% tax on anything that does not look and lobby like a hotel, even if it is legitimate within the law, are things the visitors discuss, just before they share that their next trip will be to Cabo or the Carribbean. Better think twice about what the Real Goal is or should be rather than the pocket banks of some your peers sitting around the table. Non Judicial Foreclosure brings visions of banana republic political structure to my mind. Is that what you are trying to make what used to be Hawai'i? Think Hard before you vots.

SB-875-SD-1

Submitted on: 3/13/2023 12:37:36 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandra Van	Individual	Oppose	Written Testimony Only

Comments:

Hawaii Senate Bill 875

I STRONGLY OPPOSE SB875 because it circumvents due process. Judicial foreclosure process is there for a reason: to allow people to defend their home in court. Further, I seriously doubt that this bill would be stand up to legal scrutiny, which would end up being very costly to both the state and homeowners.

SB-875-SD-1

Submitted on: 3/13/2023 1:00:11 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
G Rand	Individual	Oppose	Written Testimony Only

Comments:

Please SAY NO to this bill: The people of Hawaii need be allowed to defend their homes in court. Like at least 50% of your Hawaii constituents, we do NOT trust in the competency or transparency of DPP to yield this power reasonably. We have directly known owners that have been lied to / misled by DPP about the such things. It's draconian to allow a rapid lien placement on a home, which is now being addressed by the owners attorney. Please oppose it!

SB-875-SD-1

Submitted on: 3/13/2023 1:04:23 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mitch Maxwell	Individual	Oppose	Written Testimony Only

Comments:

This is one of the worst bills I've seen in this state. Allowing non-judicial foreclosures of property is frankly un-American. I can't believe anyone would support such a proposal. This bill should never see the light of day again.

SB-875-SD-1

Submitted on: 3/13/2023 2:32:48 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Levi Brooker	Individual	Oppose	Written Testimony Only

Comments:

I am against this bill because judicial foreclosure process is there for a reason: to allow people to defend their home in court. Furthermore, I do not place trust in the competency or transparency of DPP to yield this power fairly for obvious reasons. This is not only unconstitutional, but completely unnecessary as well. Please allow developers to build more housing vs trying to ruin the lives of legal TVU operators just so the hotels can increase their shareholder profits.

SB-875-SD-1

Submitted on: 3/13/2023 7:55:36 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james	Individual	Oppose	Written Testimony Only

Comments:

My house ,my choice.Stop the tyranny!!!

SB-875-SD-1

Submitted on: 3/13/2023 9:13:10 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark R. Hagadone, Ph.D., FACHE	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to SB875 SD1 because it dilutes the foreclosure process and disrupts the homeowner's ability to defend their home in court.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

TO: Members of the Committee on Consumer Protection & Commerce

FROM: Natalie Iwasa
808-395-3233

HEARING: 2 p.m. Tuesday, March 14, 2023

SUBJECT: SB 875, SD1, County Authorization for Power of Sale - **OPPOSED**

Aloha Chair Nakashima and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB 875, SD1, which would authorize counties to sell private properties under certain circumstances for not less than the market value of similarly situated properties and refund all proceeds in excess of the amount of the fines to the owner. This bill should not be passed.

The Honolulu Department of Planning and Permitting (DPP) **must get its act together before any additional powers are given to them.** For years they allowed offenders to pay only 5% of fines that were levied, even when hundreds of thousands of dollars were assessed due to lack of following the law for years. (See example from 12-months-ended March 31, 2014, below.)

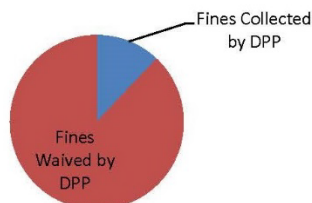
In 2022 it was reported a fourth DPP employee pled guilty in a bribery scandal.¹ Last month, there was a report of a DPP inspector approving his own projects.²

How far does the unethical and illegal activity go?

If DPP is allowed to have the power of sale, how do we know it would be a fair process?

The city should not be allowed to “hurry it up” by bypassing the current foreclosure process. Please vote “no” on SB 875, SD1.

**Fines Waived and Collected by
Department of Planning & Permitting in
12 Months Ended March 31, 2014**



¹ “Another DPP Employee Pleads Guilty Taking Bribes,” *Civil Beat*, February 15, 2022;
<https://www.civilbeat.org/beat/another-dpp-employee-pleads-guilty-to-taking-bribes/>

² “Honolulu Permitting Inspector OK’d His Own Company’s Projects,” *Civil Beat*, January 18, 2023;
<https://www.civilbeat.org/2023/01/honolulu-permitting-inspector-okd-his-own-companys-projects/>

SB-875-SD-1

Submitted on: 3/13/2023 10:24:32 PM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tonic	Individual	Oppose	Written Testimony Only

Comments:

Chair and committee members.

i oppose this bill as written. Please defer .

SB-875-SD-1

Submitted on: 3/14/2023 7:55:10 AM

Testimony for CPC on 3/14/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joyce Renken Riley	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to sb875. The State should not be allowed to perform non-judicial foreclosures. The individual taxpayer deserves due process. This is an underhanded attempt to take basic rights and property away from citizens. The economy is headed into a recession and the State should be supporting and protecting the property owners!