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STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
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TRISTA SPEER
DEPUTY DIRECTOR
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February 1, 2025

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 225 HD1 – RELATING TO SQUATTING.**

Hearing: February 5, 2025, 2:00 p.m.
Conference Room 325 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of the measure, defers to the Department of the Attorney General and other named task force members, and provides comments. DHS will participate in the working group.

DHS notes that its contracted outreach services have worked with law enforcement in the past when addressing individuals and families encamped on public lands. Outreach services aim to work with individuals to support their transition from unsheltered conditions to a homeless shelter or other available housing. To operate outreach efforts on private land, the consent of the private land owner is required. Addressing this issue would assist in supporting the transition of individuals and families to an appropriate shelter or permanent housing.

PURPOSE: Establishes a working group within the Department of the Attorney General to study the issue of squatting in Hawai'i and provide recommendations. Requires reports to the legislature. Effective 7/1/3000. (HD1)

The Committee on Human Services and Homelessness amended the measure by:

- (1) Changing the composition of the working group, including adding, replacing, and removing certain members;

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- (2) Clarifying that the chair of the working group shall invite certain public members of the working group to participate;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Thank you for the opportunity to provide comments on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 225, H.D. 1, RELATING TO SQUATTING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, February 5, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
James W. Walther, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill as currently drafted and provides the following comments and suggestions.

The purpose of this bill is to establish a task force or "working group" within the Department to examine and analyze the issue of squatting in Hawaii and to provide recommendations on how to address this issue.

The Department recognizes and appreciates the importance of addressing the issue of squatting and the related legal problems. As an alternative to a large task force or "working group" that would spend a considerable amount of time organizing and meeting, we suggest instead that the Legislature commission a report from an entity that has the capacity already to conduct a study, such as the Legislative Reference Bureau. The Legislative Reference Bureau could review the current laws and gather input through interviews with various stakeholders, including those identified in section 3 of the bill, and incorporate those individuals' respective input in a report to submit to the Legislature. We believe that a more focused study by a single entity rather than a large "working group" would be a more efficient use of state time and resources.

We respectfully request that this bill be held, and if it moves forward, then we respectfully ask that the Committee incorporate our suggestion. Thank you for the opportunity to testify.



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

JOHN MIZUNO
DIRECTOR
STATEWIDE OFFICE ON HOMELESSNESS & HOUSING SOLUTIONS

Testimony of **John M. Mizuno**
Governor's Coordinator on Homelessness
Before the
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Wednesday, February 5, 2025
2:00 p.m.
Conference Room 325
State Capitol

In consideration of
House Bill No. 225 HD1
RELATING TO SQUATTING

Aloha Chair Tarnas, Vice Chair Poepoe, and Committee Members,

My name is John Mizuno. I am the Governor's Coordinator on Homelessness and the Director of the Statewide Office on Homelessness and Housing Solutions (SOHHS).

I am writing in support of **House Bill 225 HD1, Relating to Squatting**, which will establish a working group within the Department of the Attorney General. This group's primary task will be to study the issue of squatting in Hawaii, particularly on property where a property owner cannot be contacted or on vacant or abandoned property and provide recommendations. The bill also requires reports to the legislature.

In the landmark case in Grants Pass v. Johnson, the United States Supreme Court ruled (6 to 3 votes) that Oregon's ban on homeless residents sleeping outdoors did not violate the Constitution's prohibition on cruel and unusual punishment. The measure penalizes sleeping and camping in public places, including sidewalks, streets, and city parks. I did want to recognize Justice Sonia Sotomayor, in her dissent, who wrote, "Sleep is a biological necessity, not a crime...For some people, sleeping outside is their only option."

The bill focuses on squatting on property when a property owner cannot be contacted or on vacant or abandoned property. This is a significant issue in Hawaii, with numerous cases reported each year. We also concur that squatting presents a complex legal issue; therefore, we support the bill's intent to establish a working group within the Department of the Attorney General to study the problem of squatting in Hawaii and provide recommendations.

Testimony of John M. Mizuno on HB225 HD1 Relating to Squatting
House Committee on Judiciary & Hawaiian Affairs
Wednesday, February 5, 2025

Thank you, Chair Tarnas, Vice Chair Poepoe, and Committee Members, for the opportunity to provide testimony in strong support of **House Bill 225 HD1 Relating to Squatting**. I am grateful for your consideration of this important measure, which has the potential to significantly improve our community by addressing the issue of squatting in Hawaii.

Mahalo!

February 5, 2025

The Honorable David A. Tarnas, Chair

House Committee on Judiciary & Hawaiian Affairs
State Capitol, Conference Room 325 & Videoconference

RE: House Bill 225, HD1, Relating to Squatting

HEARING: Wednesday, February 5, 2025, at 2:00 p.m.

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of Committee:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **supports** House Bill 225, HD1, which establishes a working group within the Department of the Attorney General to study the issue of squatting in Hawaii and provide recommendations. Requires reports to the legislature. Effective 7/1/3000.

Squatting occurs when an unlawful occupant resides in an abandoned, vacant, or unoccupied property. During this time, squatters can cause significant property damage or engage in activities that pose safety risks to property owners, real estate professionals, and the surrounding community.¹ In some cases, squatters have even presented fraudulent rental agreements, forcing property owners and real estate professionals into a lengthy and costly eviction process.

HAR is grateful for the opportunity to serve on the Working Group and collaborate with stakeholders to address the challenges posed by squatting. We believe we can bring valuable insight into how squatting impacts home and property owners, agents, property managers, and communities.

Mahalo for the opportunity to provide testimony on this measure.

¹ Miller, Ashley. (August 23, 2024). Civil Beat. Honolulu Struggles to Find a Remedy for Abandoned Homes Taken by Squatters. <https://www.civilbeat.org/2024/08/honolulu-struggles-to-find-a-remedy-for-abandoned-homes-taken-over-by-squatters/>



Mortgage Bankers Association of Hawaii
P.O. Box 4129, Honolulu, Hawaii 96812

February 3, 2025

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

Hearing Date: February 5, 2025
Hearing Time: 2:00pm
Hearing Place: Hawaii State Capitol, Conference Room 325

Re: HB225 HD1 Relating to Squatting

I am Linda Nakamura, representing the Mortgage Bankers Association of Hawaii ("MBAH"). The MBAH is a voluntary organization of individuals involved in the real estate lending industry in Hawaii. Our membership consists of employees of banks, savings institutions, mortgage bankers, mortgage brokers, financial institutions, and companies whose business depends upon the ongoing health of the financial services industry of Hawaii. The members of the MBAH originate and service, or support the origination and servicing, of the vast majority of residential and commercial real estate mortgage loans in Hawaii. When, and if, the MBAH testifies on legislation or rules, it is related only to mortgage lending and servicing.

The MBAH supports HB225 HD1.

HB225 HD1 establishes a working group within the Department of the Attorney General to study the issue of squatting in Hawaii and provide recommendations.

The MBAH finds that squatting is an issue with respect to properties in foreclosure. A complicated judicial foreclosure may take up to twelve months. During this time, the property may be left vacant. Vacant properties are subject to unlawful occupation and often times are left in very poor conditions with major damages to the properties. This decreases the value of the property for the property owner who is being foreclosed upon which may lead to a larger deficiency judgment against the property owner when sale proceeds are insufficient to cover the loan balances and all the associated foreclosure costs.

The MBAH believes a working group who will find a solution or solutions to the squatting problem will benefit Hawaii property owners.

Thank you for the opportunity to present this testimony.

Linda Nakamura
Mortgage Bankers Association of Hawaii