

## KILL HB 538 - ( also HB 15 & SB 875)

The committee(s) on PSM has scheduled a public hearing on 03-17-23 3:02PM; Conference Room 225 & Videoconference

<b>Measure Title:</b>	RELATING TO RESIDENTIAL REAL PROPERTY.
<b>Report Title:</b>	Residential Real Property; Counties; Zoning Violation; Penalties
<b>Description:</b>	Establishes penalties for failure to remediate violations, including fines and, under circumstances, foreclosure. Effective 6/30/3000. (HD1)

**Aloha to all,**

I know you have too much to read and digest in such a short time. 3132 bills for this session is insane! Which human can carefully analyze all these bills carefully for decision-making and study its overall impacts, unforeseen or unintended consequences?

Before we go further, I'm sharing **a few excerpts from the recent Supreme Court ruling relating to the US Constitution 14<sup>th</sup> Amendment. It relates to HB 538 (and SB 875 & HB 15) about CIVIL fines, Due Process, and so on.**



The late **Justice Ruth Bader Ginsburg** said it best in one of her last Opinions for the US Supreme Court in [Timbs vs Indiana](#) relating to excessive CIVIL fines and Due Process. Below are some of jurist RBG's messages to all of us from the grave:

*"This Court has held that the Fourteenth Amendment's Due Process Clause incorporates the protections contained in the Bill of Rights, rendering them applicable to the States."*

*"For good reason, the protection against excessive fines has been a constant shield throughout Anglo-American history: Exorbitant tolls undermine other constitutional liberties. Excessive fines can be used, for example, to retaliate against or chill the speech of political enemies, as the Stuarts' critics learned several centuries ago."*

*"Protection against excessive fines has been a constant shield throughout Anglo-American history for good reason: Such fines undermine other liberties. They can be used, e.g., to retaliate against or chill the speech of political enemies. They can also be employed, not in service of penal purposes, but as a source of revenue. The historical and logical case for concluding that the Fourteenth Amendment incorporates the Excessive Fines Clause is indeed overwhelming."*

*"Even absent a political motive, fines may be employed "in a measure out of accord with the penal goals of retribution and deterrence," for "fines are a source of revenue,"*

*"In short, the historical and logical case for concluding that the Fourteenth Amendment incorporates the Excessive Fines Clause is overwhelming. Protection against excessive punitive economic sanctions secured by the Clause is, to repeat, both "fundamental to our scheme of ordered liberty" and "deeply rooted in this Nation's history and tradition."*

## **Punishments and Penalties**

When you're in a position of power, it's even more incumbent on you to be much more circumspect and focused in your decision-making. It might be fun or satisfying to punish the supposed egregious ones.

But it doesn't mean that the US Constitution can become marginalized to punish them. It's never a good policy to burn down the Cathedral of Civil Rights to fry a few bad eggs.

Civil Rights is Civil Rights. You can't protect abortion civil rights but destroy private property rights. You must uphold and protect the US Constitution that you swore to do. The Constitution has protected equality, justice, and Due Process for over 200 years!

It appears the HB 538 introducers must not know about the challenges of working with DPP or getting a permit to be approved by DPP.

## 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.

One has to question how a small lot in Kalihi Heights can be fined for \$15.8 million for “overgrown weeds”. This local owner is a 50% Hawaiian man with chronic and severe health problems. There is much more to this situation here. Where is the Aloha? Where is the compassion to help our local residents who are already struggling and trying to keep up with the cost of living in Hawaii?

I hope this Star Advertiser report of “uncashed fines” is not giving any counties ideas for a new stream of income and future revenues.

There are always two sides to a story. The government is here to help, not to steal people’s homes and properties.

Most people work their tails off and sacrificed to own properties in Hawaii.

## Who can trust DPP?

This is nothing personal. But these few clips will provide you a quick overview of what's happening at the Department of Planning and Permitting. DPP is struggling. Its workers are overloaded. Through the years, the Mayors and City Councils have also contributed to these modern day problems by their actions.

Through the years, land-use density has been greatly increased. It used to be that an owner could not build on more than 50% of their total land area. Why blame the Monster Homes when it was DPP who approved the permits in the first place?

The screenshot shows the top navigation bar of a news website with the 'khon2' logo and 'WORKING FOR HAWAII' tagline. The temperature is 74° in Waipahu. Below the navigation is a KFC Wikimeal advertisement for \$7.99. The main content area features a local news article titled 'More permit delays cause frustration at city planning department' by Manolo Morales, posted on June 2, 2022. To the right of the article is a video player showing a news anchor at a desk with a background graphic that says 'PERMITTING PROBLEMS' and includes the City and County of Honolulu seal.

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.



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

# Honolulu DPP Director strategist resigns amid permit backlogs

Sep 7, 2022 0

f t y u



WATCH ISLAND NEWS



Currently in Honolulu Fair  
76°F 76°F / 69°F

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



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.



Hawaii News Now

<https://www.hawaiinewsnow.com> › 2021/04/01 › kahala-... ⋮

## Homeowner says former DPP employee arrested by FBI ...

Mar 31, 2021 — Lind said the FBI's investigation of the **DPP** has its roots in his "frustrating" experience with Inouye and the **permitting** process.



Civil Beat

<https://www.civilbeat.org> › 2022/09 › director-of-hon... ⋮

## Director Of Honolulu's Troubled Permitting Office Resigns

Sep 7, 2022 — Two of the top leaders of Honolulu's beleaguered permitting office have resigned from their posts, effective Tuesday, Mayor Rick Blangiardi ...

## Excessive Fines and Cruel & Unusual Punishments

HB 583 is off-based. It may have some “egregious” owners in mind to punish but there are too much unforeseen consequences. HB 538 is out of touch with the majority of the private property owners, construction and real estate world. These timelines are too impractical and oppressive. HB 538 assumes that DPP is always right and the public is always wrong.

***HB 538 is assuming that DPP is always correct and the public is always wrong. No matter how thinly the cheese is sliced, there are two sides to the story.***

1       "§46- Penalties for unaddressed zoning violations. The  
2 penalties for a violation of any county zoning ordinance, rule,  
3 or regulation shall be as follows:  
4       (1) An owner of real property who fails to remediate all  
5 conditions that gave rise to issuance of the notice of  
6 violation, to the county planning or permitting  
7 agency's satisfaction and within the agency's  
8 specified time frame, shall be assessed by the agency  
9 a fine of no less than \$1,000 for each day the  
10 violation persists; ***\$5,000 is only 5***  
11       (2) If fines assessed to the owner of real property exceed ***days!***  
12 \$5,000, then the notice of violation shall constitute ***You would***  
13 a lien upon the real property within thirty days; and ***be lucky***  
14       (3) If within thirty days of receiving notice of the lien, ***to get a***  
15 the owner of real property fails to: ***permit***  
16 (A) Satisfy the lien specified in paragraph (2); and ***to correct***  
17 (B) Commence and diligently conduct remediation of ***violations***  
18 all conditions that gave rise to issuance of the ***in 6***  
19 notice of violation, to the county planning or ***months!***  
20 permitting agency's satisfaction,

***This is nebulous language. The counties already have the existing tools to enforce violations but their written testimony say it takes too long, is too costly and too much work.***

1           then the applicable county planning or permitting

2           agency shall commence foreclosure proceedings,

3           judicial or nonjudicial, on the real property without

4           delay."

***NON-JUDICIAL Foreclosure or Power of Sale violates the 14th Amendment of the US Constitution.***

5 ***Where is the Due Process if the County becomes the Police,***

6 ***Prosecutor, Jury, Judge and Executioner?***

7   invalid, the invalidity does not affect other provisions or

8   applications of the Act that can be given effect without the

9   invalid provision or application, and to this end the provisions

10   of this Act are severable.

11         SECTION 4. This Act does not affect rights and duties that

12   matured, penalties that were incurred, and proceedings that were

13   began before its effective date.

14         SECTION 5. New statutory material is underscored.

15         SECTION 6. This Act shall take effect on June 30, 3000.

16

**Kill HB 538 AND SB 875 and HB 15.**  
The Counties have many other options.

Submitted by Choon James  
CountryTalkStory.com  
ChoonJamesHawaii@gmail.com

**HB-538-HD-1**

Submitted on: 3/16/2023 9:56:23 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
vicky Poland	Testifying for Rainbow Inn	Oppose	Written Testimony Only

Comments:

Aloha Respected Members of the House.

Thank you for hearing my testimony against Bill 538.

I am concerned that this bill is a further effort to undermine peoples property rights and will lead to legal challenges leading to further waste of taxpayer funds.

You already had Bill 89 to assist in enforcement to remove illegal vacation rentals. This evolved into Bill 41 again to address illegal vacation rentals. Bill 89 separated the licensed and unlicensed vacation rentals and just needed enforcement. Which is not happening.

With all the recent challenges at the Department of Planning and Permitting I believe this legislation cannot proceed. Please reject bill 538.

Respectfully

Vicky Poland



**HB-538-HD-1**

Submitted on: 3/16/2023 11:42:23 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Gonzales	Testifying for ROBA	Oppose	Written Testimony Only

Comments:

Thank you for your time. Why does the City and County keep going after the people that gave them their positions. We are in the fight together to keep Hawaii beautiful, thake care of the people and keep our State operating. We have been taxed out and trying to keep our heads above the water. You want the right to take our homes by putting Liens on them . Where are you coming from who makes up these laws? Please do not push this law. Jennifer Gonzales

**HB-538-HD-1**

Submitted on: 3/15/2023 2:31:38 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nathan toler	Testifying for Ohana yurts	Oppose	Written Testimony Only

Comments:

Aloha, thank you for the time to review my testimony. I do believe that this bill is a direct violation of the 14th amendment of the United States of America constitution.

Getting the known corrupt entity known as the Oahu department of permit and planning the ability to impose heavy fines and then immediately seizes property is a direct violation.

Please I urge you to stop this nonsense. While I do understand fines need to be levied in some cases if not corrected. Seizing a person's or an organization's property without due process is definitely unconstitutional.

Aloha Nathan Toler



# OSTRA

Oahu Short-Term Rental Alliance

Aloha Chair Wakai, Vice Chair Elefante, and Senator Fukunaga, Senator McKelvey, and Senator Awa, members of the Committee on Public Safety and Intergovernmental and Military Affairs.

**RE: OPPOSITION TO BILL HB538, NON-JUDICIAL FORECLOSURE FOR MINOR ZONING OFFENSES, EXCESSIVE COMPOUNDING FINES FOR MINOR OFFENSES**

OSTRA **OPPOSES** unconstitutional House Bill 538 HD1 as it weaponizes a county to take property for minor offenses. It imposes fines on top of fines.

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=HB&billnumber=538](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=538)

The previous testimony shows that this bill has OVERWHELMING PUBLIC OPPOSITION.

**BACKGROUND**

Bill HB538 provides that a county may exercise non-judicial foreclosure without a judicial order. 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.

Poorly written, the introducers do not appear to have an understanding of zoning terminology.

The HB538 proposed bill language:

"§46- Penalties for unaddressed zoning violations. The penalties for a violation of any county zoning ordinance, rule, or regulation shall be as follows:

(1) An owner of real property who fails to remediate all conditions that gave rise to issuance of the notice of violation, to the county planning or permitting agency's satisfaction and within the agency's specified time frame, shall be assessed by the agency a fine of no less than \$1,000 for each day the violation persists;

(2) If fines assessed to the owner of real property exceed \$5,000, then the notice of violation shall constitute a lien upon the real property within thirty days; and

(3) If within thirty days of receiving notice of the lien, the owner of real property fails to:

(A) Satisfy the lien specified in paragraph (2); and

(B) Commence and diligently conduct remediation of all conditions that gave rise to issuance of the notice of violation, to the county planning or permitting agency's satisfaction,

then the applicable county planning or permitting agency shall commence foreclosure proceedings, judicial or nonjudicial, on the real property without delay."

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 abusing** our citizens.

## **BILL LANGUAGE**

These changes (in **bold**) would provide judicial process protections to homeowners:

**(1) The amount of fines shall be reflective of the severity of the zoning infraction.**

(2) An owner of real property who fails to remediate all conditions that gave rise to issuance of the notice of **Order**, to the county planning or permitting agency's satisfaction and

within the agency's specified time frame **or 30 days and all administrative appeals and remedies have been exhausted, whichever is greater, then the agency shall seek an affirming resolution of the full county counsel that the uniquely numbered Notice Of Order is an aggravated violation. Upon affirmation, the agency shall after the 30-day opportunity period has tolled:**

- (A) Place a lien on the property.**
- (B) Assess fine of \$1000/day.**
- (C) Commence and diligently conduct civil foreclosure civil proceedings.**

... and strike all of the remaining

shall be assessed by the agency a fine of no less than \$1,000 for each day the violation persists;

(2) If fines assessed to the owner of real property exceed \$5,000, then the notice of violation shall constitute a lien upon the real property within thirty days; and

(3) If within thirty days of receiving notice of the lien, the owner of real property fails to:

(A) Satisfy the lien specified in paragraph (2); and

(B) Commence and diligently conduct remediation of all conditions that gave rise to issuance of the notice of violation, to the county planning or permitting agency's satisfaction,

then the applicable county planning or permitting agency shall commence foreclosure proceedings, judicial or nonjudicial, on the real property without delay."

## **MEASURE DUPLICATION**

The subject matter, non-judicial foreclosure has previously been considered and deferred by the House Committee on Consumer Protection & Commerce, Bill SB875 on March 14. This measure should be deferred as duplication and a waste of the Senate's time. A large number of citizens take time off from work to testify on these bills. It is critical that they are not making the same testimony repeatedly. We support a functional legislative process.

SB875 measure status is:

[https://www.capitol.hawaii.gov/session/measure\\_indiv.aspx?billtype=SB&billnumber=875&year=2023](https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=SB&billnumber=875&year=2023)

## **PROPOSED FULL COUNCIL RESOLUTION REQUIREMENT**

The Honolulu City Council has modeled good process an example of affirming resolution with Resolution 22-11:

<https://hnlldoc.ehawaii.gov/hnlldoc/measure/2067>

The video of this testimony is heart-wrenching. Community stakeholder engagement reflects our values. Agency secret meetings to adopt arbitrary rules continue to foster distrust in a department.

A good article by journalist Choon James is here:

<https://countrytalkstory.com/?p=1842>

## **“GUT AND REPLACE”**

OSTRA recognizes that the above changes constitute “gut and replace”. The only correct action on this Bill 538 is deferral.

## **EFFECTIVE DATE**

The effective date should be at least 2 years after enactment. This will provide a few budget cycles to occur. It is a fiduciary duty that county agencies have adequate funding to retain outside counsel to carry out this litigation requirement.

**EXCESSIVE FINES**

Excessive fines unlawfully discourage legal renting.

See Complaint HILSTRA v. CITY Case No. 22-cv-247-DKW-RT filed June 6, 2022.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

HAWAII LEGAL SHORT-TERM RENTAL ) CIVIL NO. \_\_\_\_\_  
ALLIANCE, a Hawaii nonprofit corporation, )

Plaintiff, )

vs. )

CITY AND COUNTY OF HONOLULU, a )  
municipal corporation; DEPARTMENT OF )  
PLANNING AND PERMITTING OF THE )  
CITY AND COUNTY OF HONOLULU; )  
DEAN UCHIDA IN HIS OFFICIAL )  
CAPACITY AS DIRECTOR OF THE )  
DEPARTMENT OF PLANNING AND )  
PERMITTING; JOHN DOES 1-10; JANE )  
DOES 1-10; DOE CORPORATIONS 1-10; )  
DOE PARTNERSHIPS 1-10; and DOE )  
ENTITIES 1-10, )

Defendants. )

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF; EXHIBITS  
“A” & “B”**

## **EXCESSIVE FINES**

49. Section 4 of Ordinance 22-7 contains fines for allegedly unpermitted TVUs or B&Bs – those rented for less than 90 days without a 1986 NCUC or a registration in a permitted zoning district – of up to \$10,000 and an additional \$10,000 for each day the violation persists, in addition to the rent received. Ordinance 22-7 also contains fines of advertising unpermitted TVUs or B&Bs of up to \$5,000, and up to \$10,000 for each day the advertisement is on public display. An advertisement for an unpermitted TVU or B&B that includes daily or less than three-month rental rates is automatically deemed a violation.

50. These fines are excessive and will chill otherwise legal behavior and will coerce property owners and operators to comply to DPPs demands, and effectively prevent meaningful judicial review.

51. Therefore, a declaration of Plaintiff's, its members' and similarly situated persons rights prior to the effective date of Ordinance 22-7 is critical.

## **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 ACCELERATED FINES 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.

Notices of Violations do have attachments that an advertising violation has occurred by neglecting a setting inside the platform (Screenshot Airbnb settings):

## Trip length

**Minimum stay**

Minimum nights  
30 nights

[Customize minimum stay requirements](#)

The punitive culture of the DPP assumes that when aunty says 30 minimum the the main text of her listing, she somehow doesn't mean 30-day minimum. The DPP proceeds with an ultra punitive \$10,000+ fine.

Does the city have the authority to regulate interstate commerce? Does the city have the authority to regulate pricing of the products of a local Hawai'i business?

Does a county have the authority to trip up aunty with technicalities?

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](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**

HB538 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, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
PHONE: (808) 768-8000 • FAX: (808) 768-6041  
DEPT. WEB SITE: [www.honolulu.dpp.org](http://www.honolulu.dpp.org) • CITY WEB SITE: [www.honolulu.gov](http://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

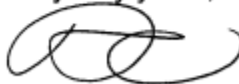
The Honorable David A. Tarnas, Chair  
and Members of the Judiciary and Hawaiian Affairs  
Hawaii State House  
House Bill No. 15, HD 1  
February 9, 2023  
Page 2

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



**HB-538-HD-1**

Submitted on: 3/15/2023 8:46:54 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tarek mark Antaki	Individual	Oppose	Written Testimony Only

Comments:

If your goal is to weaken regular residents then please pass this bill.

I rent out part of my home on a short term basis and I believe people like me are ideal for Hawaii and its economy bc:

-I spend nearly 100% of my profits in Hawaii (a conglomerate doesn't)

-I have a lower price point than a hotel meaning I permit people who may otherwise not travel here to come to hawaii. They spend money at small and large businesses. That will go away if short term vacation rentals are eliminated.

-I employ a handyman, cleaners and other service providers. That will go away if I stop doing short term.

I love Hawaii but I feel like Hawaii doesn't love me with how anti-business you can be sometimes. Please think of the little guy who is working hard to make it on this very expensive island.

Warmest regards,

Tarek Antaki

68-3534 malina street.

Waikoloa, HI 96738

**HB-538-HD-1**

Submitted on: 3/14/2023 7:29:32 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Erik Pegg	Individual	Oppose	Written Testimony Only

Comments:

Oppose

**HB-538-HD-1**

Submitted on: 3/15/2023 9:27:06 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Patti Tews	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Honorable Members of the Hawaii Legislature,  
Please accept my vehement opposition to HB538, which proposes to give county planning or permitting agencies the authority to enter privately owned residential real property, without the owner's or occupant's consent or cooperation, for the purpose of investigating any condition that may constitute a violation of county zoning ordinances, rules, or regulations. This proposed bill is not only unconstitutional, but it also gives county employees more power than the police or FBI without a search warrant!

First and foremost, HB538 violates the Fourth Amendment to the United States Constitution, which guarantees the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. The proposed bill would allow county agencies to enter private property without the owner's consent or cooperation, which is a clear violation of the Fourth Amendment. Even in cases where a violation is suspected, there must be a search warrant or probable cause for law enforcement officers to enter any property. Allowing hired county employees to enter properties without a search warrant or probable cause is a clear violation of the Fourth Amendment.

Furthermore, HB538 violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, which guarantees that no state shall deprive any person of life, liberty, or property without due process of law. The proposed bill would allow county agencies to impose fines of \$1,000 per day on property owners who fail to remediate civil violations within a specified time frame. This is an excessive penalty and is not proportional to the alleged violation. Moreover, if the fines exceed \$5,000, the property will be subject to a lien and foreclosure proceedings without giving the extra money back to homeowners after foreclosure sale. The proposed bill does not provide any avenue for property owners to contest the fines or to seek a hearing before an impartial party of our peers. And most importantly, this bill does not require the county to foreclose at market value, and it looks like the county is not required to return any proceeds from the average single family home currently selling for \$1,000,000.00. The bill allows them to keep any proceeds - so they will be making a million dollars on average for the properties they are stealing from us? This bill is flawed in every possible way.

In addition, HB538 violates the Takings Clause of the Fifth Amendment to the United States Constitution, which requires just compensation for any property seized. The proposed bill would allow county agencies to foreclose on homes within 90 days and not sell the homes for market value. This is a clear violation of the Takings Clause, as property owners would not receive just compensation for illegally foreclosed upon homes.

Finally, HB538 violates Hawaii state law, which requires a warrant or other legal process for any government agency to enter private property. Section 7-1 of the Hawaii State Constitution explicitly states that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, and invasions of privacy 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."

In light of these constitutional and grave legal concerns, I urge you to vote against HB538 and stop in in its entirety. The proposed bill violates the Fourth Amendment, the Due Process Clause, the Takings Clause, and Hawaii state law. **It gives county employees more power than the police or FBI which require a search warrant to enter a home without consent**, and this would lead to counties being incentivized to impose these excessive fines and property seizures without due process. or oversight

I respectfully ask that you consider these concerns and protect the constitutional rights of Hawaii's citizens.

Sincerely,

Patti Tews

**HB-538-HD-1**

Submitted on: 3/15/2023 10:37:40 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
DEBORAH BLACK	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Honorable Members of the Hawaii Legislature,

I strongly oppose the proposed bill HB538, which seeks to grant more rights to county employees than even law enforcement agencies like the police or the FBI have.

This bill is a direct assault on the rights and freedoms of homeowners in Hawaii and poses a serious threat to their property and financial security. One of the most egregious aspects of this bill is the provision that would allow county employees to foreclose on our homes within 90 days without due process and enter our homes "without consent" or due process. This is an alarming violation of our constitutional rights and due process protections. The ability to foreclose on someone's home should never be taken lightly and should always be subject to proper legal procedures and oversight.

Furthermore, the bill does not require that the homes be sold for market value, or to give all remaining proceeds to the homeowner. which means that homeowners and the counties would collect millions of dollars. This is an outrage! This would bankrupt Hawaiian citizens and will result in devastating losses that are impossible to recover from. It is simply illegal to allow county employees to have this much power over homeowners without every legal safeguards in place, most important of which is checks and balances. We have so much corruption in our Hawaiian government - we read about it every day in the newspapers, and you are voting to see if they can illegally enter our homes without a search warrant, fine us for whatever they find in our homes, fine us a minimum of \$1,000 a day and then authorize them to lien our property after 5 days of fines, and then immediately turn around and start foreclosure proceedings. What could possibly go wrong with our corrupt officials?

The idea that liens can be considered civil fines is also concerning, as this will be used as a means to penalize homeowners unfairly and without proper legal recourse. In conclusion, I urge you to reject the proposed bill HB538, and stop this insanity as it represents a grave threat to the rights and freedoms of all homeowners in Hawaii. We need to ensure that proper legal procedures and safeguards are in place to protect homeowners from overreach and abuse by county employees. Thank you for considering my opposition and stopping this bill now.

Aloha, Deb Black

**HB-538-HD-1**

Submitted on: 3/15/2023 10:49:09 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Webb	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Honorable Members of the Hawaii Legislature,

I am writing to express my strong opposition to the proposed bill HB538, which seeks to grant hired county employees more rights than even law enforcement agencies like the Police or the FBI have! This bill poses a significant threat to the property and financial security of homeowners in Hawaii and is a direct violation of our constitutional rights and due process protections. The US Constitution 4th Amendment protects all citizens from search and seizure. This is an illegal bill.

One of the most concerning aspects of this bill is the provision that would allow county employees to foreclose on our homes within literally days of illegally entering our homes without our consent, to look for violations and then fine us for those violations and then commence foreclosure proceedings "immediately" for the SAME FINES that they created! We are proposing that our county employees become the police, prosecutor, judge, jury and executioner!!! Where is our system of checks and balances? This is unconstitutional on every level, and illegal on so many fronts. This is an outrageous violation of our basic rights and freedoms, and it is deeply troubling that county employees would be given such unprecedented power over homeowners.

Additionally, the bill does not require that the homes be sold for market value, which means that homeowners could lose their homes for significantly less than what they are worth. This would be a severe financial blow and could result in long-lasting consequences for homeowners and their families. Furthermore, the bill does not require that any extra money generated from the foreclosure sale be returned to the homeowners, which could result in county employees profiting from taking away people's homes. This is unacceptable and goes against the principles of fairness and justice.

This bill incentivizes counties to place as many violations on or homes as they can possible conjure up at a "minimum" of \$1,000 per day per violation, so that they can foreclose on our homes within days of invading it illegally!

Moreover, the penalties for violating county zoning ordinances, rules, or regulations are excessively punitive. With the he "minimum" fine of a minimum of \$1,000 per day is excessive, and subjecting property owners to liens and foreclosure proceedings without adequate due process protections is outrageous.

Furthermore, the idea that liens can be considered civil fines is deeply concerning. This could lead to homeowners being unfairly penalized and without proper legal recourse. It is essential that proper legal procedures and safeguards are in place to protect homeowners from overreach and abuse by county employees. This bill denies citizens of Hawaii their legal right to due process, and illegal search and seizure.

In conclusion, I strongly urge you to reject the proposed bill HB538. We must ensure that the rights and freedoms of homeowners in Hawaii are protected at all costs, and that proper legal procedures and safeguards are in place to prevent overreach and abuse by county employees. In just the past few years, our Hawaii government employees including the counties have been convicted of corruption and abuse of power, this will only embolden and enable them even more.

Allowing any government official to enter private property without a search warrant and impose fines, liens, and foreclosure proceedings without due process of law is a serious violation of our constitutional rights and undermines the very principles of democracy that our country was founded on.

This bill must be stopped now!

Mahalo for voting NO on House Bill HB538.

Mahalo, Sarah Webb

**HB-538-HD-1**

Submitted on: 3/15/2023 11:03:09 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ka'eo Keeling	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Hawaii State Legislature,

This is my written testimony to vehemently oppose proposed Bill HB538.

The bill authorizes county planning or permitting agencies to enter privately owned residential real property, without the consent or cooperation of the owner or occupant of the real property, to investigate any condition that the officer reasonably believes may constitute a violation of any county zoning ordinance, rule, or regulation that applies to residentially zoned real property. This provision violates the Fourth Amendment of the United States Constitution, which protects citizens from unreasonable searches and seizures. HB538 would give lay county employees more rights than the police or FBI without a search warrant, which is unconstitutional and violates both state and federal laws.

Moreover, the bill allows county planning or permitting agencies to foreclose on homes within 90 days and not sell them for market value. This is a violation of the Takings Clause of the Fifth Amendment, which requires the government to provide just compensation when it takes private property for public use. The bill also does not give the extra money back to homeowners after foreclosure sale, which is a violation of due process and equal protection under the law.

Furthermore, the bill imposes fines of not less than \$1,000 per day for zoning violations, subject to a lien if the fines exceed \$5,000, and subject to foreclosure proceedings if the property owner does not satisfy the lien within thirty days of notice and commence remediation of the violation. These fines are essentially civil fines, and it is illegal to impose civil fines without a court hearing or due process.

Lastly, I urge you to reject Bill HB538. It violates state and federal laws and denys and violates the constitutional rights of our Hawaiian citizens. I believe that there are better ways to address violations of county zoning ordinances, rules, or regulations that do not so incredibly violate the rights of property owners.

Mahalo for using your valuable to stop this extremely dangerous bill, HB538 now.

With Aloha,

Ka'eo Keeling



**HB-538-HD-1**

Submitted on: 3/15/2023 11:58:00 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephanie LaMonaca	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Honorable Members of the Hawaii Legislature,

On behalf of my family and my business located on Oahu, I am writing to express my strong opposition to the proposed bill HB538, which seeks to grant hired county employees excessive and unfettered rights than even law enforcement agencies.

It is clear that this bill poses a significant threat to the property and financial security of homeowners in Hawaii and is a direct violation of our constitutional rights and due process protections. There is no viable or rational legislative or state interest. The bill (and if enacted into law) affects fundamental property rights and privacy rights. There is no compelling state interest and certainly no public interest that would be required to even be considered. This bill is an unlawful overreach of power and a violation of property and privacy rights.

One of the most concerning aspects of this bill is the provision that would allow county employees to foreclose on our homes within days of illegally entering our homes "without consent", to look for violations and then fine us for those violations and then commence foreclosure proceedings "immediately" for the SAME FINES that they created! This is unconstitutional on every level, and illegal. This is an egregious violation of our basic rights and freedoms. It is deeply disturbing that you would consider giving county employees such unprecedented power over homeowners.

Additionally, the bill does not require that the affected homes be sold for market value, or require the county to pay the homeowner back for any amount that the home was sold for above the amount of the lien! With the average single home price in Hawaii being \$1,000,000 - this bill would make each county literally tens of millions if not hundreds of millions of dollars every month. Enriching the county is not a legitimate or compelling state interest to justify stripping individual rights.

This bill incentivises counties to place as many violations on our homes as they can possible at a "minimum" of \$1,000 per day per violation, so that they can foreclose on our homes within days of illegal entry. This is against everything that we as Hawaiian citizens stand for and everything that Hawaii itself represents.

In conclusion, I strongly urge you to STOP the proposed bill HB538. We must ensure that the rights and freedoms of all homeowners in Hawaii are protected at all costs, and that proper legal procedures and safeguards are in place and followed to prevent overreach and abuse by county employees.

This bill will be immediately and forcefully challenged in the courts for unlawful and unconditional conduct and infringement on property, privacy and individual rights and freedoms and it will LOSE. What a frivolous abuse of judicial and county resources.

This bill must be stopped now!  
Mahalo for voting NO on House Bill HB538.

**HB-538-HD-1**

Submitted on: 3/15/2023 12:16:43 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Trish Rosqvist	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Members of the Hawaii Legislature,

I am appalled after reading the proposal for HB538 and I am writing to express my strong opposition to the proposed bill HB538.

While I understand the concerns about property owners who do not maintain their premises or engage in unlawful activities, this bill seeks to grant powers to county employees, even more power than law enforcement, without the need for a search warrant? This bill also treats liens as civil fines, which is a very dangerous precedence to to start.

Allowing county employees to enter privately owned residential real property without the owner's consent or cooperation is a violation of basic constitutional property rights. This entire bill will lead to even more governmental abuse of power and unwarranted intrusion into the lives of law-abiding Hawaii citizens.

The penalties for violating county zoning ordinances, rules, or regulations are excessively punitive. The minimum fine of a minimum of \$1,000 per day is excessive, and subjecting property owners to liens and foreclosure proceedings without adequate due process protections is unacceptable after 5 days is propsturous.

Respectfully, I ask you to reject this bill entirely and stop it from moving any further in the process. Instead consider alternative solutions that are more respectful of property rights and due process protections.

Sincerely,

Trish Rosqvist

**HB-538-HD-1**

Submitted on: 3/15/2023 12:51:12 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Hall	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Honorable Members of Our Hawaii State Legislature-

When Bill HB538 seeks to give more rights to county employees than our police officers by suggesting that we grant them access to our homes without our consent or cooperation or without a search warrant you know that this bill must be stopped immediately. This is a gross violation of our homeowners rights and an imenent threat to our constitutional rights.

Imposing fines of \$1,000 per day for zoning violations and allowing liens to be placed on properties that exceed \$5,000 is an excessive and unfair punishment, and then foreclosing on homes without selling them for market value and without giving extra money back to homeowners after the foreclosure sale is a blatant abuse of power. This will result in significant financial losses for all Hawaii homeowners who may have fallen on hard times or are struggling to maintain their properties. Furthermore, this will encourage county employees to abuse their power and act recklessly, knowing that they have the authority to seize property without proper due process, and then sell it for potentially millions of dollars to collect the fines that they imposed on the property! This is the epitome of a conflict of interest and not following our governmental foundation of checks and balances.

This proposed bill is unjust, constitionally prohibited and undermines the fundamental principles of our democracy. The government should not have the power to take away our Hawaii citizens' homes as a first line punitive action, it should be the absolute last result after exploring every other single option available. And turning civil fines into a property lien which is immediately turned into foreclosure in a matter of a few months rather than a few years is an absolute egregious abuse of power. These laws that are being proposed are illegal violating the very most basic of our constiitutional rights.

This bill must be thrown in the trash never to be recycled again. Please vote no on HB538 urge and lets work on passing bills that protect the rights and financial stability of homeowners in Hawaii.

With Deep Respect and Aloha,

David Hall

**HB-538-HD-1**

Submitted on: 3/15/2023 1:43:54 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Hall	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Respected Members of Our Hawaii Legislature,

HB538, which proposes to authorize the county planning and permitting agencies to enter privately owned residential real property without a search warrant, issue fines of \$1,000 per day for zoning violations, and foreclose on properties within 90 days without selling them for market value or returning any extra money to homeowners after foreclosure sale. Everything about this proposed bill is objectionable at the least, and illegal from almost every angle.

This bill is not only unconstitutional, but it also grants more rights to our county employees than the police and law enforcement who risk their lives every day to protect us. The Fourth Amendment of the United States Constitution protects citizens against searches and seizures, and this bill violates this fundamental right. The Hawaii Constitution Section 7-1 clearly states that we have the fundamental right to be secure in our persons and houses, and not subject to search or seizure without a warrant. If our law enforcement, and FBI cannot enter a person's property without a warrant, why on earth would we allow untrained county employees to put their lives at risk and danger entering Hawaiian citizens homes without a warrant.

Additionally, the liens imposed on property owners for zoning violations are civil fines, not criminal penalties. Imposing a lien on a person's property for a civil fine is a violation of the Excessive Fines Clause of the Eighth Amendment to the United States Constitution. The government cannot impose fines that are disproportionate to the offense committed. Selling a home in Hawaii, where the average price of a single family home in 2023 is 1,000,000.00 USD, One Million Dollars, and then authorizing a lien to be granted at the \$5,000 level, against an average One Million Dollar house in Hawaii is not proportional to the offense committed, thereby violating our US Constitutional 8th Amendment right against excessive liens.

In conclusion, HB538 is unconstitutional, puts both our citizens and our valued county employees at danger and violates fundamental legal rights protected by the United States Constitution and our Hawaii State Constitution.

There is no other action that you can take other than to throw this bill out, and stop HB538 in its entirety.

Mahalo for all of the hard work that you do on our behalf, but respectfully, this bill must be scrapped.

With Much Respect and Aloha,

Lisa Hall

**HB-538-HD-1**

Submitted on: 3/15/2023 1:54:36 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Wilkinson	Individual	Comments	Written Testimony Only

Comments:

I recommend revisions to the bill; rationale as follows.

As a former lending finance executive with extensive experience in default management, I can assure you that liquidation of an asset can cost anywhere between 10% -25% of an asset's value including rehab and holding costs. It never makes sense to foreclose on an asset unless the value of that asset can cover the costs of the foreclosure, otherwise you're just throwing good money after bad.

As a Hawaii resident and taxpayer, the bill of any foreclosure that doesn't net proceeds enough to cover the costs of foreclosure will cost the state more than it recovers, notwithstanding intangible environmental costs. However, the threshold of \$5000 seems entirely too low to justify the cost of any foreclosure action - even nonjudicial.

The bill should be revised to place the threshold to initiate foreclosure, "If fines assessed to the owner of real property **exceed 120% of the taxable property value in the current year or \$100,000, whichever is lower**, then the notice of violation shall constitute a lien . . ."

(\$100k is 20% of the current median Hawaiian home value of approx. \$500k)

**Only a threshold considering actual foreclosure costs that won't burden the taxpayer** is in the best interests of the state. The legality of operations on the property is addressed under criminal law and actionable via alternate means.

**HB-538-HD-1**

Submitted on: 3/15/2023 3:07:13 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Rubinstein	Individual	Oppose	Remotely Via Zoom

Comments:

What happened to of the people and for the people? What is going on in this session of the legislature is not the Hawaii I have known for the last 50+ years!

Bills in duplicity, all covering the same unconstitutional issue, basically stealing property, like this one and the few before it. Let me refresh your minds about what is legal or not. The 14th Amendment states: **No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.** If you pass this bill or another like it, this issue, like Bill 41, which was contested at the Federal Level and found to be illegal and unconstitutional, with the Federal Court determining that if the City tried to enforce the 90 day minimum they would be held in contempt of court. Is that what you are trying to emote with these duplicitious bills as well? Wasting taxpayers funds on attorneys to fight the State (or City of Honolulu in the case of Bill 41) just to prove that the bully tactics being tried are ultimately illegal? These fear tactics just are not working and are not worth your time of intelligence, not that of the public you have been brought forth to represent. Am I Really in Louisiana or Las Vegas? Are you so set on making these islands a replica of the mainland that you want to carry on in full corruption? Why? Really...Why? For some behind the scenes funds, that if found out, will send you down the same rabbit hole that 2 of your peers have already fallen into? We all Know they surely aren't the only ones playing without the rules. For God's sake, Save Your Souls and Play By the Rules of the Constitution and Kill This Bill and any and all duplicate smoke and mirror bills like it.



**HB-538-HD-1**

Submitted on: 3/15/2023 3:08:52 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kelly Lee	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to Bill HB538. There is no reason to allow for non-judicial foreclosures in Hawaii. Non-judicial foreclosures were a key factor in the economic crisis in 2008. You must have a short a memory that you do not recall the havoc these non-judicial foreclosures bore on Hawaii's economy in the Great Recession in 2008. Maybe you do not recall all the lawsuits filed and won because of the faulty non-judicial foreclosure process in Hawaii.

This is a blatant disregard for residents personal property rights and the right to due process. Nothing in the history and behavior of City & County of Honolulu Planning & Permitting's track record suggests that they should be given such power and would handle it responsibly. I don't need to list all the indictments imposed on DPP in the past-there are too many to list. They cannot approve a remodel permit for over 2 years but, they can take a person's home in a month. The Department is broken and to grant the most problem riddled department in the city such authority would be careless and irresponsible on your part.

There have been numerous instances where DPP has misled and failed to do any due diligence in levying fines and liens. If you want the right to foreclose, use the legal process that is proven to be affective- Judicial Foreclosure where both parties have rights to due process. Just the words "to the county planning or permitting agency's satisfaction" are vague and could lead to widespread abuse of authority.

This is a Bill designed to strip residents and homeowners of Oahu of their rights. It grants unfettered freedom to city departments to bully, intimidate and persecute the very people they are entrusted to protect.

Taking someones home is the most serious of offenses when we already face a mass exodus of residents, lack of afforable housing and homelessness on a steep upwards trajectory. You represent the people of Oahu so, think of how this hurts the people instead of finding ways to take was is not yours to take. Maybe the department of planning and permitting should do some planning and permitting rather than be given power far beyond their area of expertise. Maybe we could get a building permit approved in less than 2 years. DPP should stay in their lane and let the courts handle foreclosures like any democratic society would. We have seperation of powers for a reason.

Vote no on Bill HD538



**HB-538-HD-1**

Submitted on: 3/15/2023 4:19:41 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Randel Ostrom	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Distinguished Members of our Great State of Hawaii Legislature,

I would like to have my extreme opposition to HB538 recorded in perpetuity. This unconscionable bill proposes to give more power and authority to our hired county employees than our law enforcement proposing to allow them to enter our homes without a search warrant. Again, this bill would allow county planning or permitting agencies to enter privately owned residential real property, to search for any violations of county zoning ordinances, rules, or regulations without a search warrant. This bill has the audacity to try to overrule our 4th Amendment Constitutional right against search and seizure. This bill also has even more audacity to try to overrule Section 7-1 of our Hawaii Constitution that explicitly grants property owners the right to be secure in their properties and forbids search and seizure without a justifiable warrant.

And then! This proposed bill would allow for fines that turn into liens after 5 days. FIVE DAYS! And then the county that originally entered our homes without a search warrant, and then fined us for the violations that they found during their illegal search, are then allowed to foreclose on the property within days, not years of the lien being placed on the home.

Has anyone actually read this bill? Every single provision of this bill, any 10 year old could tell you is unconstitutional. How did this bill ever get this far? I will volunteer myself or my 10 year old to proofread all of your bills for you to see if they are against the United States of America Constitution, or the Hawaii Constitution before you propose something that is so supremely illegal again.

Allowing government officials to enter private property without a search warrant and impose fines, liens, and commencing foreclosure proceedings without due process of law is a serious violation of our constitutional rights and undermines the very principles of democracy that our country was founded on.

Furthermore, this bill would give county employees more power than even the police the FBI or the U.S Marshalls have being permitted to search our homes without a search warrant, which is an alarming precedent to set. We must be cautious of giving too much power to government officials, especially when it comes to invading the privacy of citizens in their own homes.

In addition, the provisions in this bill that allow for foreclosure proceedings without selling the homes for market value and not discussing giving the remaining proceeds back to homeowners after the foreclosure sale is unlawful. Treating liens as civil fines is deeply troubling. These proposed provisions will result in homeowners losing their homes and their life savings without any compensation or recourse, which is simply unconscionable. Liening our potentially multi-million dollar homes and foreclosing on them for for \$5,000 is a direct violation of our 8th Amendment of our United States Constitution which prohibits excessive liens. This is the ultimate example of violating our 8th Amendment constitutional right.

In conclusion, the only option that we have is to stop this bill now, as the property rights and privacy of homeowners in Hawaii are paramount, and this bill violates the very fabric of who we are as Americans and as Hawaiians. There are better ways to address the concerns about residential property maintenance and zoning violations without resorting to draconian measures that so egregiously violate our constitutional rights.

Respectfully,

Randel Ostrom

**HB-538-HD-1**

Submitted on: 3/15/2023 4:26:21 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michdelle Melendez	Individual	Oppose	Written Testimony Only

Comments:

ABSOLUTLEY NOT! You are going over and above what ELECTED OFFICIALS the Government is meant to do for the people! This bill could have people lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/15/2023 5:17:20 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Francis Cisco	Individual	Oppose	Written Testimony Only

Comments:

Aloha Hawaii State Legislature,

I strongly oppose proposed Bill HB538 as this bill violates so many of our constitutional rights that I actually lost count after 5. I am very sorry that this bill has even made it to the House of Representatives for a vote, as it is a colossal waste of your time and our tax payer dollars for you to even read a bill that violates our 4th amendment rights, our 5th amendment rights, our 8th amendment rights, as well as our Hawaiian Constitutional rights against search and seizure, and lastly it denies us our legally protected right to due process. As a citizen that graduated from 7th grade, I am sure that you are as offended by the bill as I am that this bill was even written. However, just as a matter of providing you, with my due diligence, I will delineate in more detail a few of the more shocking requests that this bill is seeking.

First and foremost, by authorizing or (requiring depending on how you look at it), unarmed, untrained civilian county employees to enter into the homes of combative homeowners that will not allow you in their home because our US Constitutional rights, specifically the 4th Amendment that protects us from any illegal search and seizure without a signed warrant, supercede any state law that might be passed by this illegal bill, not to mention that it also violates section 7-1 of our Hawaiian State Constitution. This creates a very dangerous if not potentially deadly situation that you are placing some of most important citizens in, our county employees. Again, I apologize that you are placed in the position to have to even consider this bill.

Next, this bill would give county employees more rights than our police force or the FBI authorizing entrance into our homes without a search warrant, which is unconstitutional and violates both our state and federal laws

Furthermore, this bill allows county planning or permitting agencies to foreclose on homes within 90 days and not sell them for full market value. This is a violation of the Takings Clause of the Fifth Amendment, which requires the government to provide just compensation when it takes private property. The bill also does not give the extra money, from the illegal foreclosure, back to homeowners after this illegal foreclosure sale, which is a violation of due process and equal protection under the law.

Furthermore, the bill imposes fines of not less than \$1,000 per day for zoning violations, subject to a lien if the fines exceed \$5,000, and subject to foreclosure proceedings if the property owner does not satisfy the lien within thirty days of notice and commence remediation of the violation.

These fines are essentially civil fines, and it is illegal to impose civil fines without a court hearing or due process. And lastly, it is against the 8th amendment to have excessive liens and this proposed law is the exact reason this constitutional amendment was put in place.

Bill HB538 violates so many state and federal laws, violates our constitutional rights, and it places public servants in danger of losing their lives. I cannot think of a bill that I have ever read that is so egregious on so many different levels. Again, as a citizen of Hawaii, I apologize that you have to even consider the illegalities of this proposed bill.

Mahalo for your service to our Great State of Hawaii.

Francis Cisco

**HB-538-HD-1**

Submitted on: 3/15/2023 5:51:16 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kassidy Montana	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Hawaii Legislature,

I am writing in opposition to HB538, which proposes to give county planning or permitting agencies the authority to enter privately owned residential real property without a search warrant and foreclose on homes within 90 days for zoning violations. This proposed bill is not only unconstitutional but also violates so many state and constitutional laws.

Firstly, the Fourth Amendment of the United States Constitution protects citizens from unreasonable searches and seizures, and a search warrant is required before entering a private property. The proposed bill allows county employees to enter privately owned residential real property without the owner's consent or a search warrant, which is a clear violation of the Fourth Amendment.

Secondly, the proposed bill violates Hawaii Revised Statutes § 604-5, which provides that a "foreclosure shall be conducted in the same manner as provided by law for the exercise of a power of sale in a mortgage." which this bill is proposing to do and is a clear violation of Hawaii's foreclosure laws. Thirdly, the proposed bill violates Hawaii Revised Statutes § 667-22, which requires that any excess funds from a foreclosure sale be returned to the homeowner. The bill does not provide for the return of excess funds to homeowners after the foreclosure sale, which is another clear violation of Hawaii's foreclosure laws.

Finally, the proposed bill violates the Takings Clause of the Fifth Amendment of the United States Constitution, which prohibits the government from taking private property without just compensation. The bill allows county planning or permitting agencies to issue fines of at least \$1,000 per day for zoning violations and foreclose on the homes without just compensation, which is a clear violation of the Takings Clause, as well as violating our 8th amendment constitutional right to not be excessively liened.

I strongly urge you to stop HB538. This proposed bill not only violates several state and constitutional laws but also undermines the fundamental rights of property owners. Instead, we should focus on creating a fair and just system that protects the rights of all citizens while ensuring that properties are maintained in a safe and sanitary condition without violating our constitutional rights.

Aloha,

Kassidy Montana



**HB-538-HD-1**

Submitted on: 3/15/2023 6:27:46 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Dear Legislators,

HB538 is illegal because it violates several protected rights in both state and constitutional law. Firstly, it violates the Fourth Amendment of the United States Constitution, which protects citizens from unreasonable searches and seizures. Allowing government officials to enter private property without a warrant or consent is a clear violation of this constitutional right. Secondly, it violates the Hawaii Revised Statutes, which state that property owners have a right to privacy and protection from unwarranted government intrusion. Chapter 664-1 of the Hawaii Revised Statutes clearly states that "every person has a right to privacy as defined in this chapter in the person's personal life, family life, and private affairs." Allowing county officials to enter private property without consent or a judicial warrant violates this fundamental right.

Furthermore, this bill gives more rights to county employees than the police or FBI have without a search warrant. County employees would have the power to foreclose on homes within 90 days, without selling them for market value, and without giving the extra money back to homeowners after foreclosure sale. This is an egregious violation of property rights and due process.

Additionally, the proposed bill allows liens to be imposed as civil fines, which is not in compliance with Hawaii state law. Under Hawaii Revised Statutes §607-17, liens can only be imposed for debts arising from labor or materials furnished for the improvement of the property, and not for civil fines. Allowing liens to be imposed as civil fines is in violation of this state law and further harm homeowners who are already struggling to maintain their properties.

This bill violates the Hawaii Fair Housing Act, which prohibits discrimination in the sale or rental of housing. The bill disproportionately affects low-income residents, who may not have the resources to address the violations and may ultimately lose their homes as a result. Additionally, this bill violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, which requires that individuals be provided with notice and an opportunity to be heard before being deprived of life, liberty, or property. This bill allows county planning or permitting agencies to issue fines and liens against property owners without providing them with a hearing or any opportunity to contest the alleged violations. In conclusion, I urge you to reject this proposed bill completely as it violates both state and constitutional law. Allowing government officials to enter private property without consent or a warrant sets a dangerous precedent and goes against fundamental rights enshrined in our

Constitution and state law.  
Mahalo for stopping this illegal bill HB538,

Kianna Wissinger

**HB-538-HD-1**

Submitted on: 3/15/2023 6:46:01 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joanna Weber	Individual	Oppose	Written Testimony Only

Comments:

Please, OPPOSE HB 538.

MAHALO, JOANNA WEBER

**HB-538-HD-1**

Submitted on: 3/15/2023 6:54:36 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Henry	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Hawaii State Legislatures-

I am writing to express my strong opposition to HB538, which authorizes planning or permitting agencies to enter privately owned residential real property without the owner's consent for the purpose of investigating any condition on the premises that the officer reasonably believes may constitute a violation of any county zoning ordinance, rule, or regulation.

First and foremost, this bill is unconstitutional because it violates the Fourth Amendment of the U.S. Constitution, which protects against unreasonable searches and seizures. Allowing county planning or permitting agencies to enter private property without a search warrant, or consent, and would constitute an unreasonable search and seizure in violation of the Fourth Amendment. In the landmark Supreme Court case of *Camara v. Municipal Court*, the Court ruled that administrative searches such as those authorized by this bill must be conducted with a warrant or consent, and only in certain situations, such as where there is a genuine emergency, public health or safety is at risk.

Additionally, this bill violates the Due Process Clause of the Fourteenth Amendment because it authorizes the county to be the police, prosecutor, judge, jury, and executioner all at the county level. This means that the county can create fines and collect them through an illegal foreclosure process, without giving homeowners the chance to challenge the fines or appeal the foreclosure. This is a clear violation of due process and fundamental fairness, as homeowners are entitled to notice and an opportunity to be heard before their property can be seized by the government.

Furthermore, this bill conflicts with existing state law, which requires that foreclosures be conducted in accordance with strict procedural safeguards to ensure that the homeowner's due process rights are protected. Specifically, Hawaii Revised Statutes section 667-1 et seq. provides that foreclosures must be conducted judicially, and that the foreclosure sale must be conducted in a commercially reasonable manner and for fair market value. This bill violates these requirements by allowing the county to foreclose on homes within 90 days, not sell the homes for market value, and not give any extra money back to homeowners after the foreclosure sale.

Additionally, this bill violates the Takings Clause of the Fifth Amendment of the United States Constitution, which requires just compensation for any property taken by the government. This bill authorizes the county to create fines and liens that could lead to foreclosure on private property, which is an unconstitutional taking of private property without just compensation.

Furthermore, this bill violates the Hawaii State Constitution. The Hawaii State Constitution also protects property rights in Article I, Section 5. This bill's provisions allowing for entry onto private property without a warrant and imposing excessive fines and a rapid foreclosure without just compensation violate this provision.

In light of these serious legal and practical problems, HB538 must be stopped as due to the violation of Hawaii Citizens Constitutional Rights.

Sincerely,

Robert Henry

**HB-538-HD-1**

Submitted on: 3/15/2023 7:37:49 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan Barrackman	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this as it violates my rights and the 4th amendment. It is a disgusting communistic overreach .it is tyrannical . All in support will be held accountable for the desecration of our constitution .

Disgraceful.

**HB-538-HD-1**

Submitted on: 3/15/2023 7:49:14 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rita Wong	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB538

You are going over and above what Elected Officials, the Government, is meant to do for the people! This bill could have people lose their homes

**HB-538-HD-1**

Submitted on: 3/15/2023 8:17:58 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michelle Yao	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this Bill. This bill seeks to impose excessive fines on majority of minor and innocent violations, that are punitive, and unconstitutional. What kind of violation or offense does a homeowner commit to warrant such an excessive fine? \$1000 a day after only 30 days of notice?? It is treating the home owners worse than criminals such as drug dealers! How did this bill even been brought up?

For example, if someone gets a notice of violation from DPP for having unpermitted window changes, DPP only gives homeowner 30 days to correct this violation, by asking them to obtain a permit within 30 days. This is laughable because DPP has an enormous backlog that it takes average 300 days to get any permit. So under this bill, the homeowner will be subject to fines of \$1000 a day for 270 days, which amounts to \$270,000 fines, on a minor violation of changing windows without a permit. Don't you think that is ridiculous? I think most of us are not even aware you need a permit to change your old style windows to modern windows.

Please stop this bill. Thanks.



**HB-538-HD-1**

Submitted on: 3/15/2023 8:22:12 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

**ABSOLUTELY NOT!!!**

Homeowners should not have to be penalized to this extent!!! More fines for what!!! To line the pockets of you corrupt politicians??? This madness needs to stop! Who the hell is proposing this crap!!!

**HB-538-HD-1**

Submitted on: 3/15/2023 9:09:42 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
juhl rayne	Individual	Oppose	Written Testimony Only

Comments:

are you CRAZY... who is coming up with these draconian measures? ABSOLUTELY NOT!  
You are going over and above what ELECTED OFFICIALS, the Government, is meant to do for  
the people! This bill could have people lose their homes. This madness must STOP! this is  
insanity!!!

**HB-538-HD-1**

Submitted on: 3/15/2023 9:18:44 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mane Futo	Individual	Oppose	Written Testimony Only

Comments:

This bill could have people to lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/16/2023 1:33:35 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

**OPPOSE OPPOSE OPPOSE HB538**

What's Hawaii turning into??? You all are the biggest bully politicians in Hawaii. You are out to punish and push local folks out of Hawaii. **I don't understand why my elected officials have not warned us about this very communist bill** to prevent us from using the protection of the US courts. If you have have tried to get a simple permit from DPP, you will know it's like getting approval from God. DPP is so slow. They lose your plans. Try read the newspaper and watch the news and you will know you cannot trust DPP for anything. DPP is too corrupt and messed-up. If you trust DPP and the Mayor, you have your head in the sand.

We also have new people from the mainland who are always complaining about everything. So we locals are going to get fines. If we can't pay the fines, the city is going to sell our home. This is communism. I think the city is trying to made money to cover for the Honolulu Rail money sink hole. Please stop this bullying.

Members of the Hawaii Legislature,  
I am writing to express my opposition to the proposed bill HB538.

This bill poses a significant threat to the property and financial security of homeowners in Hawaii and is a direct violation of our constitutional rights and due process protections. The US Constitution 4th Amendment protects all citizens from search and seizure. This is an illegal bill. One of the most concerning aspects of this bill is the provision that would allow county employees to foreclose on our homes within literally days of illegally entering our homes "without consent", to look for violations and then fine us for those violations and then commence foreclosure proceedings "immediately" for the SAME FINES that they created!

Where is our system of checks and balances? This is unconstitutional on every level, and illegal on so many more fronts. This is an egregious violation of our basic rights and freedoms, and it is deeply troubling that you would even consider giving county employees such unprecedented power over homeowners.

Additionally, the bill does not require that the homes be sold for market value, or require the county to pay the homeowner back for any amount that the home was sold for above the amount of the lien! With the average single home price in Hawaii being \$1,000,000 - this bill would make each county literally tens of millions if not hundreds of millions of dollars every month.

How did this bill even get this far in our legislature?

This bill incentivizes counties to place as many violations on our homes as they can possible at a "minimum" of \$1,000 per day per violation, so that they can foreclose on our homes within days of invading it illegally! This is against everything that we as Hawaiian citizens stand for.

Moreover, the penalties for violating county zoning ordinances, rules, or regulations are excessively punitive. With the "minimum" fine of \$1,000 per day is excessive, and subjecting property owners to liens and foreclosure proceedings without adequate due process protections is outrageous.

Furthermore, the idea that liens can be considered civil fines is deeply concerning. This will lead to homeowners being unfairly penalized and without proper legal recourse or due diligence. It is essential that proper legal procedures and safeguards are in place to protect homeowners from overreach and abuse by county employees. This bill denies citizens of Hawaii their legal right to due process, and illegal search and seizure, and is excessively punitive in it's entirety.

In conclusion, I strongly urge you to STOP the proposed bill HB538. We must ensure that the rights and freedoms of all homeowners in Hawaii are protected at all costs, and that proper legal procedures and safeguards are in place and followed to prevent overreach and abuse by county employees. It is no secret that just in just the past few years, our Hawaii government employees including the counties have been convicted of corruption and abuse of power, this will only embolden and enable them even more.

Allowing any government official to enter private property without a search warrant and impose fines, liens, and foreclosure proceedings from this illegal search and without due process of law is a serious violation of our constitutional rights and undermines the very principles of democracy that our country was founded on.

This bill must be stopped now!

Vote NO on House Bill HB538.

**HB-538-HD-1**

Submitted on: 3/16/2023 6:50:50 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Martins	Individual	Oppose	Written Testimony Only

Comments:

Adding a substantial fine to an existing fee may encourage some who are avoiding payment to pay but others it will cause them to lose their homes. I oppose this approach.

**HB-538-HD-1**

Submitted on: 3/16/2023 7:50:11 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
noela von	Individual	Oppose	Written Testimony Only

Comments:

I oppose. Thank you

**HB-538-HD-1**

Submitted on: 3/16/2023 8:10:48 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sandra Van	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill on several levels:

1) Property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of **multitude of corruption scandals** that Honolulu Department of Planning and Permitting has found itself involved in the past several years.

2) Furthermore, adding **\$1000 daily fines** on top of existing \$10,000 fines instituted by Honolulu Bill 41 is **excessive**.

3) This bill permits placing a **lien on a home** after 5 days of fines which does not take into consideration life situations that owners may find themselves in: travel, hospital stay, etc.

4) It is likely **UNCONSTITUTIONAL** and will be overturned by the courts -- at a high and needless cost to taxpayers and homeowners.



**HB-538-HD-1**

Submitted on: 3/16/2023 8:16:37 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

Date: March 16, 2023

To: Hawaii State Legislature

Subject: Opposition to Proposed Bill HB538 HD1

Dear Members of the Hawaii State Legislature,

As a concerned homeowner in Oahu, I write to express my strong opposition to proposed Bill HB538 HD1 ([https://www.capitol.hawaii.gov/sessions/session2023/bills/HB538\\_HD1\\_.HTM](https://www.capitol.hawaii.gov/sessions/session2023/bills/HB538_HD1_.HTM)). This bill threatens the legal rights and financial stability of property owners like myself, and I believe it contains provisions that may be unconstitutional. My concerns are outlined below:

1. **Unconstitutional Infringement on Property Rights:** The proposed bill appears to infringe upon the constitutional rights of property owners by removing the essential legal protection of judicial foreclosure. This process provides a fair and transparent venue for homeowners to have their rights heard and considered. The recent corruption scandals within the Honolulu Department of Planning and Permitting emphasize the importance of maintaining these safeguards. Eliminating judicial foreclosure would potentially expose homeowners to arbitrary and corrupt enforcement actions, violating our constitutional rights to due process and equal protection under the law.
2. **Excessive Fines:** The proposed \$1,000 daily fines, in addition to the existing \$10,000 fines established by Honolulu Bill 41, are punitive and excessive. As a homeowner, I find these financial penalties to be unreasonable and disproportionately burdensome. They could lead to foreclosures, forcing families like mine out of their homes, and exacerbating the current housing crisis in Hawaii.
3. **Insufficient Grace Period for Lien Placement:** Bill HB538 HD1 allows for placing a lien on a property after just five days of accruing fines. This short timeframe does not take into account real-life situations that homeowners like myself may find ourselves in, such as hospital stays, travel, or other unforeseen circumstances. Consequently, we may be unfairly penalized and face significant financial burdens due to factors beyond our control.

In conclusion, I strongly urge you to reconsider the proposed Bill HB538 HD1. Preserving the legal protections offered by judicial foreclosure, avoiding excessive fines, and implementing

reasonable lien placement timelines are essential to maintaining a fair and just system for homeowners on Oahu.

Thank you for your time and consideration.

Sincerely,  
Elizabeth Dachtler

**HB-538-HD-1**

Submitted on: 3/16/2023 8:19:19 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
karin omahony	Individual	Oppose	Remotely Via Zoom

Comments:

1) property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of **multitude of corruption scandals** that Honolulu Department of Planning and Permitting has found itself involved in the past several years.

2) adding **\$1000 daily fines** on top of existing \$10,000 fines instituted by Honolulu Bill 41 is **excessive**.

3) This bill permits placing a **lien on your house** after 5 days of fines which does not take into consideration life situations that owners may find themselves in: travel, hospital stay, etc.

4) it is not fair, democratic, nor constitutional for one branch of government to be the judge jury and executioner. Passing an unconstitutional law like this one will simply lead to further waste of taxpayer money at the legislature and court level.

Thank you for opposing HB 538 and getting the legislature back to spending their tax payor financed time on passing laws that will actually help the citizens of Hawaii.(Houselessness, sex trafficking, Organized crime, drug dealing).

**HB-538-HD-1**

Submitted on: 3/16/2023 8:20:35 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paul Swart	Individual	Oppose	Written Testimony Only

Comments:

HB-538 will create more problems than it intends to solve. Almost every case involving County fines that can result in potential property liens and foreclosure is unique. Injecting a "fast-track" vehicle into the well-established process will lead to complications when the citizen has a legitimate reason for any kind of delayed reaction to a County demand. This includes illness, family circumstances, travel and so on.

We don't confiscate people's cars when they are a few days late on parking ticket due dates. Then why single out home owners late on another type of fine?

The current well-established process, including the due process that is constitutionally afforded to the citizen, need not be tampered with. The end result does not change if the County is in its full right for the actions taken. This effort to rush the process only leads to unnecessary and unwanted complications, hardship and waste.

**HB-538-HD-1**

Submitted on: 3/16/2023 8:24:03 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Adam Rose	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my strong opposition to HB 538, which is currently being considered in the Hawaii legislature. I believe that this bill poses a significant threat to homeowners in Hawaii and gives too much power to government employees.

As a resident of Hawaii and a homeowner, I am deeply concerned about the potential impact of this bill on my property rights. HB 538 would allow government employees to enter private property without a warrant, in order to inspect for code violations or other issues related to health and safety. While I understand the need for public safety and the importance of maintaining high standards for housing, I believe that this bill goes too far in giving government employees unchecked power over private property.

In addition, I believe that this bill could have serious consequences for homeowners in Hawaii. By allowing government employees to enter private property without a warrant, HB 538 opens the door for potential abuse and harassment of homeowners. Moreover, the bill could lead to increased fines and penalties for homeowners who are found to be in violation of code requirements, which could put an undue financial burden on many families in Hawaii.

As a voter and a concerned citizen, I urge you to vote against HB 538. I believe that this bill is deeply flawed and would be harmful to homeowners and residents of Hawaii. Instead, I would encourage you to consider alternative measures that would prioritize public safety while also protecting the rights and interests of homeowners.

**HB-538-HD-1**

Submitted on: 3/16/2023 8:32:34 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ken Kribel	Individual	Oppose	Written Testimony Only

Comments:

I am against Bill 538. The DPP with all the corruption and instability should not be the ones to make decisions to foreclose on your property.

All of these bills targeting STR is a complete government over reach.  
where do these bills keep coming from. There are much more important issues to address.

**HB-538-HD-1**

Submitted on: 3/16/2023 8:45:21 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rosaline Wang	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB538. Life is hard already for Hawaii homeowners. If the government is allowed to exercise non judicial foreclosure proceedings, imagine how many residents will become homeless that trigger more housing issues to the States. It likes Federal Reserve raises the interest rate fighting for inflation, but ignores how it would impact the banking industry and now facing the domino effects of bank failures.... None of our house members is economist. Please do not come out a bill that you don't even know what would surface later on? If it allows to pass and fail the community, are you willing to personal responsible for the consequences? If no, then don't pass.

**HB-538-HD-1**

Submitted on: 3/16/2023 8:47:01 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynne wood	Individual	Oppose	Written Testimony Only

Comments:

Stop destroying income for locals! Your suppose to be helping us! Stop heading towards a communist government that your obviously taking it.



**HB-538-HD-1**

Submitted on: 3/16/2023 8:49:45 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ali Ameden	Individual	Oppose	Written Testimony Only

Comments:

Why do you think this is a good idea? Making life harder for the people and easier for you to take our property? Another braindead idea that needs to DIE. Why don't you HELP the people instead of thinking of ways to punish over frivolous things? We NEED housing, food security, infrastructure. You people have no business in charge of anything.

**HB-538-HD-1**

Submitted on: 3/16/2023 8:50:48 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rebecca Storrs	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Esteemed Members of the Hawaii Legislature that Represent My Ohana,

HB538 NO. JUST. NO.

Has anyone been watching the news lately? It is 2023 and we are on the fast train to the largest economic collapse since the 1920's depression. The world is on fire, banks are collapsing, our politicians are corrupt, interest rates are at an all time high, our unemployment rates are skyrocketing, inflation is hurting every single Hawaiian, we are struggling to feed our families and put gas in our automobiles and we are now 3 years into the National Public Health Emergency for the Coronavirus Pandemic and the state of Hawaii is, as of today, still receiving funds to survive these difficult times due to this National Emergency. These are all headlines from just the last week. And this exact same government is today proposing to excessively fine and ultimately foreclose on our hardworking Hawaiian citizens homes due to a county zoning violation. A zoning violation, really?

HB538 wants to make our citizens homeless for a zoning infraction! This is not the Hawaii that I was raised in, this is an unbelievable affront to everything that Hawaii stands for.

In these most unprecedented times, our government should be looking for ways to strengthen our families, secure our homes, protect our jobs, subsidize our citizens, and create programs for relief rather than finding more ways to penalize us for not having enough money to pay for a county infraction.

Our citizens are going through enough right now, just trying to keep food on the table, and enough fuel in our cars to be able to drive to work and church each week, and we are barely surviving as it is, having the government against us like this sends the wrong message to our population. We should be supporting each other now, more than ever. Please, as our valued representatives, we need you to spend your time looking for ways to mitigate the daily living hardships that we are facing, not looking for ways to make us insecure in losing our greatest asset, our homes. And as a reminder, when you propose to foreclose on one of our homes for a county violation, you are not just making one person homeless by this action, you are making generations homeless. More Ohana are living under one Hawaiian roof now, than ever before, we have always had multi-generational homes, but with the current recession, and unprecedented inflation, we not only have our parents and grandparents living with us, we are having our Aunties and Uncles and their Keiki living with us too.

This proposed bill to be able to foreclose on our homes in a matter of weeks is heartbreaking to say the least, I know that most every other letter is focusing on the unconstitutionality of the bill, but I want you to focus on us, your ohana, and reject this bill, and every other bill that is like this in the legislature at this time.

We are your Ohana. You are our Ohana. Our keiki, our Aunties, our Kapuna are counting on you to remember that you are our voice and our protectors from big government overreach. We need you now more than ever to stand up for our ohana.

With a Very Heavy Heart,

Rebecca Storrs

**HB-538-HD-1**

Submitted on: 3/16/2023 8:53:35 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
martin haas	Individual	Oppose	Written Testimony Only

Comments:

HB538 smounts to a Taking!!!!!!!!!!

**HB-538-HD-1**

Submitted on: 3/16/2023 8:53:39 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Francisco Goya	Individual	Oppose	Written Testimony Only

Comments:

I BELIEVE THIS TO BE WRONG IN EVERY WAY.

I UNDERSTAND THAT IT IS IMPORTANT TO NOTIFY PEOPLE/FAMILIES OF THEIR WRONGDOINGS AND EVEN FINE THEM WHEN APPROPRIATE, BUT TO MAKE THEM LOSE THEIR HOMES BECAUSE OF THAT IS A WHOLE NEW LEVEL OF AUTHORITY ENFORCEMENT FOR THE GOVERNMENT THAT WILL NOT BE BENEFICIAL FOR ANYONE AND WILL CREATE MORE NEGATIVE FEELINGS THAN POSITIVE.

HUMANITY SHOULD BE AT THE FOREFRONT OF ANY GOVERNMENT SANCTION.

**HB-538-HD-1**

Submitted on: 3/16/2023 9:01:57 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I own a Vacation Rental property, and it allows me to live and work as a Substitute Teacher in Hawaii. I am also hoping that I can retire at some point, and the income I receive from my room is enough that this may be possible.

If you pass this bill, there will be not legal protections from home owners, and if you impose these excessive fines, it will unfairly impact me and anyone wanting to come to Hawaii to experience our beautiful islands.

The hotels will not be impacted by this change in the rules, and that is unfair.

I think YOU ARE TRYING TO SOLVE THE WRONG PROBLEM.

The problem is NOT local people renting out a room when the kid(s) have left for college, or to try and keep their home in retirement, but outsiders (mainland and foreign INVESTORS) coming in to buy up Hawaii real estate to create mini hotel businesses, driving up the cost of real estate and contributing to the ridiculously high cost of housing (and rentals).

I know older residents trying to keep their homes in retirement, trying to help their kids pay for college, and trying to keep up with their bills and taxes should NOT be treated as the problem.

The problem is people who buy local houses, NOT TO LIVE IN, BUT TO EXPLOIT HAWAII, and especially those who own several homes for primary use as short-term rentals.

We need to stop outsiders from taking property off the market to try to exploit Hawaii to make a quick buck. These people contribute NOTHING, they are TAKERS, and they are SPOILING our neighborhoods.

Outsiders / non-residents should NOT be able to own more than one home for primary use as a vacation rental, or to convert homes to mini-hotels outside of a resort-zoned area.

Please do not sell out to the hotel interests just because they contribute to your campaign.

We need to keep housing as affordable as possible for Hawaii RESIDENTS.

Local people want to keep their homes in retirement, and to have a room available for their children (and relatives) when they come back from college or come to visit for Christmas or return for summers, etc.

Please support Hawaii RESIDENTS and RETIREES who are being driven out by high taxes, increasing inflation, and off-shore investors. Please do not throw them under the bus for a quick buck. Keep this little bit of rental income in the state, supporting us residents, and NOT going off-shore.

We will remember your Aloha, or your betrayal at the polls. Please stand on the side of the residents, the people, not the hotel interests, and the mainland and foreign investors.



**HB-538-HD-1**

Submitted on: 3/16/2023 9:08:25 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bart Storrs	Individual	Oppose	Written Testimony Only

Comments:

Aloha Legislatures-

HB538 seeks to make even more of our citizens homeless in record time - in just a matter of weeks according to this proposed bill! Please accept my strongest objection to every detail of HB538, which would allow county planning or permitting agencies to enter privately owned residential real property without a search warrant, fine us a MINIMUM of \$1,000 for every violation that they find during their illegal search, and then turn any \$5,000 CIVIL FINE into a PROPERTY LIEN and then IMMEDIATELY commence foreclosure proceedings on our Hawaii properties that we have spent our lifetimes saving for and to taking care of our families to live in.

This is the most draconian bill that I have ever had the misfortune of reading. This bill reads like it was written by Xi Jinping of Communist China, not by one of our revered members of congress. This bill is essentially seeking to authorize our county officials to illegally enter our homes, search for violations that they can fine excessively at a "MINIMUM" of \$1,000 dollars daily, and then as soon as those fines reach the \$5,000 accrual IN LESS THAN A WEEKS TIME, you propose to "IMMEDIATELY" turn those CIVIL FINES into a PROPERTY LIEN (sidenote this conversion is illegal under Hawaii Statute) And then, you propose to allow the county to "IMMEDIATELY BEGIN FORECLOSURE" proceedings to take the home away from our Hawaiian Citizens.

PLEASE. READ MY LAST FEW SENTENCES AGAIN.

You are essentially asking to give the county the right to find ANY violation in our homes and through this bill, FORECLOSE ON OUR HOMES WITHIN A MATTER OF DAYS because of these violations not being brought up to code, within literally days 5 days! Through this bill a respected Hawaiian Homeowner could go from living and working and taking care of their families and paying taxes to being completely homeless within the span of a few weeks. Not just the homeowner, but every person living in the foreclosed home. Not only is every single provision illegal in this bill, it is staggering to realize that our Hawaii government wants to destroy families in such a cruel way and make our homeless population even worse by



foreclosing on our citizens' multi-generational homes. This is the most heartless bill that I have ever seen introduced to our legislature.

Instead of protecting our beloved citizens of the Great State of Hawaii, our Government is looking to put our hardworking citizens on a bullet train to homelessness via our county government and HB538.

This bill and every other clone bill like this that has been proposed during this session, must be stopped at all costs. These laws are going to be so devastating to our communities that we will never ever be able to recover.

Please, stop these draconian proposed laws and lets work together to find ways to protect our Hawaiian citizens.

Respectfully,

Bart Storrs

**HB-538-HD-1**

Submitted on: 3/16/2023 9:13:36 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sebastyen Jackovics	Individual	Oppose	Written Testimony Only

Comments:

Dear legislatures,

Stop trying to destroy personal property rights as a way to find solutions to housing. This is likely illegal under many protections afforded under both the state and federal constitution. Instead try to create laws the make it more streamlined to build housing and update it and rent it and hold county governments accountable to operating with transparency and within reasonable time limits. Stop creating more animosity, corruption and negative impacts to homeowners and property owners.

**HB-538-HD-1**

Submitted on: 3/16/2023 9:26:48 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julian Ritchey	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

Property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of **multitude of corruption scandals** that Honolulu Department of Planning and Permitting has found itself involved in the past several years.

Adding **\$1000 daily fines** on top of existing \$10,000 fines instituted by Honolulu Bill 41 is **excessive**.

This bill permits placing a **lien on your house** after 5 days of fines which does not take into consideration life situations that owners may find themselves in: travel, hospital stay, etc.

Mahalo for your consideration

**HB-538-HD-1**

Submitted on: 3/16/2023 9:36:03 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chase Uwaine	Individual	Oppose	Written Testimony Only

Comments:

I do not consent to this act of thievery. Do not allow Government to go above their intended purpose. This is a horrible suggestion and will cost honest people their homes.

**HB-538-HD-1**

Submitted on: 3/16/2023 9:48:59 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Krista Vessell	Individual	Oppose	Written Testimony Only

Comments:

Please ask yourselves, how does levying a DAILY fine of 5 days justify confiscating a person's personal property? The permitting system, which is necessary to remedy some "violations," is not functional as is, with applications for permits being backlogged for nearly a year. Fix the permitting system and allow for people to have enough time (not some arbitrary fine amount) to remedy any accusations of violations BEFORE you start looking for way to confiscate property through possibly illegal means.

**HB-538-HD-1**

Submitted on: 3/16/2023 9:50:15 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jason Klahr	Individual	Oppose	Written Testimony Only

Comments:

**I Stongly Oppose**

HB538 HD1 violates private property and unlawful seizure rights. It is nothing more than a UN agenda 2030 plan to remove our right to estate. The possibility of corruption -as with most statute law- is astronomical. This government has consistantly and brazenly shown its propensity for corruption which is good reason for We the People to not give cause to stumble you with yet more power. You are already in violation of numerous constitutional precepts. Any laws, statutes, mandates are only valid within the corporation government and at best suggestions for the people on the land. To enforce them on us is a violation of your oath of office and in some cases High crimes and **misdemeanors**

**HB-538-HD-1**

Submitted on: 3/16/2023 9:53:02 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jason Gerald	Individual	Oppose	Remotely Via Zoom

Comments:

Dear Members of the Hawaii Legislature,

HB538 Seeks to allow our county government to unilaterally without any checks or balances to be the Investigator, Auditor, Police, Prosecutor, Attorney, Jury, Judge and Executioner of our Hawaiian Law, without any other governmental oversight, or the property owners participation in the process, other than to comply or have their home sold at a foreclosure sale within weeks from the finding of the violation.

This bill is unprecedented and the most DANGEROUS bill I have ever read.

Not only are you violating countless Hawaiian and US Constitutional laws, you are seeking to sell our family homes for noncompliance to a county zoning regulation. I am so alarmed that this bill was ever introduced, and has passed to the point that it has made it to our respected House of Representatives. This bill is dangerous, and it is truly frightening that it has made it this far in the process, without being stopped. This means that we have officials seeking to actively destroy the foundation of Hawaii, our Ohana.

HB538, and any other similar bill that seeks to give counties this type of power over our Hawaiian Citizens must be stopped. No one branch of our government can be allowed to decide who gets to keep their homes and who will be foreclosed on at the whim of hired county employees. Pick up any newspaper and you will see that our Hawaii government has a very deep history of corruption and giving any branch of government this full circle of power to be the Investigator, Auditor, Police, Prosecutor, Attorney, Jury, Judge and Executioner will turn our democracy into a dictatorship with the counties being our supreme rulers.

This bill must be stopped. Now.

Mahalo for your time stopping HB538 and all similarly written bills.

Jason Gerald

**HB-538-HD-1**

Submitted on: 3/16/2023 9:59:32 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Matt Hubner	Individual	Oppose	Written Testimony Only

Comments:

Aloha Honorable Members of the Committee,

Mahalo for the opportunity to provide testimony on HB538. I strongly oppose this bill on the grounds that it violates Federal and State Constitutional rights. For instance, this bill would allow the levying of excessive penalties against vacation rental owners without adequate justification, and it also would allow un-precedented non-judicial foreclosure of homes. The former issue is in violation of the 8th Amendment, while the latter is a gross violation of the takings clause of the 5th Amendment. I humbly ask you to please save Hawai'i taxpayer dollars by deferring this bill.

Mahalo you for your consideration,

Matt Hubner, Volcano



**HB-538-HD-1**

Submitted on: 3/16/2023 10:13:21 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Maria Owl	Individual	Oppose	Written Testimony Only

Comments:

I oppose the adding of a \$1000 a day fine for real property owners who are, for some reason, unable to clear a zoning violation, leading to a lien on their property if the fine exceeds \$5000. This opens the door for too much over-reach by the government and possible severe financial strain on the property owner. Not all situations are the same and to generally apply this across all violations, or what someone in the government department decides is a violation, is not taking into account the unique situation of each property owner.

Please reject this bill on behalf of small business owners and low-income home owners in Hawaii.

**HB-538-HD-1**

Submitted on: 3/16/2023 10:20:51 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Melissa S. Chang	Individual	Oppose	Written Testimony Only

Comments:

This bill is unconstitutional. It must not be passed!

**HB-538-HD-1**

Submitted on: 3/16/2023 10:41:50 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristina Anderson	Individual	Oppose	Written Testimony Only

Comments:

Honorable House Representatives,

As a homeowner who once faced the nightmare of a non judicial foreclosure in Hawaii, I urge you to vote no on this heinous piece of legislation. It's far too rushed and punitive and robs homeowners of due process. It's discriminatory too. Why should one class of homeowners be subject to non judicial foreclosure so quickly? No enforcement agent should be allowed to enter a home without a search warrant!

There must be other ways to address the issue this overreaching legislation is trying to solve. This isn't the way!

VOTE NO!

**HB-538-HD-1**

Submitted on: 3/16/2023 10:44:40 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christina Countryman	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill due to the multitude of corruption scandals that DPP has found itself involved in the past several years. Futhermore I believe that adding \$1000 daily fines on top of existing \$10,000 fines instituted by Honolulu Bill 41 is excessive. Placing a lien on your house after 5 days of fines which does not take into consideration life situations that owners may find themselves in: travel, hospital stay etc. This unconstitutional!!!!

**HB-538-HD-1**

Submitted on: 3/16/2023 11:16:24 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ken Takeya	Individual	Oppose	Written Testimony Only

Comments:

It is unfair to expect anyone to wait over a year to get a building permit, If the bill goes into effect on the year 3000 I guess it would not make to much difference but I would think fixing the problems with the building department first should be a priority.

**HB-538-HD-1**

Submitted on: 3/16/2023 11:19:58 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tonic Bille	Individual	Oppose	Written Testimony Only

Comments:

Chair and Committee Members,

We strongly oppose HB 538 !!

We believe that property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of **multitude of corruption scandals** that Honolulu Department of Planning and Permitting has found itself involved in the past several years. You cannot be trusted...

Furthermore we believe, that adding **\$1000 daily fines** on top of existing \$10,000 fines instituted by Honolulu Bill 41 is **excessive**. You should all be ashamed writing bills like this, enough already...we are your constituents, you need to protect...not prosecute and send us all to the poor house. SHAME ON YOU!!!

**HB-538-HD-1**

Submitted on: 3/16/2023 11:29:22 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
lillie mcafee	Individual	Oppose	Written Testimony Only

Comments:

VOTE NO ON HB 538

AGAIN--THIS IS AN UNCONSTITUTIONAL BILL.

**HB-538-HD-1**

Submitted on: 3/16/2023 12:03:16 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Meetay Moonay	Individual	Oppose	Written Testimony Only

Comments:

This bill will destroy my livelihood!

I will become homeless!

Government by, for the people ... please.



**HB-538-HD-1**

Submitted on: 3/16/2023 12:34:24 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jane Moy	Individual	Oppose	Written Testimony Only

Comments:

Dear Representatives:

My family and I strongly oppose HB538. It is egregious to put extra punitives \$1,000 daily fines on top of the Honolulu(local) DPP potential \$10,000 daily fines that was set out by Honolulu Bill 41. Absolutely excessive! DPP was given the authority to locally regulate and now we would have to contend with additional rules and fines are over the top! We are generally law abiding citizens and this bill permits placing a lien on a person's house only after 5 days of fines which does not take into consideration life situations that owners may find themselves in such as: medical problems, job loss, on vacation, long hospital stay, military leave, or other hardships, etc. My family and I also believe that property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of multitude of corruption scandals that Honolulu Department of Planning and Permitting has found itself in the past several years. Again this bill 538 is excessive and does not allow judicial process within a reasonable time frame by placing liens within 5 days of fines. We Strongly oppose HB538. Jane Moy and Family.

**HB-538-HD-1**

Submitted on: 3/16/2023 12:40:36 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Levi Brooker	Individual	Oppose	Written Testimony Only

Comments:

Please just stop with all this. You have already done everything that is reasonable to punish illegal TVU operators and drive them out of business, so continuing to try to bankrupt the handful of remaining legal TVU operators is not warranted. The optics are really bad in that it looks like you are just doing whatever the hotels tell you to do at this point, and with all the corruption and incompetence at DPP that has finally been exposed, why do you continue to push for these overreaching and unconstitutional measures that would never hold up in court? It's time to move on to the next scapegoat.

**HB-538-HD-1**

Submitted on: 3/16/2023 12:59:23 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Annie U.	Individual	Oppose	Written Testimony Only

Comments:

ABSOLUTELY NOT! You are going over and above what ELECTED OFFICIALS, the Government, is meant to do for the people! This bill could have people lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/16/2023 1:16:06 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Karri Teshima	Individual	Oppose	Written Testimony Only

Comments:

It is my understanding they want to find people \$1000 per day subject to a lien on their home if it goes up for \$5000 to those who don't or can't fix a violation on their property. Absolutely not! I oppose this fully!! you are going over and above what elected officials, and the government is meant to do for the people . this isn't egregious abusive discretion on a government part ,this bill could have people lose their homes for nothing more than the power control agenda !!this madness must stop people work hard for what they have they work hard to be able to afford a home this madness needs to stop!!!

**HB-538-HD-1**

Submitted on: 3/16/2023 1:32:07 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carl Schneider	Individual	Oppose	Remotely Via Zoom

Comments:

To the members of the Hawaii State Legislature,

As a homeowner in Hawaii, I am writing to express my strong opposition to proposed bill HB538. While I understand the intention behind the bill, I believe that it will create more harm than good for property owners on Oahu.

Firstly, I believe that property owners on Oahu need the legal protections offered by judicial foreclosure, especially in light of the multitude of corruption scandals that the Honolulu Department of Planning and Permitting has found itself involved in over the past several years. Without these protections, property owners are at risk of having their homes unfairly seized by the government, which would be a significant violation of their property rights.

Secondly, I believe that adding \$1000 daily fines on top of the existing \$10,000 fines instituted by Honolulu Bill 41 is excessive. While I understand the need to deter property owners from violating building codes, this level of fines is disproportionate and would create undue financial burdens for homeowners who may be struggling to make ends meet.

Thirdly, this bill permits placing a lien on your house after 5 days of fines, which does not take into consideration life situations that owners may find themselves in, such as travel, hospital stays, or other unforeseeable events. This means that homeowners could potentially lose their homes even if they are not at fault, which is a gross injustice.

Moreover, I believe that this bill is unconstitutional. Placing a lien on a homeowner's property after just five days of fines without due process of law is a clear violation of the Fifth and Fourteenth Amendments of the United States Constitution. Property rights are fundamental to the American way of life, and we must do everything we can to protect them.

In conclusion, I urge you to reject HB538. While I understand the need to enforce building codes and ensure the safety of our communities, this bill is not the solution. Instead, we should focus on finding more reasonable and fair ways to hold property owners accountable while protecting their rights. Thank you for your consideration.

Sincerely,  
CJ Schneider



**HB-538-HD-1**

Submitted on: 3/16/2023 1:55:43 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

ABSOLUTELY NOT! You are going over and above what ELECTED OFFICIALS, the Government, is meant to do for the people! This bill could have people lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/16/2023 1:58:02 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
fred salassa	Individual	Oppose	Written Testimony Only

Comments:

I am not an attorney but if Bill 538 is passed it

will be struck down in the courts under the 4th

Amendment. Resulting in a waste of tax payers

money and the legislatures time!

To enter a private residence without a search warrant and without the owner's permission or

consent..... As such, there is constitutional issues that arise under the 4th Amendment of the United States Constitution, which provides:

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.

fred S



**HB-538-HD-1**

Submitted on: 3/16/2023 2:03:51 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

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

Comments:

I strongly oppose HB538

**HB-538-HD-1**

Submitted on: 3/16/2023 2:22:38 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shondell Dabis	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB538 Regarding; Residential Real Property!

**LATE**

**HB-538-HD-1**

Submitted on: 3/16/2023 3:10:47 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Paula Blum	Individual	Oppose	Written Testimony Only

Comments:

Stop the madness!

**HB-538-HD-1**

Submitted on: 3/16/2023 3:04:03 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Theresa Harden	Individual	Oppose	In Person

Comments:

1st your power is to assess civil fines however to have the power to foreclose is a GRIEGESS ACT considering you want to FORCE a power of sale over \$5,000 or more in unpaid fines. I UNDERSTAND THAT THIS GOVERNMENT IS TRYING TO MAKE UP LOST TAX REVENUE WITH GRIEGESS FINES WHICH IS UNLAWFUL.

2nd this is an attempt to attack the short term property owners around the island of OAHU THAT THE CITY AND COUNTRY OF HONOLULU and the STATE OF HAWAII have HARMED WITH THE FAILURE TO ENACT BILL 89 and these owners were promised a FAIR SHORT-TERM RENTAL PERMITTING SYSTEM of which we do not have. Additionally, we have been paying extra taxes for this system which DOES NOT EXISTS (Bill 41 telling the legally zoned owners they can get a permit for something the zoning already allows is not what the people were promised with Bill 89). Now if you think you can rack up GREIGESS FINES TO JUSTIFY FORECLOSING – YOU ARE VERY WRONG.

3RD WHAT YOU ARE TRYING TO DO IS UNCONSTITUTIONAL AND DOES NOT PROTECT THE PEOPLE FROM A OUT-OF-CONTROL GOVERNMENT WHO IS DRUNK WITH ABUSING THEIR POWERS.

TO THE GESTAPO GOVERNMENT OF HAWAII,

WE THE PEOPLE REJECT YOUR NEW WORLD ORDER AND COMMUNISISTIC PLANS WHICH ARE TREASIOUS ACTS AGAINST THE CONSTITUTION OF THE UNITED STATES (FLAG IS STILL OUTSIDE THE CAPITAL). WE THE PEOPLE ARE GETTING FED UP WITH THE MULTIPLE ATTACKS AGAINST THE PEOPLE OF HAWAII AND OUR CONSTITUTIONAL RIGHTS THIS GOVERNMENT IS SUPPOSE TO BE PROTECTING. IF THIS GOVERNMENT CONTINUES PUSHING COMMUNISM WHICH IS TREASON, WE THE PEOPLE WILL HAVE TO REMOVE THIS GOVERNMENT COMPLETELY AND HOLD YOU ALL ACCOUNTABLE FOR FAILING TO UPHOLD YOUR OATH OF OFFICE TO PROTECT THE PEOPLE AND OUR CONSTITUTIONAL RIGHTS.

ANYONE PUSHING THE NWO OR THE CCP AGENDA MUST STAND DOWN AND RESIGN TO INCLUDE THE MAYOR WHO ANNOUNCED THE NWO LAST YEAR.

ADDITIONALLY IF YOU TRY TO UNLAWFULLY ENTER PRIVATE PROPERTY WITHOUT A WARRANT, WHICH IS A CRIME, THEN WE THE PEOPLE WITH BE FORCED TO USE ARE 2ND AMMENDMENT RIGHTS TO PROTECT OUR LIVES AND THE BLOOD WILL BE ON YOUR HANDS!

RESPECTFULLY,

WE THE PEOPLE

**LATE**

**HB-538-HD-1**

Submitted on: 3/16/2023 7:05:39 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marlies Lee	Individual	Oppose	Written Testimony Only

Comments:

Way too much money!

How about helping them by high schoolers, community service!

On the job training and beautifying our neighborhoods.

Win, win for all

Marlies Lee

**HB-538-HD-1**

Submitted on: 3/16/2023 9:35:27 PM

Testimony for PSM on 3/17/2023 3:02:00 PM



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

Comments:

Dear Representatives:

My family and I strongly oppose HB538. It is egregious to put extra punitives \$1,000 daily fines on top of the Honolulu(local) DPP potential \$10,000 daily fines that was set out by Honolulu Bill 41. Absolutely excessive! DPP was given the authority to locally regulate and now we would have to contend with additional rules and fines are over the top! We are generally law abiding citizens and this bill permits placing a lien on a person's house only after 5 days of fines which does not take into consideration life situations that owners may find themselves in such as: medical problems, job loss, on vacation, long hospital stay, military leave, or other hardships, etc. My family and I also believe that property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of the multitude of corruption scandals that Honolulu Department of Planning and Permitting has found itself in the past several years. Again this bill is excessive and does not allow judicial process within a reasonable time frame by placing liens within 5 days of fines. We Strongly oppose HB538.

Mr. Leslie Moy.

**HB-538-HD-1**

Submitted on: 3/16/2023 10:11:04 PM

Testimony for PSM on 3/17/2023 3:02:00 PM



Submitted By	Organization	Testifier Position	Testify
Mary Meheula	Individual	Oppose	Written Testimony Only

Comments:

We work so hard to just have a safe place to call home, the cost of living here is outrageous and this will make more locals leave. Elected officials ,the government, should be working to make life better for the people!! What is going on??



**LATE**

**HB-538-HD-1**

Submitted on: 3/16/2023 10:57:17 PM

Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mr. & Mrs. O'Neill	Individual	Oppose	Written Testimony Only

Comments:

HB 538

ABSOLUTELY NOT! You are going over and above what ELECTED OFFICIALS, the Government, is meant to do for the people! This bill could have people lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/17/2023 1:53:58 AM

Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mariko Sugita	Individual	Oppose	Written Testimony Only

Comments:

HAB538violates the due process Clause of the fourteenth Amendment to the united states constitution, which guarantees that no state shall deprive any person of life, liberty, or property without due process of law.

**HB-538-HD-1**

Submitted on: 3/17/2023 1:57:39 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Miho Aoki	Individual	Oppose	Written Testimony Only

Comments:

ABSOLUTELY NOT! You are going over and above what ELECTED OFFICIALS, the Government, is meant to do for the people! This bill could have people lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/17/2023 3:00:12 AM

Testimony for PSM on 3/17/2023 3:02:00 PM



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

Comments:

[Hawaii House Bill 538](#) does not only add excessive fines of not less than \$1000/day on top of already punitive \$10,000 fines instituted by Honolulu Bill 41, it also explicitly permits non-judicial foreclosure in its language, which would take away the only legal protection preventing the the Honolulu Department of Planning and Permitting from taking your home away----NO Govermental Dept should have that power. it is very disappointing that this bill was even introduced, and even worse that it survived the crossover.

**HB-538-HD-1**

Submitted on: 3/17/2023 5:54:22 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kamalani Keliikuli	Individual	Oppose	Written Testimony Only

Comments:

I oppose

**HB-538-HD-1**

Submitted on: 3/17/2023 7:11:20 AM

Testimony for PSM on 3/17/2023 3:02:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lei Tata	Individual	Oppose	Written Testimony Only

Comments:

I oppose the absurdity of this bill. This ploy and ungodly tactic to practically steal one's home is shameful. It mimics the way the Kanaka of these lands have continuously been rairoaded from their birth place and kept on waitlists to receive what is rightfully theirs.

This bill would cause people to lose their homes. Homes that they have worked hard for. Homes that have been passed down from generation to generation. You are going over and above what ELECTED OFFICIALS, the government, is meant to do for the PEOPLE!! This madness must stop!!

**HB-538-HD-1**

Submitted on: 3/17/2023 8:03:44 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Janet Dawson	Individual	Oppose	Written Testimony Only

Comments:

I believe that property owners on Oahu need the legal protections offered by judicial foreclosure especially in light of **multitude of corruption scandals** that Honolulu Department of Planning and Permitting has found itself involved in the past several years.

**HB-538-HD-1**

Submitted on: 3/17/2023 8:06:10 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jill Paulin	Individual	Oppose	Written Testimony Only

Comments:

Please vote "no" on HB538. The Bill violates Hawaii state law, which requires a warrant or other legal process for any government agency to enter private property. Section 7-1 of the Hawaii State Constitution explicitly states that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches, seizures, and invasions of privacy 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." Thank you for your consideration.



**HB-538-HD-1**

Submitted on: 3/17/2023 9:19:20 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
kari Larson	Individual	Oppose	Written Testimony Only

Comments:

The government is for the people by the people. This  
bill is not that.

**LATE**

**HB-538-HD-1**

Submitted on: 3/17/2023 9:39:02 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mabelle Bastien	Individual	Oppose	Written Testimony Only

Comments:

ABSOLUTELY NOT! You are going over and above what ELECTED OFFICIALS, the Government, is meant to do for the people! This bill could have people lose their homes. This madness must STOP!

**HB-538-HD-1**

Submitted on: 3/17/2023 11:03:34 AM  
Testimony for PSM on 3/17/2023 3:02:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Hook	Individual	Oppose	Written Testimony Only

Comments:

This bill is a perversion of the power of government. Please remember that our Constitutions (both State and Federal) ensure a democratic form of government. The power lies in the people.

At a time when the global economy is shaky, at best, this bill puts undo financial stress on a people that are already financially stressed. Clearly this is not what any person wants. Enacting this bill will only demonstrate that the enactors are actually criminals serving their own interests. No servant of the people would allow such abuse.