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# A BILL FOR AN ACT

RELATING TO PROPERTY.

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

1 SECTION 1. The legislature finds that the fundamental  
2 rights of owning property include the right of property owners  
3 to exclude others from entering or remaining unlawfully on their  
4 properties. The legislature further finds that squatting, or  
5 the unauthorized entry into or remaining in a dwelling, is a  
6 violation of the rights of property owners and is against the  
7 public interest. Squatters often make dwellings uninhabitable by  
8 causing property damage, or deny potentially responsible tenants  
9 the opportunity to move into the dwellings. The legislature  
10 believes that decisive action is necessary to deter this  
11 behavior.

12 Accordingly, the purpose of this Act is to protect  
13 residential property rights by:

14 (1) Specifying a process by which property owners may  
15 utilize law enforcement officers to remove  
16 unauthorized individuals from dwellings;  
17 (2) Establishing the criminal offenses of:



- 1 (A) Squatting; and
- 2 (B) Fraudulent sale or lease of residential real
- 3 property;
- 4 (3) Classifying the type of property damage typically
- 5 inflicted by squatters as a form of criminal property
- 6 damage in the second degree; and
- 7 (4) Classifying the falsification of documentation
- 8 typically performed by squatters as a form of unsworn
- 9 falsification to authorities.

10 SECTION 2. The Hawaii Revised Statutes is amended by  
11 adding a new chapter to title 28 be appropriately designated and  
12 to read as follows:

## "CHAPTER

## REMOVAL OF UNAUTHORIZED INDIVIDUALS FROM DWELLINGS

15        "§ -1 **Definitions.** For the purposes of this chapter,  
16        unless the context otherwise requires:

17 "Agent" means the representative of an owner.

18 "Dwelling" shall have the same meaning as in section  
19 708-800.

1        "Holdover tenant" means a tenant who has remained in a  
2        dwelling after the termination of a rental agreement, as  
3        described in section 521-71(e).

4        "Immediate family member" shall have the same meaning as in  
5        section 454F-1.

6        "Owner" means the owner of a dwelling.

7        "Tenant" shall have the same meaning as in section 521-8.

8        "Unauthorized individual" means any individual who has  
9        entered and is occupying a dwelling without the authorization of  
10      the owner or an agent of the owner.

11        "Unauthorized individual" does not include any tenant or  
12      holdover tenant of the dwelling, or any immediate family member  
13      of the owner.

14        **§ -2 Removal of an unauthorized individual from a**  
15      **dwelling.** (a) The owner of a dwelling, or an agent of the  
16      owner, may request that an unauthorized individual be removed  
17      from the dwelling pursuant to this section if the owner or agent  
18      first posts at the dwelling a notice to vacate. The notice  
19      shall:





1 to vacate the dwelling within twenty-four hours of the  
2 posting of the notice;

3 (5) There is no pending litigation related to the dwelling  
4 between the property owner and the unauthorized  
5 individual.

6 (c) The recitals in the affidavit required under  
7 subsection (b) may, but need not, be substantially in the  
8 following form:

9 " (1) I am the owner, or an agent of the owner, of the real  
10 property located at \_\_\_\_\_;

11 (2) The real property is a dwelling;

12 (3) An unauthorized individual has unlawfully entered and  
13 currently occupies the dwelling;

14 (4) The unauthorized individual is not a tenant, holdover  
15 tenant, or an immediate family member of the owner,  
16 and any lease that may be produced by the unauthorized  
17 individual is fraudulent;

18 (5) The unauthorized individual does not have an ownership  
19 interest in the property and is not listed on the  
20 title to the property, unless the individual has  
21 engaged in title fraud;



1 (6) There is no litigation related to the dwelling pending  
2 between the owner, or his or her agent, and any  
3 unauthorized individual;

4 (7) Notice was posted at the dwelling, and evidence of the  
5 notice, including the date and time of delivery, is  
6 attached;

7 (8) I understand that an individual wrongfully removed  
8 from the property pursuant to this affidavit may bring  
9 a cause of action against me for any false statements  
10 made in the affidavit, or for the wrongful use of this  
11 procedure, and that, as a result of the action, I may  
12 be held liable for actual damages, penalties, costs,  
13 and reasonable attorney fees;

14 (9) I am requesting a law enforcement officer to remove  
15 the unauthorized individual from the dwelling as soon  
16 as possible;

17 (10) A copy of my valid government-issued identification is  
18 attached, or I am an agent of the property owner, and  
19 documents evidencing my authority to act on the  
20 property owner's behalf are attached; and

21 (11) This affidavit is signed under penalty of perjury."



1                   (d) A copy of the notice required pursuant to subsection  
2 (a), including the date and time of the posting, shall be  
3 attached to the affidavit.

4                   (e) Upon receipt of the affidavit required by subsection  
5 (b) and a copy of the notice required by subsection (d), the law  
6 enforcement agency shall verify that the affiant is the record  
7 owner of the dwelling, or an agent of the owner, and appears to  
8 be otherwise entitled to relief. Upon verification and after at  
9 least twenty-four hours from receipt of the affidavit, the law  
10 enforcement agency shall serve on the unauthorized individual a  
11 notice to immediately vacate. Service may be accomplished by  
12 hand delivery of the notice to any unauthorized individual  
13 occupying the dwelling or by posting  
14 notice on the front door or entrance of the dwelling. Law  
15 enforcement officers shall also attempt to verify the identities  
16 of all individuals occupying the dwelling and note the  
17 identities on the return of service. If appropriate, a law  
18 enforcement officer may arrest an unauthorized individual found  
19 in the dwelling for trespass, burglary, theft, or any other  
20 criminal act, or for any outstanding warrant.



1 (f) An affiant who knowingly provides a false affidavit to  
2 law enforcement pursuant to this chapter may be prosecuted for  
3 perjury under section 710-1060.

### § -3 Protections; law enforcement; governmental

5   **entities.** (a) No law enforcement officer, governmental entity,  
6   or political subdivision of the State shall be held liable for  
7   any action or omission made in good faith pursuant to this  
8   chapter.

§ -4 Wrongful removal actions. (a) An individual may

15 bring a civil cause of action against an affiant for wrongful  
16 removal under this chapter.

17 (b) An individual harmed by a wrongful removal under this  
18 chapter may have the possession of the dwelling restored and may  
19 recover actual costs and damages incurred, as well as punitive  
20 damages of triple the fair market rent for the dwelling, plus  
21 court costs and reasonable attorney fees.



S -5 No limitations on owners; agents; law enforcement.

2 This chapter shall not be construed to limit:

3 (1) The rights of an owner or agent to other remedies  
4 provided by law; or

5 (2) The authority of any law enforcement officer to arrest  
6 the unlawful occupant of a property for trespassing,  
7 theft, burglary, or other crimes.

8           **§ -6 Fee.** A law enforcement agency may charge a fee of  
9 not more than \$ to process an affidavit filed pursuant to  
10 section -2."

11 SECTION 3. Chapter 708, Hawaii Revised Statutes, is  
12 amended by adding two new sections to part II to be  
13 appropriately designated and to read as follows:

14        "§708-        Squatting.    (1) A person commits the offense of  
15        squatting if the person intentionally or knowingly enters  
16        unlawfully into a dwelling that is:

17 (1) Otherwise unoccupied; or

18 (2) Otherwise occupied by other persons whom the person

19 knows, or should know, are unlawfully occupying the

<sup>21</sup> (2)  $\rightarrow$   $S_1 \rightarrow S_2 \rightarrow \dots \rightarrow S_n \rightarrow S_{n+1}$



1        §708-        Fraudulent sale or lease of residential real

2        property. (1) A person commits the offense of fraudulent sale  
3        or lease of residential real property if the person  
4        intentionally:

5        (1) Lists or advertises residential real property for sale  
6        knowing that that the person or purported seller has  
7        no legal title or authority to sell the property; or  
8        (2) Rents or leases residential real property to another  
9        person knowing that the person or purported lessor has  
10        no legal ownership or other authority to lease the  
11        property."

12        (2) Fraudulent sale or lease of residential real property  
13        is a class C felony."

14        SECTION 4. Section 708-821, Hawaii Revised Statutes, is  
15        amended by amending subsection (1) to read as follows:

16        "(1) A person commits the offense of criminal property  
17        damage in the second degree if ~~[by means other than fire]~~:  
18        (a) The person intentionally or knowingly damages, by  
19        means other than fire, the property of another,  
20        without the other's consent, by the use of widely  
21        dangerous means;



1       (b) The person intentionally or knowingly damages, by  
2                    means other than fire, the property of another,  
3                    without the other's consent, in an amount exceeding  
4                    \$1,500; [or]

5 (c) The person intentionally or knowingly damages, by  
6 means other than fire, the agricultural equipment,  
7 supplies, or products or aquacultural equipment,  
8 supplies, or products of another, including trees,  
9 bushes, or any other plant and livestock of another,  
10 without the other's consent, in an amount exceeding  
11 \$500. In calculating the amount of damages to  
12 agricultural products, the amount of damages includes  
13 future losses and the loss of future production[–]; or

18 SECTION 5. Section 710-1063, Hawaii Revised Statutes, is  
19 amended by amending subsection (1) to read as follows:



1       "(1) A person commits the offense of unsworn falsification  
2 to authorities if, with an intent to mislead a public servant in  
3 the performance of the public servant's duty, the person:  
4           (a) Makes any statement, in written, printed, or  
5                    electronic form, which the person does not believe to  
6                    be true, in an application for any pecuniary or other  
7                    benefit or in a record or report required by law to be  
8                    submitted to any governmental agency;  
9           (b) Knowingly makes a false statement in written, printed,  
10                    electronic, or oral form, to a state investigator or a  
11                    county inspector during an investigation into  
12                    compliance with any state law, rule, or regulation or  
13                    any county ordinance, rule, or regulation;  
14           (c) Submits or invites reliance on any statement,  
15                    document, or record, in written, printed, or  
16                    electronic form, which the person knows to be falsely  
17                    made, completed, or altered; [or]  
18           (d) Submits or invites reliance on any sample, specimen,  
19                    map, boundary-mark, or other object the person knows  
20                    to be false[.]; or



1       (e) Knowingly presents to any law enforcement officer or  
2                   government official with the intent to remain upon  
3                   real property a false document purporting to be a  
4                   lease agreement, deed, or other instrument conveying  
5                   or providing a right to, or in, the real property."

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

9 SECTION 7. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

**11** SECTION 8. This Act shall take effect upon its approval.

12

INTRODUCED BY:

*J. J. Jensen*

JAN 26 2026



# H.B. NO. 2197

**Report Title:**

Real Property; Dwellings; Squatters; Removal; Hawaii Penal Code

**Description:**

Specifies a process by which property owners may utilize law enforcement officers to remove unauthorized individuals from dwellings. Establishes the criminal offenses of squatting and fraudulent sale or lease of residential real property.

Classifies the type of property damage typically inflicted by squatters as a form of criminal property damage in the second degree. Classifies the falsification of documentation typically performed by squatters as a form of unsworn falsification to authorities.

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

