

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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COMMISSION ON WATER RESOURCE
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
RYAN K.P. KANAKA'OLE
Acting Chairperson

Before the House Committee on
JUDICIARY
AND
WAYS AND MEANS

Wednesday, April 8, 2026
10:15 AM
State Capitol, Conference Room 211

In consideration of
HOUSE BILL 1990, HD2, SD1
RELATING TO RESIDENTIAL REAL PROPERTY

House Bill 1990, HD2, SD1, requires county planning or permitting agencies to record notices of violation as liens with the Bureau of Conveyances and further requires the Bureau to refer matters to county corporation counsel for foreclosure. **The Department of Land and Natural Resources (Department) offers the following comments, including a recommended amendment to the bill.**

The Bureau performs highly specialized and critical functions that ensure the integrity, reliability, and accessibility of Hawai'i's land title records under both the Regular System and the Land Court System. Last year, the Bureau reviewed and recorded over 278,000 total documents or approximately 1,000 to 1,300 documents a day.

The Department respectfully notes that the Bureau of Conveyances operates in a ministerial and non-adjudicative capacity, serving as a centralized recording office for land title documents. The Bureau's role is to receive, review for statutory compliance, and record documents, and not to interpret, enforce, or act upon the legal sufficiency or consequences of those documents.

The Department further notes that the Bureau of Conveyances currently supports transparency and public access to land records by providing government agencies with free access to recorded documents, as well as offering bulk data download services. These services facilitate efficient information sharing while maintaining the Bureau's core function as a neutral repository of recorded instruments.

While the Department recognizes the intent of this measure to strengthen enforcement of county zoning violations, the requirement that the Bureau “refer the matter” to county corporation counsel assigns the Bureau a reporting or enforcement-related function that is inconsistent with its established role. The Bureau does not serve as an intermediary between recording parties and enforcement agencies, nor does it track or act upon the legal status of recorded documents after recordation.

The Department therefore recommends amending the measure to remove the requirement that the Bureau of Conveyances provide notification or referral to county corporation counsel. Responsibilities related to enforcement and foreclosure should remain with the applicable county planning or permitting agencies and their respective corporation counsel. Maintaining a clear distinction between recording functions and enforcement authority is essential to preserving the integrity, neutrality, and reliability of Hawai‘i’s land records system.

Mahalo for the opportunity to comment on this measure.



LIBERTARIAN
PARTY of HAWAII
IN OPPOSITION TO HB1990

The Libertarian Party of Hawaii is in opposition to HB1990. This measure is outright theft dressed up in bureaucratic language. It lets counties slap homeowners with \$1,000-a-day fines for the crime of failing to satisfy some planner's aesthetic preferences. When those fines hit \$20,000, your house is automatically liened. Then, the county is required to start foreclosure proceedings and sell your home out from under you. A zoning violation of 20 days means they can take your home. This is civil asset forfeiture.

We in the Libertarian Party of Hawaii have spent years fighting the regulatory stranglehold that has made housing unaffordable in this state. Now you want to make it worse by threatening to seize the very homes you claim to be "protecting"?

Zoning violations are victimless regulatory offenses. Libertarians say: "No harmed neighbor? No crime." A \$1,000-per-day fine is outright financial terrorism. Turning a lien into automatic foreclosure is simply highway robbery with extra paperwork.

This is telling every homeowner in Hawaii that they are merely tenants on their own land. This turns property rights into property permissions. It sends a message to homeowners that they are allowed to keep their rightly acquired property only so long as they obey every petty ordinance, every arbitrary setback, and every bureaucrat's whim.

The Libertarian Party of Hawaii was founded on the principle that the smallest minority on earth is the individual. Those who deny individual rights cannot claim to be defenders of anything. HB1990 spits in the face of that truth. It treats law-abiding citizens as serfs whose only "responsibility" is to keep the county's coffers full and its planners happy.

We have watched for decades as government "solutions" like more regulations, more taxes, and more enforcement have driven housing costs through the roof and driven people off the islands. Now you propose to solve the problem by threatening to take people's houses away?

We demand you kill this bill immediately. Better yet, start the real conversation: repeal the zoning codes that created this mess in the first place. Return real power to property owners, to neighborhoods, and to the free market that actually builds housing.

How dare you look us in the eye and pretend this is anything other than tyranny in a business suit. Any legislator who votes yes is voting to auction off the American Dream for "code enforcement."

The Libertarian Party of Hawaii stands unequivocally OPPOSED to HB1990. We will remember who stands with the people and who stands with the regulators who want to own our rooftops.

In fierce defense of liberty,

Abbra Green | LPHI Secretary | LibertarianHawaii.com | (808)824-LPHI

April 8, 2026

The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means
State Capitol, Conference Room 211 & Videoconference

RE: House Bill 1990, HD2, SD1, Relating to Residential Real Property

HEARING: Wednesday, April 8, 2026, at 10:15 a.m.

Aloha Chair Rhoads, Chair Dela Cruz, and Members of the Joint Committees:

My name is Lyndsey Garcia, Director of Advocacy, testifying on behalf of the Hawai'i Association of REALTORS® ("HAR"), the voice of real estate in Hawaii and its over 10,000 members. HAR **opposes** House Bill 1990, HD2, SD1, which establishes penalties, including fines and liens, for an owner of residential real property's failure to remediate zoning violations. Requires, under certain conditions, county planning or permitting agencies to record the notice of violation as a lien on the property with the Bureau of Conveyances. Requires referral to the applicable county corporation counsel for foreclosure, subject to certain conditions, if the owner fails to satisfy certain conditions. Effective 7/1/3000.

While HAR appreciates the intent of ensuring compliance with zoning laws, this measure may have unintended consequences. Under the current language, the bill does not distinguish between serious health and safety hazards and minor technical violations. For example, a minor landscaping issue or weed abatement notice could trigger the same severe penalties as a major structural safety violation. This lack of proportionality may result in excessive penalties that do not align with the severity of the underlying violation.

Additionally, HAR is concerned with the significant financial and legal consequences triggered within a compressed timeframe. The imposition of a minimum fine of \$1,000 per day can escalate quickly, exceeding \$20,000 in just 20 days and automatically converting into a lien on the property. Furthermore, if a property owner fails, within 30 days, to both satisfy the violation and commence remediation to the satisfaction of the county, the measure requires the county to record the notice of violation with the Bureau of Conveyances and, within 30 days after, refer the matter to the county's corporation counsel to initiate foreclosure proceedings.

Of particular concern is that this process could place a property on a path toward foreclosure within a short time frame. This accelerated timeline also would impact

homeowners who are ill, traveling, temporarily absent, or otherwise unaware that notices have been issued. Moreover, kupuna and homeowners facing medical or financial hardships may find it difficult to understand the process, secure financing, or obtain assistance to remediate the violations. HAR also notes that, depending on the nature of the violation, remediation may require specialized contractors or professional services that may not be readily available within such a limited timeframe, particularly in rural areas or on the neighbor islands.

Moreover, HAR is concerned that the measure does not account for situations where the zoning violation may be caused by a tenant or even an adjacent property owner. In such cases, the property owner may have limited or no immediate control over the activity, giving rise to the violation. For example, housing providers may need to follow legal processes, including notice requirements or eviction proceedings, before addressing tenant-caused violations, which can extend beyond the measures prescribed timelines. Similarly, violations caused by neighboring properties may require coordination or enforcement actions outside of the owner's immediate control.

Finally, the measure places significant discretion in determining whether remediation is completed to the satisfaction of the county agency, without clear standards or an appeal process outlined in the measure. As such, this ambiguity may create uncertainty for homeowners seeking to comply to prevent losing their home.

Mahalo for the opportunity to provide testimony on this measure.



Testimony in STRONG OPPOSITION to HB1990

Submitted to the Senate Committees on Ways and Means (WAM) and
Judiciary & Hawaiian Affairs (JDC)

Hearing: Wednesday, April 8, 2026, 10:15 a.m.

Submitted by: Austin Martin, Libertarian Party of Hawaii, Chair

April 7, 2026

Distinguished members of the Committees:

I rise in fiery, unapologetic opposition to HB1990.

This bill is not “enforcement.” It is bureaucratic theft dressed up as zoning cleanup. It is a dagger aimed straight at the heart of every Hawaii homeowner’s property rights, and it must be killed immediately.

Here’s what this monstrosity actually does:

A county planning or permitting agency (or the Attorney General) issues a zoning violation notice. You don’t fix it to their satisfaction within their arbitrary timeframe? Boom — \$1,000 per day fine. That’s not a slap on the wrist; that’s a sledgehammer.

Twenty days later you’re staring at a \$20,000 lien automatically recorded against your home. Then the county’s corporation counsel starts foreclosure proceedings. They can seize and sell your house, keep what they’re owed, and toss you whatever scraps are left — if any. This is equity theft by government decree. In a state where the median home price is already obscene and families are one disaster away from losing everything, you want to hand counties the power to foreclose on residential real property over permitting paperwork? Are you serious?

Hawaii homeowners are not slumlords or corporate developers. Most zoning violations happen because:

- Permit processes are slow, expensive, and maddeningly inconsistent.
- Codes are outdated or hyper-technical.
- Codes, nearly in entirety, are frivolous and considered the strictest in the world
- Honest working families simply cannot afford six-figure “remediation” on top of Hawaii’s crushing cost of living.
- No one should have to ask your permission to own their own property.



HB1990 doesn't solve any problem — it manufactures victims. It turns every homeowner into a sitting duck for overzealous inspectors, vindictive neighbors, or cash-hungry counties. \$1,000 a day? That's not deterrence; that's extortion with a government stamp.

This bill is an assault on the foundational American principle that a man's home is his castle. Instead, under HB1990, your castle belongs to the county the moment you run afoul of some bureaucrat's checklist. The legislature that claims to care about the "housing crisis" is now actively making it easier to rip homes away from the very people who live in them.

I urge you — no, I demand you — to reject this disgraceful power grab. Kill HB1990 outright. Do not amend it, do not water it down, do not "study" it. Send it to the legislative graveyard where it belongs, alongside every other attempt to treat Hawaii families like cash cows for county coffers. Indict anyone who attempts to present bills like this to unravel our constitution.

Property rights are not optional. They are sacred. If you pass this bill, you will own the destruction that follows — the foreclosures, the lost equity, the families forced into homelessness, the erosion of trust in government.

May God save Hawaii from this lawless nightmare.

Respectfully but furiously submitted,

Austin Martin

Libertarian Party of Hawaii Chair

Libertarian National Committee Member — representing the 15 states of LNC Region 1

Austin.Martin@LP.org

April 8, 2026, 10:15 a.m.

Hawaii State Capitol

Conference Room 211 and Videoconference

To: Senate Committee on Ways and Means

Sen. Donovan M. Dela Cruz, Chair

Sen. Sharon Y. Moriwaki, Vice Chair

Senate Committee on Judiciary

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

COMMENTS REGARDING HB1990 HD2 SD1 — RELATING TO RESIDENTIAL REAL PROPERTY

Aloha Chairs, Vice Chairs and other Committee Members,

The Grassroot Institute of Hawaii **offers comments** on [HB1990 HD2 SD1](#), which would allow counties to commence foreclosure procedures upon residential real property and use the revenues to satisfy unpaid civil fines for unaddressed zoning violations related to the property.

The Legislature deserves praise for inserting language into this bill that protects the equity interest of homeowners and provides that property subject to foreclosure under this section would be sold at fair market value. While we still have concerns about the government's use of foreclosure in general, this amendment is necessary to ensure that this particular bill passes the tests for constitutionality and simple fairness.

In [Tyler v. Hennepin County, Minnesota](#), the Supreme Court held that the county's retention of the excess value of the plaintiff's home above her tax debt violated the U.S. Constitution's takings clause. That is why it is important that the bill explicitly states that the revenues from the sale after satisfaction of the lien should be remitted to the property owner.

Moreover, the provision requiring that the property be sold promptly at or near market value, will help guard against the possibility that a bad actor could deprive the owner of his or her equity interest in the property.

For example, in [Michigan](#), corruption at the local level resulted in some foreclosed properties being sold to friends and families of local officials at far below market value.¹

There is currently a case before the U.S. Supreme Court, [Pung v. Isabella County](#), that centers specifically on whether the Fifth Amendment requires compensation based on fair market value in foreclosure situations such as those envisioned by this bill.

Because foreclosure sales might target vulnerable populations, such as the elderly and those who lack the resources to hire attorneys or pay the fines, it is critical to protect the homeowner's equity interest. If this bill moves forward, we urge the Committee to retain the language that ensures that monies in excess of the lien be returned to property owners and that the property be sold at market value.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ ["Ending Home Equity Theft."](#) Pacific Legal Foundation, accessed Feb. 4, 2025.

KILL HB1990

https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1990&year=2026

The committee(s) on JDC/WAM will hold a public decision making on 04-08-26 10:15AM; Conference Room 211 & Videoconference



Aloha Judicial Committee Chair Karl Rhoads and Ways and Means Chair Donovan Dela Cruz and Committee Members:

Senator Karl Rhoads, Chair
Judiciary Committee



Senate District 13
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Senator Mike Gabbard, Vice Chair



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Hawaii Senate Committee on Ways and Means

[Dela Cruz, Donovan M.](#)



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Members

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[Chris Lee](#)

[Herbert M. "Tim" Richards, III](#)

[Glenn Wakai](#)

[Kurt Fevella](#)

There are way too many bills to be heard and analyzed and not enough time to analyze. Chances are very high that you didn't even have the time to thoroughly read this **HB1990** and consider the unintended consequences that will inevitably follow.

Do you want to be known as the one to deny your constituents Due Process?

Do you want to give County more new powers to become the POLICE, PROSECUTOR, JUDGE, JURY, and EXECUTIONER?

Do you want to expose your constituents to be sitting ducks to the strong arm of the government?

Have you done a walk-about in your communities lately with new lenses on their dwellings? (Those with high rise and PUD are probably not in violations of county codes, rules and regulations but other parts of Hawaii are not cookie – cutter subdivisions.)

Have you heard that there is a growing culture clash of new neighbors who complain against kama'aina living style that do not meet their standards?

Have you noticed how many of your constituents have non-conforming? Dwellings violations are very easy to find. Overgrown grass? Fences that are over 6 feet. EZ corners used as carport in driveways. More than 2 chickens.

How many have turned their garages into living spaces to help family members?

How many have turned their single-family dwellings into triplexes or 4plexes for multi-generational living or rent to help off-set their mortgages or keep up with the costs of living?

Have you been been to Kalihi, Kailua, Kaneohe, Ka'a'awa, Kahuku, Kaimuki, Kona, Kaluhui, Hawi, Hamakua, Waimanalo, Waianae lately?

How many of you have been to Puna or other places where most dwellings have no permits?

Very Brief History of this Power of Sale Request based on County Liens:

2021 - This agenda to request for new power of Sale to foreclose on Private Property Rights began with Honolulu Mayor Blangiardi in 2021 as a Legislative Package to the State Legislature through various House and Senate Bills. He persisted each year until 2025 where Representative Corey Chun became the sole introducer of HB 29.

2025 - HB29 was introduced solely by

Introducer(s): CHUN

Fortunately was deferred by FINANCE COMMITTEE.

2026 - HB1861 was introduced by a gang of 4 House Representatives -

Introducer(s): QUINLAN, MARTEN, MATAYOSHI, OLDS. HB1861 did not make the cross-over.

Unfortunately, we did not know about HB1990 that was also concurrently introduced by a gang of 14

Introducer(s): MATAYOSHI, GRANDINETTI, KILA, KUSCH, LEE, M., MARTEN, MORIKAWA, OLDS, TAKAYAMA, TAM, TARNAS, TEMPLO, TODD, WOODSON

While many residents in Hawaii were trying to survive the Kona-Low storms and flooding, HB1990 quietly but quickly sailed through this session!

HB1990 is now in your hands. Please kill HB1990. You will be pulling the rug your constituents who have not heard about this over-reaching and vindictive seizure of property with \$20,000. The average price of a junkalaka home is about \$1M. Would you consider this as “cruel and unusual punishment”?

Note that the rationale provided by the Honolulu County’s Planning and Permitting was that *“the city has lacked the legal manpower and funding to pursue judicial foreclosures, and believe that the non-judicial foreclosure process is a viable, more efficient and effective method for the city to collect liens on properties for civil fines.”*

In other words, there is no respect for basic fundamental civil rights of Hawaii’s residents. The city just wants a quickie weapon to collect fines and make money. There have been cases of especially elderly owners who have lost their homes through undemocratic and questionable means.

Who can trust DPP with its long history of systemic corruption and problems? Permits are long waits.

KILL HAMAJANG HB1990
EMAIL sens@capitol.hawaii.gov aka HB1861 aka HB29

CALL NOW!
808 586-6130
808 586-6090

NO DICTATORS

"The Counties currently have and exercises 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.

DO YOU TRUST YOUR COUNTY like DPP to be your Police, Prosecutor, Judge, Jury, and Executioner?

The City has lacked the legal manpower and funding to pursue judicial foreclosures, and believe that the non-judicial foreclosure process is a viable, more efficient and effective method for the City to collect liens on properties for civil fines." Honolulu Planning & Permitting (DPP) Director Dawn Takeuchi Apuna:

\$1,000 per day for ANY county violations, rules or regulations. Foreclosure if fines exceed \$20,000

DON'T THROW THE BABY OUT WITH THE BATH WATER!

Decision making 04-08-26 10:15AM; Conference Room 211 & Video

United States Supreme Court Justice Ruth Bader Ginsburg

"Fourteenth Amendment 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.

... those fines could be used to retaliate against political enemies and have been used as a source of revenue."

Ironically, the Hawaii State Attorney General's written testimony is tossing back this unconstitutional hot potato back to the County's legal Corporations by stating that :

1. All references to the Department (AG) be deleted from the bill.
2. The Department of the Attorney General is not an appropriate entity to enforce county-level zoning regulations.
3. The text of this bill is overbroad regarding the subject "Residential Real Property".
4. This bill references a "notice of lien" but there is no mechanism provided for a "notice of lien".

5. The phrase “shall constitute a lien upon the real property within thirty days” is vague.
6. There is no mandate to record the notice of violation at the Bureau of Conveyances to establish lien priority.
7. The phrase “commence foreclosure proceedings, judicial or non-judicial” is vague.
8. The AG further recommends an amendment “may foreclose the property pursuant to part 1A or part 11 per chapter 667.

OUR CONCERN is that HRS CHAPTER 667 relates to mortgage foreclosures. Hawaii property owners who enter into a mortgagor-mortgagee contractual relationship should be accountable to the terms and conditions agreed-upon.

HOWEVER, ordinary property owners of Hawaii **DO NOT** have any contractual relationship with the counties of Hawaii. The County cannot treat Hawaii residents like their prisoners when there is no mortgage contract or loan with it.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 1990, H.D. 1, RELATING TO RESIDENTIAL REAL PROPERTY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Wednesday, March 4, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Dean A. Soma, Seth J. Corpuz-Lahne, or Gurudev D. Allin, Deputy
Attorneys General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) offers comments, and recommends amendments to this bill, including that all references to the Department be deleted from the bill.

The purpose of this bill is to specify that a property owner who receives a notice of violation of any county zoning ordinance, rule, or regulation and fails to remediate the violation, to the county planning or permitting agency's satisfaction and within the agency's specified time frame, shall be fined a minimum of \$1,000 per day, subject to a lien if the fines exceed \$20,000, and subject to foreclosure proceedings if the property owner does not satisfy the lien and commence remediation of the violation within thirty days of notice.

This bill adds a new section to chapter 46, Hawaii Revised Statutes (HRS), that, among other things, mandates monetary penalties for violation of any county zoning ordinance, rule, or regulation, and directs the applicable county planning or permitting agency to commence foreclosure of the real property via judicial or nonjudicial foreclosure without delay where the amount of fines exceeds \$20,000 and the owner of real property has failed to timely satisfy the lien and remediate all conditions that gave rise to the issuance of the notice of violation.

The Department of the Attorney General is not an appropriate entity to enforce county-level zoning regulations.

The Department respectfully requests that all references to the Department be deleted from the bill. The bill directs the Attorney General to commence foreclosure

proceedings when the applicable county planning or permitting agency fails to do so within thirty days of receipt of the notice of lien by the owner of the property and provides that any moneys recovered from the proceedings be remitted to the applicable county, less twenty percent of the fines assessed that are directed to be deposited into the general fund.

The Department notes that this bill is concerned with **county zoning rules**. The Department respectfully requests that this bill be amended to replace subsection (b) of the new section of chapter 46, which involves the Attorney General (page 3, lines 5-12), with the following:

(b) Within thirty days after the applicable county planning or permitting agency filing the notice of violation at the bureau of conveyances, the bureau of conveyances shall refer the matter to the applicable county corporation counsel to commence foreclosure proceedings, judicial or nonjudicial, on the real property without delay.

Counsel for the counties are better suited to bring foreclosure actions to enforce their own zoning rules and regulations. The corporation counsels already bring foreclosure actions for nonpayment of property tax in the counties. The Department, on the other hand, is focused on state-level laws and regulations. This bill would divert resources from the Department to a county level zoning enforcement task that is better suited for the corporation counsels for the counties. The Department requests that it be substantively removed from the bill.

The text of this bill is overbroad regarding its subject "Residential Real Property".

Although the subject of this bill as expressed in the bill's title is "Residential Real Property," the findings and purpose section (section 1, page 1, lines 1 – 13) includes all real property. Section 2, pages 1 – 3, contains several references to "real property" that are not qualified to only include "residential real property." The Department recommends that each usage of the term "real property" (page 1, lines 1-2; page 2, lines 4, 11, 13, and 15; and page 3, line 3) be amended to add the qualifier, "residential". The title of the new section "Penalties for unaddressed zoning violations," should be amended to read "Penalties for unaddressed residential real property zoning violations" to further clarify that the provisions set forth apply only to "residential real property". Amending this bill as recommended by the Department will ensure that this

bill stays within the bounds of its subject matter. "Residential real property" should relate back to property designated for residential use under section 46-4, HRS.

This bill references a "notice of lien" but there is no mechanism provided for a "notice of lien".

Section 2 of this bill adds to chapter 46, HRS, a new section that provides in paragraph (2) of subsection (a), on page 2, lines 11 – 13, that, "If fines assessed to the owner of real property exceed \$20,000, then the notice of violation shall constitute a lien upon real property within thirty days," and then makes reference to a "notice of lien" in paragraph (3) on page 2, line 14, referring to "the lien specified in paragraph (2) " on page 2, line 16, and refers again to "notice of violation" on page 2, line 19. There is no process stated by which an applicable county planning or permitting agency would provide a notice of lien.

The Department recommends that the terms "notice of violation" and "notice of lien" be harmonized by amending references to "notice of lien" and "lien" to "notice of violation," where appropriate (page 2, lines 14 and 16) as the "notice of violation" issued pursuant to this section is statutorily deemed to "constitute a lien upon the real property."

The phrase "shall constitute a lien upon the real property within thirty days" is vague.

The new section 46- (a)(2), which states, on page 2, lines 11–13, that, "If fines assessed to the owner of real property exceed \$20,000, then the notice of violation shall constitute a lien upon real property within thirty days," is not clear when a notice of violation becomes a lien upon real property, but the intent of the phrase "within thirty days," appears to be linked to the requirement set forth in paragraph (3) on page 2, lines 14–20, that "If within thirty days of receiving the lien, the owner of real property fails to . . . Satisfy the lien . . . and . . . conduct remediation of all conditions that gave rise to the issuance of the notice of violation"

The Department recommends that the phrase "within thirty days" be removed from proposed subsection (a)(2).

There is no mandate to record the notice of violation at the Bureau of Conveyances to establish lien priority.

In a foreclosure, the determination of which parties get paid out of the foreclosure proceeds and which parties can, by foreclosing a property, extinguish the security of junior creditors, is governed by lien priority. Hawaii is a race-notice jurisdiction, sometimes referred to as "first in time, first in right," in which the first person or entity who first duly records generally has priority. See sections 501-82 and 502-83, HRS. The recordation of a lien is an essential step in establishing priority.

The priority of superior lien holders, such as prime and secondary mortgagees, or tax liens, may in many cases exceed the equity in the residential real property or leave so little to recover after the residential real property is auctioned at distressed property prices that the counties or the Department may determine that foreclosing the property is uneconomical.

The Department recommends that this bill be amended to require that the county planning or permitting agencies record the notice of violation as a lien upon the property after thirty days. The Department suggests that the phrase "agency shall commence foreclosure proceedings, judicial or nonjudicial, on real property without delay" in the new section of chapter 46 at subsection (a)(3)(B), on page 3, lines 2-4, be deleted and replaced with the following:

agency shall record the notice of violation at the bureau of conveyances without delay. The notice of violation shall identify the owner, the violation, and the amount of the fine owed and unpaid. The recorded notice of violation shall be deemed a lien on land registered in the land court under chapter 501.

The phrase "commence foreclosure proceedings, judicial or nonjudicial" is vague.

Foreclosure proceedings are initiated pursuant to chapter 667, HRS, which consists of several parts addressing judicial foreclosures, different types of nonjudicial foreclosures, and timeshare foreclosures. The two types of foreclosures that are applicable to the liens that this bill would create are part IA, judicial foreclosures, and part II, nonjudicial foreclosures.

The Department recommends that "commence foreclosure proceedings, judicial or nonjudicial," be amended to read "may foreclose the property pursuant to part IA or

part II of chapter 667," at page 3, lines 2 - 3 and 8 (if not removed per requested amendment above).

To address the various issues identified herein, the Department recommends adopting the amendments as suggested above.

The Department appreciates the opportunity to offer comments on this bill and remains available to work with the Committee to amend this bill.

“We will pass this our of Committee for further dialogue”

To further add this tyranny and NO Due Process, each Committee Chair has used the phrases “ *we will pass this our of Committee to further dialogue*” or “*let this conversation continue*” or “ *this committee will pass this out to carry on the conversation*”.

What conversations are we talking about?

This is the best kept secret in this session!

How is the public going to have “a conversation” when it’s so secretive and not openly discussed at public meetings like the Neighborhood Board meetings or on a legislator’s mass mail outs?

How is the public going to have “a conversation” when the procedure of the legislature is so confusing and foreign to most of the public?

How is the public going to have “a conversation” when a public citizen is allowed 2 minutes to testify?

How is the public going to have “a conversation” when it appears that backroom negotiations have occurred and prior decisions have been made?

In fact, how is the public to have a conversation when this meeting allows **no opportunity for oral testimony**? Only 48 hours are allowed for the public to submit written testimony.

This particular meeting was announced on April 6, 2026 that “ *The committee(s) on JDC/WAM will hold a public decision making on 04-08-26 10:15AM; Conference Room 211 & Videoconference.*”

RISE UP HAWAII!!!

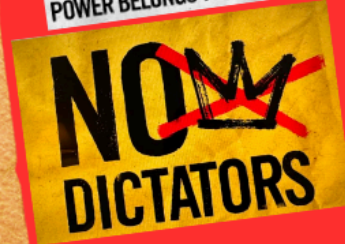
HB1990

“... YOUR COUNTY can give you a notice of violation of any county zoning ordinance, rule, or regulation... You can be fined a minimum of **\$1,000 per day**, subject to a lien if the fines exceed **\$20,000**, and subject to **foreclosure proceedings within thirty days of notice.**



While Kona Low was flooding communities, legislators were pushing HB1990 to fine and foreclose local homes!

Hawaii State Legislature
2026



KILL **HB1861** aka HB29

County wants to be YOUR
Police, Prosecutor, Judge, Jury, & Executioner!!!



NO
~~**CROWN**~~
DICTATORS

~~**CROWN**~~
POWER BELONGS TO THE PEOPLE.

COUNTY WANTS POWER OF SALE
TO SELL YOUR PROPERTY
WITHOUT
GOING TO COURT!!

CAN WE TRUST
your
COUNTY GOVERNMENT
to be the
Police, Prosecutor, Judge,
Jury, & Executioner???

KILL TROJAN HORSE!
NO to HB29 HD2
Email NOW!
YOUR MAYOR & CITY COUNCIL,
STATE REPRESENTATIVES
& SENATORS NOW!

A woman with long dark hair, wearing a green sweater, is shown in a thinking pose with her hand to her chin. A lightbulb icon is above her head, and a QR code is on the sign.

~~**CROWN**~~
**NO THRONES.
NO CROWNS.
NO KINGS.**

Ask them Why?

HAMJANG BILL HB1990 allows all counties to fine property owners minnum \$1,000 per day for ANY violations. \$20,000 will trigger foreclosure with 30 days!



Why turn Hawaii residents into sitting ducks for the government?

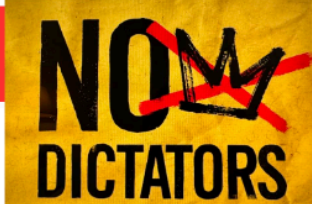
Introducer(s):

MATAYOSHI, GRANDINETTI, KILA, KUSCH, LEE, M., MARTEN, MORIKAWA, OLDS, TAKAYAMA, TAM, TARNAS, TEMPLO, TODD, WOODSON

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County wants to be YOUR
Police, Prosecutor, Judge, Jury, & Executioner!!!

“Kill HB29!!”



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[Quinlan, Sean \(D\)](#)

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repmarten@capitol.hawaii.gov

**NEW
POWER
OF SALE
with
Non-
Judicial
Foreclosure
based on
Civil
Fines!!!
For
Private
Property**

**~~NO~~
DICTATORS**

**~~NO~~
THRONES.
NO CROWNS.
NO KINGS.**

HONOLULU Department of Planning & Permitting (DPP) wants to sell your property based on violations fines.

DPP wants non-judicial Power of Sale to sell your property WITHOUT going to court.

**Do you trust
DPP to have
this Power of
Sale?**

The Supreme Court Justices including Ruth Bader Ginsburg have already ruled "NO" to this tyranny and unconstitutional grab.

RBG: " Fourteenth Amendment 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."

. . . those fines could be used to retaliate against political enemies and have been used as a source of revenue."

MORE REFERENCES:

HB29 is unconstitutional. Even if it wasn't, who can trust DPP or the city on Oahu?

Who wants allow DPP to be the POLICE, PROSECUTOR, JUDGE, JURY & EXECUTOR?

EXAMPLE #1

PRESS RELEASE

Six Charged with Bribery Schemes for Official Acts at the Department of Planning and Permitting of the City and County of Honolulu

Tuesday, March 30, 2021

Share

For Immediate Release

U.S. Attorney's Office, District of Hawaii

HONOLULU, Hawaii – Today, the United District Court for the District of Hawaii unsealed Honest Services Wire Fraud charges against the following six individuals arising out of schemes in which employees of the Department of Planning and Permitting ("DPP") of the City and County of Honolulu took bribes in exchange for performing official acts at DPP:

How can the public be assured that every one will be treated equally and provided the equal application of the law?



Former Rep. Calvin Say said he's helped others meet required years of service to access retirement benefits. Cory Lum/Civil Beat

Former Rep. Calvin Say said he's helped others meet required years of service to access retirement benefits. Cory Lum/Civil Beat

It's a favor Say said he has offered to others, including when he was in the Legislature for over four decades.

"I've always helped individuals who have made these requests in qualifying for the health fund, their retirement pension, et cetera," he said.



Roy Amemiya, Honolulu's former managing director, has a new job that will open up lifelong benefits. Cory Lum/Civil Beat

So he asked Say for a job, according to Say. The councilman said he agreed to hire Amemiya as a special project manager for six months. He'll be making \$5,000 per month.

On Tuesday, Amemiya confirmed that he asked Say for the job to meet the 10-year mark that allows employees to qualify for retirement benefits. He otherwise declined to comment.

Amemiya worked for Mayor Jeremy Harris in the budget department from 1997 through 2000 and was appointed as Caldwell's managing director in 2015.

Someone with 10 years of service may be eligible for 50% coverage of retirement medical expenses and possible access to a pension, according to Bill Kunstman, a spokesman for the Hawaii Department of Labor and Industrial Relations. People do have the option of withdrawing the money they contributed to their pensions before they hit 10 years, Kunstman said.

Another added benefit of longer employment time is the allocation of more sick days, which factors into pension payments, Kunstman said.

The bi-polar Hawaii Grassroots Institute stated it was against constitutional violations of private property rights and was worried about corruption and abuse. However, it suggested that as long as property are sold at market value. This was readily welcome and adopted as an amendment to this communistic Power of Sale agenda. Where are local families going to go?

How can an ordinary person be assured that it will be at “market value” with no nefarious manipulations? Who would have thought the city would sell such a valuable lot to the adjacent investor neighbor for pittance? The city cited feral chickens are one reason to get rid of this.

EXAMPLE #3

Who would have thought that a prime lot in the middle of downtown Honolulu could end up being sold by the city for ONLY \$112,000?

Piikoi Park being sold for \$112,000



<https://www.civilbeat.org/2024/08/honolulu-faces-opposition-over-sale-of-public-park/>

Serota said Piikoi Mini Park was identified as an “underutilized property,” for a few reasons. The small space makes it hard to install popular amenities like pickleball courts, community gardens or dog parks, and there’s no parking.

There are 32 mini parks on Oahu and it’s unusual for one to be sold by the city.

“I’ve never seen anything like it come across my desk,” Kawano said. (City Budget Director).

EXAMPLE #4

Which property owner in Honolulu would not be concerned about unequal application of law between “insiders” and “outsiders” by City Hall?

[Hawai'i Corruption Investigations](#)

2 Honolulu Officials To Plead Guilty In Kealoha

Payout, Avoiding Jail Time

Former Mayor Kirk Caldwell said the deals represent the “last chapter of the Kealoha scandal.”

By [Christina Jedra](#) / February 3, 2025

Reading time: 7 minutes.

Share Article

65

Three former Honolulu officials have reached agreements with the government to resolve federal charges that they improperly arranged a \$250,000 payout to the city's now-disgraced former police chief.

The city's former top attorney, Donna Leong; former Honolulu Police Commission Chairman Max Sword; and former Managing Director Roy Amemiya were accused of conspiring to circumvent the City Council when they arranged the retirement payment to Louis Kealoha in 2017.

Leong and Sword agreed to plead guilty to misdemeanor charges of conspiring to deprive the residents of Honolulu of their rights, court records show. Under the terms of their deals, each will serve one year of supervised release and pay \$100,000 in fines, attorneys told a U.S. District Court judge Monday morning.

Amemiya signed a deferred prosecution agreement that involves two years of supervised release and allows him to avoid a conviction on the same deprivation of rights charges. He will have to pay a \$50,000 fine and perform



Donna Leong, Max Sword and Roy Amemiya will avoid a trial in which they were facing possible prison time. (Civil Beat file images)

The case against the three officials centered on city officials' efforts to sidestep a City Council review of a controversial severance payment and avoid public

The crew had targeted the victim — Katherine's uncle Gerard Puana — falsely accusing him of stealing the Kealohas' mailbox in an effort to discredit him in a separate legal dispute.

The Police Commission had the power to investigate the allegations and fire the chief for cause. But Leong expressed concern that firing him would invite a lawsuit from the notoriously litigious Kealohas, former police commissioner Loretta Sheehan previously [told Civil Beat](#).



Louis Kealoha was convicted on corruption charges along with his wife Katherine. He is scheduled to be released from prison next year. (Cory Lum/Civil Beat/2019)



Former mayor Kirk Caldwell has never answered questions about whether he was involved in the Kealoha payout arranged by his appointees. (Cory Lum/Civil Beat/2020)

Former Honolulu mayor Kirk Caldwell, who appointed all three officials during his tenure, did not respond to an interview request.

EXAMPLE #6 5,000 square feet lot with a \$15.8 million Fine for “overgrown weed”.

The owner of this Kalihi property was a Hawaiian veteran with an amputated leg and suffering from cancer.

He first learnt of his fines with DPP when the photo of his property appeared on Star Advertiser. His helper asked DPP for help and was told that they could sign over their property to the city as a way to solve their fines problem.

When the news media reported this case, strangers and Hawaiian groups came to help him clean his yard. Under social media scrutiny, the city mitigated the fine with the owner.

- 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.



- CINDY ELLEN RUSSELL / CRUSSELL@STARADVERTISER.COM

Honolulu's Building Permit Delays: A 'Nightmare' Decades In The ...

Dec 6, 2023 · Construction industry professionals say it's taking longer than ever to get a permit in Honolulu. The delays disrupt lives and put a drag on the economy.

Missing: ~~prior~~ | Show results with: [prior](#)

[www.civilbeat.org](#) › 2022/10 › honolulu-former-top-permit-inspector-ple...

Honolulu's Former Top Permit Inspector Pleads Guilty To Bribery

Oct 17, 2022 · Years Before Indictments, Honolulu Permitting Department Was Warned About Corrupt Culture Cory Lum/Civil Beat · Years Before Indictments ...

Missing: ~~problems~~ [prior](#)

[www.civilbeat.org](#) › 2025/11 › honolulu-fired-building-permit-worker-cut...

Honolulu Fired Building Permit Worker Who Cut Through Delays For ...

...

Nov 3, 2025 · The city accused a plans examiner of preferential treatment. The employee said she was trying to help permit applicants.

Missing: ~~problems~~ [prior](#)

[www.civilbeat.org](#) › 2022/06 › permitting-worker-who-took-bribes-for-a-d...

Permitting Worker Who Took Bribes For A Decade Gets Prison Time

Jun 27, 2022 · Five Honolulu Planning Department Employees Indicted For Bribery Cory Lum/Civil Beat/2021 · Years Before Indictments, Honolulu Permitting

ISLAND VOICES

Bill threatens private property owners

By Choon James and Natalie Iwasa

As part of the 2022 county package to state legislators, Honolulu Mayor Rick Blangiardi requested "nonjudicial foreclosure" powers, i.e., the power to seize private property without going to court. Fortunately, House Bill 1434 did not pass last year.

This year's package includes another request for "nonjudicial foreclosure," aka "power of sale." It represents an alarming threat to property owners and is prevalent in totalitarian regimes.

This year's HB 106 offers weak assurance that "a county may, after all notices, orders, and appeal proceedings are exhausted, satisfy all unpaid civil fines through the power of sale on the real property subject to a recorded lien."

Unfortunately, our years of civic participation at Honolulu Hale show that due process has not always been fair and equitable to ordinary residents.

Furthermore, recent federal indictments and guilty pleas continue to show the troubled Honolulu Department of Planning and Permitting (DPP) has no consistent record of fair play or efficient management. Written testimonies reveal alarming threats toward private property rights.

Dawn Takeuchi Apana, DPP director designate, stated: "Specifically, this bill would authorize the city to bring closure to pending civil fines imposed on landowners who are in violation of the

ISLAND VOICES



Natalie Iwasa, left, is a CPA and certified fraud examiner; Choon James is a residential Realtor and farmer.

city's land use ordinances and building codes, through a nonjudicial or administrative process."

Honolulu City Councilman Calvin Say also submitted testimony for a quicker seizure: "Our city corporation counsel is currently able to initiate a Judicial Foreclosure process, which has been successful in similar instances, however this is a long process that takes valuable resources away from other pressing legal matters."

In other words, give us the authorization to hurry it up by bypassing the regular court method of foreclosure.

The House Committee on Judiciary & Hawaiian Affairs, whose members include Chairman David Tarnas and Vice Chair Gregg Takayama, approved HB 106 on Jan. 31. Its report states in part:

"Your committee finds that authorizing the counties to collect on liens filed on properties through a nonjudicial foreclosure process provides some leverage over property owners to com-

ply or lose their property. If a property owner fails to comply and the property is foreclosed upon, this measure would enable the property to be put to productive use, allow liens attached to the property to be satisfied, and stop the accrual of additional debt or taxes on the property."

Hawaii's state legislators should recognize that most ordinary residents sacrifice and work their tails off to achieve real property ownership. Each county's goal should be to help property owners comply with the law and correct their violations, *not* summarily seize their properties.

HB 106 invites corruption and exposes residents, especially those who have fewer financial resources available to them, as easy casualties of this potential power of sale. All Hawaii counties would be affected.

It should be noted the U.S. Supreme Court ruled unanimously on Feb. 20, 2019 (*Timbs vs Indiana*), that the Constitution's ban on excessive fines — civil asset forfeitures are a type of fine — applies to state and local governments, thus limiting their ability to use fines to raise revenue.

The late Justice Ruth Bader Ginsburg also astutely argued fines could be used to retaliate against political enemies and had been used as a source to raise revenue.

Hawaii has a few egregious property owners, but this tyrannical bill is not the solution. We urge our legislators to vote "no" on HB 106.

Please. Protect your constituents. Protect the basic fundamental rights of our citizens. For 250 years, the US Constitution has worked well and protected its citizens from the tyranny of the long arm of the government. Civil Constitutional laws are meant to protect citizens from the government!

The powers of the government must never be abused or exploited. It's never a good idea to give government more powers over its people.

To flippantly exploit the powers of the government is not pono. To supposedly solve a few nuisance/vacation rental problems but turn the population into vulnerable sitting ducks is not a good and wise legislation.

The Counties have existing tools but they require effort and a will to manage fairly and equitably, without tyranny through this loosey-goosey unconstitutional HB1990.

Mahalo,

Choon James
808 293 9111

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**COUNTY WANTS POWER OF SALE
TO SELL YOUR PROPERTY
WITHOUT
GOING TO COURT!!**

**CAN YOU
TRUST**
your
COUNTY GOVERNMENT
to be the
Police, Prosecutor, Judge,
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**NO
DUE PROCESS!**

**KILL TROJAN
HORSE!
NO HB1861
aka HB29
GIVE VOICE
NOW!!!**

**CONTACT YOUR
STATE REPRESENTATIVES
& SENATORS NOW!**



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, Suite 408
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

LATE

April 8, 2026

Senator Donovan M. Dela Cruz, Chair
Senator Sharon Y. Moriwaki, Vice Chair
Senate Committee on Ways and Means

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

Strong Opposition to, and Proposed Amendment of HB 1990 HD2, SD1, RELATING TO RESIDENTIAL REAL PROPERTY (Establishes penalties, including fines and liens, for an owner of residential real property's failure to remediate zoning violations. Requires, under certain conditions, county planning or permitting agencies to record the notice of violation as a lien on the property with the Bureau of Conveyances. Requires referral to the applicable county corporation counsel for foreclosure, subject to certain conditions, if the owner fails to satisfy certain conditions. Effective 7/1/3000. [SD1])

WAM/JDC Hearing: Wednesday, April 8, 2026, at 10:15 a.m.
State Capitol, Conference Room 211 & Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private research and trade organization originally founded in 1979, whose members include major Hawaii landowners, developers, real estate investment trusts, utility companies, and land use professionals. LURF's mission is to research, educate, and advocate for reasonable, rational, and equitable land use planning, laws, and regulations that encourage well-planned economic growth, agriculture, housing, renewable energy, commercial and industrial uses, health care, and tourism, while safeguarding Hawaii's significant natural, environmental, historic, and cultural resources, public health, and safety.

LURF is in **strong opposition to HB 1990, HD2, SD1**, which proposes to establish mandatory minimum fines, automatic lien recording, and expedited foreclosure procedures for unresolved residential zoning violations. LURF respectfully offers **a proposed amendment that would create and multiagency working group** to address and propose solutions to the zoning issues and violations that have given rise to this proposed measure.

LURF's Position. LURF understands the shares the concerns that are the basis of this legislation, and as a land use organization, we support effective enforcement of zoning laws. However, this bill fundamentally alters Hawai'i's land use enforcement framework in a manner that raises serious concerns relating to **due process, proportionality, housing stability, and fiscal impact.**

LURF's **concerns and opposition** are based on, among other things, the following:

1. **Inconsistency with Established Land Use Enforcement Principles.** County zoning enforcement has historically relied on graduated, discretionary tools that allow planning agencies to respond proportionally to the nature and severity of a violation. The traditional focus of zoning violations has generally been on working toward a "cure" of the zoning violation, rather than "punishment." This discretion and process is essential because zoning violations frequently arise from unusual circumstances, including: Nonconforming or legacy structures; lengthy permitting delays; differing and evolving interpretations of zoning rules; and county agency resource constraints.

This measure is inconsistent with the traditional framework and process for handling zoning violations because it would impose mandatory penalties; daily fines of no less than \$1,000 regardless of context, culminating in liens and foreclosure. This heavy-handed State mandated approach is inconsistent with the flexible, planning-based enforcement structure contemplated under **Chapter 46, Hawai'i Revised Statutes**, which delegates zoning authority and enforcement discretion to counties.

2. **Unintended Consequences: Possible Disproportionate Impacts Across Counties.** The measure does not consider certain well-documented state-wide county-specific conditions:
 - **Honolulu (O'ahu):** Chronic permitting backlogs frequently delay compliance even when property owners actively seek approvals.
 - **Maui:** Post-disaster rebuilding, shoreline setbacks, and evolving floodplain standards have created widespread nonconforming conditions.
 - **Hawai'i County:** Agricultural zoning, rural development patterns, and inherited properties often involve technical violations that require extended resolution timelines.

Under H.B. 1990, homeowners working in good faith toward compliance could nevertheless face lien placement exceeding \$20,000 and foreclosure proceedings within weeks.

3. **Due Process and Judicial Concerns.** Foreclosure is an **extraordinary remedy** traditionally reserved for unresolved tax obligations or severe public safety hazards. Applying foreclosure to routine zoning violations raises serious **procedural due process concerns** under both the Hawai'i Constitution and the Fourteenth Amendment to the U.S. Constitution. The bill **does not include procedural safeguards** such as exhaustion of administrative remedies, meaningful opportunity for cure, or judicial proportionality review prior to foreclosure referral.

4. **Fiscal and Administrative Impacts.** Mandatory lien recording and foreclosure referrals will significantly increase costs of County administration of the liens and foreclosures; workload of County Corporation Counsel; and State Court system costs. These unintended costs have not been quantified and may outweigh any fine revenue collected, particularly where properties are owner-occupied or of limited market value. Moreover, the counties might object to this measure as the State imposing an **“unfunded mandate”** on the counties.
5. **Proposed Amendment: A Collaborative Alternative.** Rather than imposing a rigid, punitive statewide mandate, the Legislature should convene a **state–county working group** to recommend targeted solutions to genuine community nuisance issues while preserving land use discretion, housing stability, and constitutional safeguards.

Based on the above, LURF is in **strong opposition to HB 1990, HD2, SD1**, and respectfully requests your favorable consideration of **deleting the current contents of the bill and inserting** the following **proposed amendment**.

Thank you for the opportunity to provide comments in opposition and a proposed amendment to this measure.

**Proposed Amendment to HB 1990, HD2, SD1
Establishing a State–County Working Group**

SECTION ____.

Chapter 46, Hawai‘i Revised Statutes, is amended by adding a new section to be appropriately designated to read as follows:

§46-__ State–county working group on residential zoning enforcement and community nuisances.

- (a) There is established a temporary state–county working group on residential zoning enforcement and community nuisances to study, evaluate, and recommend balanced and effective approaches to addressing chronic residential zoning violations and community nuisance conditions while preserving due process, housing stability, and county land use discretion.
- (b) The working group shall be composed of the following members or their designees:
- (1) The attorney general;
 - (2) The director of the office of planning and sustainable development;
 - (3) The director of the department of budget and finance;
 - (4) One representative from the planning or permitting agency of each county, to be appointed by the mayor of each respective county;
 - (5) One representative from the corporation counsel or county attorney office of each county, to be appointed by the mayor of each respective county; and
 - (6) Three members representing community, housing, or land use interests, to be appointed by the governor, including at least one member with demonstrated experience in land use or real property law.
- (c) The working group shall examine and make recommendations regarding:
- (1) Existing county tools and procedures for enforcing residential zoning ordinances and addressing chronic nuisance conditions;
 - (2) Best practices for achieving compliance through graduated enforcement mechanisms, including warnings, mediation, negotiated compliance agreements, administrative penalties, and injunctive relief;
 - (3) Due process protections, administrative appeal rights, and proportionality considerations related to zoning enforcement actions;
 - (4) Fiscal and administrative impacts on counties and the state associated with various enforcement approaches;
 - (5) The potential displacement or housing stability impacts of zoning enforcement actions; and
 - (6) Any statutory amendments necessary to improve coordination, effectiveness, and fairness in addressing residential zoning violations and community nuisances.
- (d) The working group shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2027.
- (e) No member of the working group shall receive compensation for service on the working group; provided that members may receive reimbursement for reasonable and necessary expenses incurred in the performance of their duties, subject to the availability of appropriated funds.
- (f) The working group shall cease to exist upon submission of its report to the legislature.

HB-1990-SD-1

Submitted on: 4/6/2026 12:14:17 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support w/comment at a March Manoa neighborhood board meeting, many residents addressed the concern that residents who live along Manoa stream is "deliberately dumping tree stumps" the Manoa stream/water ways! As a result causing the stream to flood in the neighborhood and elementary schools in Marc 2026!

1990 HB RELATING TO RESIDENTIAL REAL PROPERTY.

HB-1990-SD-1

Submitted on: 4/6/2026 3:19:59 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael L. Gonsalves	Individual	Oppose	Written Testimony Only

Comments:

This bill is far too Draconian. It will adversely impact senior citizens especially. Please stop persecuting the poor.

Michael L. Gonsalves

HB-1990-SD-1

Submitted on: 4/6/2026 7:19:57 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sophia Tynanes-Nakasone	Individual	Oppose	Written Testimony Only

Comments:

I wholeheartedly testify with a NO! This needs to be looked at in another direction, not hurting our residence in another manner.

Cindy Freitas
makainanqi@gmail.com

TESTIMONY IN OPPOSITION UNLESS AMENDED H.B. 1990 – RELATING TO RESIDENTIAL REAL PROPERTY

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I respectfully submit testimony in **OPPOSITION UNLESS AMENDED** to H.B. 1990.

While I recognize the State's interest in enforcing zoning laws, this measure, as currently written, raises serious concerns under the **Hawai'i Constitution and controlling case law**, particularly regarding **due process, property rights, and unlawful takings**.

1. VIOLATION OF DUE PROCESS RIGHTS

H.B. 1990 allows for violations to be recorded against a property, effectively clouding title, **prior to a final adjudication**.

This raises serious due process concerns under:

Hawai'i Constitution, Article I, Section 5

("No person shall be deprived of life, liberty or property without due process of law...")

U.S. Constitution, Fourteenth Amendment

The Hawai'i Supreme Court has repeatedly held that **due process requires notice and a meaningful opportunity to be heard before deprivation of a protected property interest**:

Sandy Beach Defense Fund v. City Council of Honolulu, 70 Haw. 361 (1989)

→ Recognizes strong protections for property interests under Hawai'i law

Ka Pa'akai O Ka 'Aina v. Land Use Commission, 94 Haw. 31 (2000)

→ Requires agencies to make specific findings and protect rights before impacting land interests

Recording a violation before final determination imposes a **real and immediate burden on title**, effectively depriving owners of property rights **without full due process**.

2. UNCONSTITUTIONAL TAKING / REGULATORY BURDEN

The bill allows government action that significantly interferes with property rights, potentially constituting a **regulatory taking**:

Hawai‘i Constitution, Article I, Section 20

(“Private property shall not be taken or damaged for public use without just compensation.”)

U.S. Constitution, Fifth Amendment (Takings Clause)

A recorded violation can:

Prevent sale or transfer

Reduce property value

Interfere with economic use

Courts have recognized that **government actions that go “too far” in restricting property use may constitute a taking:**

Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978)

→ Regulatory taking analysis (economic impact, interference with expectations)

Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992)

→ Total deprivation of economic use is a categorical taking

If a recorded violation effectively **impairs the ability to transfer or use property**, it may rise to a compensable taking.

3. HEIGHTENED PROTECTION OF PROPERTY RIGHTS IN HAWAI‘I

Hawai‘i courts recognize **stronger protections for land and cultural rights** than many jurisdictions:

Ka Pa ‘akai O Ka ‘Āina v. Land Use Commission, 94 Haw. 31 (2000)

→ Government must protect traditional and customary Native Hawaiian practices

Public Access Shoreline Hawai‘i (PASH) v. Hawai‘i County Planning Commission, 79 Haw. 425 (1995)

→ Confirms constitutional protection of Native Hawaiian rights tied to land

Hawai‘i Constitution, Article XII, Section 7

→ Protects traditional and customary Native Hawaiian practices

H.B. 1990 fails to include safeguards ensuring that enforcement actions do not **infringe upon these constitutionally protected rights**.

4. CLOUD ON TITLE = IMMEDIATE PROPERTY DEPRIVATION

Recording a violation in the **Bureau of Conveyances or Land Court system** has the same practical effect as a lien or encumbrance.

Hawai‘i courts recognize that **interference with title and alien ability is a serious property interest:**

Aames Funding Corp. v. Mores, 107 Hawai‘i 95 (2005)

→ Strict compliance required in property-related enforcement affecting title

A recorded violation:

Follows the land

Impacts future transactions

Creates immediate economic harm

This is not a minor administrative action it is a **substantial encumbrance**.

5. DISPROPORTIONATE IMPACT ON NATIVE HAWAIIAN FAMILIES

Hawai'i law requires protection of Native Hawaiian rights:

Hawai'i Constitution, Article XII, Section 7

Ka Pa 'akai O Ka 'Aina, 94 Haw. 31

Many families:

Maintain multi-generational living arrangements

Use land in traditional ways

Without explicit protections, this bill risks disproportionate enforcement and cultural harm, contrary to constitutional mandates.

RECOMMENDED AMENDMENTS

To cure these constitutional defects, I respectfully urge:

1. **Require final adjudication (court or administrative)** before any recordation
2. **Provide mandatory notice and opportunity to cure**
3. **Require prompt removal of recorded violations upon compliance**
4. **Limit recordation to serious health and safety violations only**
5. **Include explicit protection for Native Hawaiian traditional and customary practices**

CONCLUSION

As written, H.B. 1990 raises serious concerns under:

Article I, Sections 5 and 20 of the Hawai'i Constitution

Article XII, Section 7 (Native Hawaiian rights)

The U.S. Constitution's Due Process and Takings Clauses

Without critical amendments, this bill risks **unconstitutional deprivation of property rights and disproportionate harm to local families**.

For these reasons, I respectfully urge the Committee to

OPPOSE H.B. 1990 UNLESS AMENDED.

Mahalo

Cindy Freitas

HB-1990-SD-1

Submitted on: 4/6/2026 10:57:02 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
C.R.	Individual	Oppose	Written Testimony Only

Comments:

TO: JDC/WAM Chairs and JDC/WAM Committee Members,

Amid the chaos created by the federal government, HB 1990 ranks up there as bad law. **I OPPOSE HB 1990 as it does not represent the people at all.**

For property owners that belong to marginalized groups, cost increases have been staggering in the last 30 years. More severe climate events, mean higher home insurance rates. Connect rising property taxes, and the exorbitant costs for repair and maintenance, with affordability- it is oppressing people. Add the cost of living: for food, childcare, home care help, gas, prescription medication and it quickly becomes about affordability. As of 2026, there are more Hawaiian people living on the continental u.s. (sic), than in Hawaii. A fact, that's shameful.1.

What is proposed in this bill is **wildly excessive** for many home owners who may not be able to meet the fines, the timeline, set forth in this bill. Why is our local government modeling themselves after the current federal government? Property owners should not be tapped as piggy banks for fiscal shortfalls in government. **There are other ways to raise revenue.**

Hawaii's aging population will be one in four residents by 2035, on fixed incomes.2. When you combine climate change and affordability, the government is crushing real property owners on a fixed income, or those already in debt from the cost-of-living increases in our state.

Stagnant wages, or contracted employment that's become the norm curtailing any employee benefits-all in all, this bill is not representing people but punishing them for not bring gentrified enough, according to whom?

“Since 2023, the homeless who were counted by Housing and Urban Development, has increased 18%, the largest single year increase. 3. Keep in mind, those were the people who were counted, in the nation, many have not been counted. If this bill passes, there will be even more homeless people in Hawaii than you can count.

Exactly who gains and who loses here?

For the record, HB 1990 relating to real property: introduced by: Matayoshi, Grandinetti, Kila, Kusch, Lee, M., Morikawa, Olds, Takayama, Tam, Tarnas, Templo, Todd, Woodson. Be careful who you vote for in the coming elections.

1. Bond-Smith, Steven et al. (2026, Feb. 1). UHERO Beyond the Price of Paradise: Is Hawaii Being Left Behind? <https://uhero.hawaii.edu/wp-content/uploads/2026/01/BeyondThePriceOfParadise.pdf>
2. Mason, Andrew and Abrigo, Michael. (2024, Dec. 18) UHERO and DBEDT Aging and Hawaii's Generational Economy. <https://uhero.hawaii.edu/wp-content/uploads/2024/12/HawaiisGenerationalEconomy.pdf?v=1734127106>
3. Goldson, Brian. (2026, Apr. 6) There is No Place for Us. YouTube. <https://www.youtube.com/watch?v=tKvWK1YylFs>