
A BILL FOR AN ACT

RELATING TO TRESPASSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that unauthorized
2 occupancy and trespassing on private and public properties
3 create significant challenges for property owners, residents,
4 and local communities. The legislature further finds that
5 existing remedies available to property owners regarding
6 unauthorized persons illegally entering or remaining on
7 residential real property is insufficient and do not protect the
8 rights of the property owner.

9 Accordingly, the purpose of this Act is to establish a
10 limited alternative process for the removal of unauthorized
11 persons from residential real property, thereby enhancing
12 protections for property owners, streamlining processes for
13 addressing trespassing and squatting, and ensuring fair
14 enforcement procedures.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:



1 "CHAPTER

2 REMOVAL OF UNAUTHORIZED PERSONS FROM RESIDENTIAL REAL PROPERTY

3 § -1 Application of chapter. This chapter shall not
4 limit the rights of a property owner or limit the authority of a
5 law enforcement officer to arrest an unlawful occupant for
6 trespassing, vandalism, theft, or other crimes.

7 § -2 Limited alternative remedy to remove unauthorized
8 persons from residential real property. (a) A property owner
9 or authorized agent of the property owner may request a law
10 enforcement officer of the county in which the property is
11 located to immediately remove a person or persons unlawfully
12 occupying a residential dwelling pursuant to this section if all
13 of the following conditions are met:

- 14 (1) The requesting person is the property owner or
15 authorized agent of the property owner;
16 (2) The real property that is being occupied includes a
17 residential dwelling;
18 (3) An unauthorized person or persons have unlawfully
19 entered and remain or continue to reside on the
20 property owner's property;



1 (4) The real property was not open to members of the
2 public at the time the unauthorized person or persons
3 entered;

4 (5) The property owner has directed the unauthorized
5 person to leave the property;

6 (6) The unauthorized person or persons are not current or
7 former tenants pursuant to a written or oral rental
8 agreement authorized by the property owner;

9 (7) The unauthorized person or persons are not immediate
10 family members of the property owner; and

11 (8) There is no pending litigation related to the real
12 property between the property owner and any known
13 unauthorized person.

14 (b) To request the immediate removal of an unlawful
15 occupant of a residential dwelling, the property owner or
16 authorized agent of the property owner shall submit a complaint
17 by presenting a completed and verified complaint to remove
18 persons unlawfully occupying residential real property to the
19 appropriate law enforcement officer of the county in which the
20 real property is located.



1 (c) Upon receipt of the complaint, the law enforcement
2 officer shall verify that the person submitting the complaint is
3 the record owner of the real property or the authorized agent of
4 the owner and appears otherwise entitled to relief under this
5 section. If verified, the law enforcement officer shall,
6 without delay, serve a notice to immediately vacate on all of
7 the unlawful occupants and shall put the owner in possession of
8 the real property. Service may be accomplished by hand delivery
9 of the notice to an occupant or by posting the notice on the
10 front door or entrance of the dwelling. The law enforcement
11 officer shall also attempt to verify the identities of all
12 persons occupying the dwelling and note the identities on the
13 return of service. If appropriate, the law enforcement officer
14 may arrest any person found in the dwelling for trespass,
15 outstanding warrants, or any other legal cause.

16 (d) The law enforcement officer shall be entitled to the
17 same fee for service of the notice to immediately vacate as if
18 the law enforcement officer were serving a writ of possession
19 under section 666-11. After the law enforcement officer serves
20 the notice to immediately vacate, the property owner or
21 authorized agent of the property owner may request that the law



1 enforcement officer stand by to keep the peace while the
2 property owner or authorized agent of the property owner changes
3 the locks and removes the personal property of the unlawful
4 occupants from the premises to or near the property line. When
5 such a request is made, the law enforcement officer may charge a
6 reasonable hourly rate, and the person requesting the law
7 enforcement officer to stand by and keep the peace shall be
8 responsible for paying the reasonable hourly rate set by the law
9 enforcement agency of the law enforcement officer. The law
10 enforcement officer shall not be liable to the unlawful occupant
11 or any other party for loss, destruction, or damage of property.
12 The property owner or the authorized agent of the owner shall
13 not be liable to an unlawful occupant or any other party for the
14 loss, destruction, or damage to the personal property unless the
15 removal was wrongful.

16 § -3 **Civil cause of action for wrongful removal.** (a) A
17 person may bring a civil cause of action for wrongful removal
18 under this chapter.

19 (b) A person harmed by a wrongful removal under this
20 chapter may be restored to possession of the real property and
21 may recover actual costs and damages incurred, damages equal to



1 triple the fair market rent of the dwelling, court costs, and
2 reasonable attorney fees.

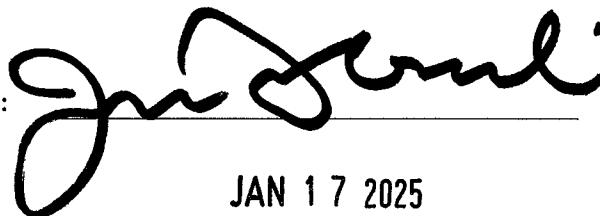
3 (c) The court shall give priority to a cause of action for
4 wrongful removal."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jim Stensland", is written over a horizontal line.

JAN 17 2025



H.B. NO. 709

Report Title:

Real Property; Unauthorized Persons; Removal

Description:

Establishes a limited alternative process to remove unauthorized persons from residential real property.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

