



**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. 1957, RELATING TO SAFE ENTRYWAYS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, March 3, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purpose of the bill is to establish, for cities with a population of three hundred thousand or more, enforcement procedures to prevent the domiciling or storage of personal property on public property in a manner that blocks, obstructs, or otherwise impedes ingress or egress to private doorways or entryways.

I. Codification in Chapter 46, Hawaii Revised Statutes (HRS), is Structurally Inappropriate

Section 2 of this bill proposes to add a new section titled, "Safe entrances; unlawful domiciling or storage of personal property," to chapter 46, HRS, which primarily governs county organization, powers, and internal administration. This chapter is not traditionally used to regulate **conduct of individuals**, establish citation schemes, or authorize removal and disposition of personal property. The subject matter of this bill is fundamentally distinctive from the existing contents of chapter 46, HRS, as it establishes enforcement procedures, that function more akin to the regulation of public spaces, rather than county governance provisions. Additionally, the definitions, penalties, and procedural safeguards addressed in this bill are more appropriately located within chapters addressing public safety or public order. Therefore, the Department recommends placing this new section in the Penal Code, chapter 711, HRS, which contains offenses against public order.

II. Inadequate Definitions to Establish the Offense

The new section uses the undefined terms: "domicile" or "domiciling" in subsections (a), (b)(1)(A), (d), and (e) (page 2, line 9, page 3, line 2, page 4, line 15, and page 5, line 1) and "store personal property" or "storing personal property" in subsections (a), (b)(1)(A), and (d) (page 2, lines 9-10, page 3, line 3, and page 4, lines 15-16) of this new section. The absence of statutory definitions creates ambiguity regarding what conduct is prohibited and may lead to inconsistent or arbitrary enforcement. Additionally, from a due process perspective, statutes imposing criminal penalties should afford sufficient notice on the prohibited conduct.

To address these concerns, the Department recommends adopting objective definitions to promote uniform application and reduce constitutional vagueness concerns, or in the alternative, consider terminology consistent with defined terms in the Penal Code.

III. Procedural Due Process and Property Rights

The new section authorizes removal and potential disposal of personal property through a clearance protocol that includes a one-hour timeline for compliance in subsection (b)(1)(C), (3), (4), and (4)(A) (page 3, lines 12 and 17, and page 4, lines 4 and 7-8). By authorizing the summary removal and disposal of personal belongings on short timelines without explicit notice, inventory, storage, and a meaningful opportunity to reclaim or contest disposition, the bill risks potential due-process violations discussed in *Davis v. Bissen*, 154 Hawai'i 68, 545 P.3d 557 (2024). Personal belongings that are not abandoned maintain constitutionally protected property interests. Without explicit safeguards, to withstand a *Davis* challenge, the Department recommends amendments requiring written notice identifying the location and nature of the alleged violation, steps required for compliance, time to comply, and a method for seeking administrative or judicial review before removal of persons or property. To the extent enforcement actions result in the permanent disposal or destruction of personal property without an opportunity for retrieval, such actions may also implicate the Takings Clause of the Fifth Amendment to the United States Constitution and article I, section 20, of the Hawai'i Constitution, in addition to procedural due process considerations.

We would be happy to assist the Committee in drafting revisions to the bill to address our concerns.

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

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Submitted on: 2/27/2026 8:46:24 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

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

Comments:

I, Johnnie-Mae L. Perry, Comment TO INCLUDE PARKING LOTS SUCH AS 7-11 INCLUDING BUSINESS HOURS OF 24/7

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Submitted on: 3/2/2026 7:10:26 PM

Testimony for JHA on 3/3/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Betsy Kawamura	Individual	Support	Written Testimony Only

Comments:

I am a resident at 1670 Kalakaua avenue often affected by homelessness right in front of our small condo building and Bus stop that is adjacent. When the homeless squat/loiter/over night in front of our buildg they often use front door areas as Latrines and leave behind rubbish. As private citizens we have to pay Extra dollars to our maintenance person to clean up after them several times a month. There was a homeless person who broke into our buildg and defecated on the 2nd floor stairways. Allowing the homeless to squat/loiter in front entrances of private houses, condos and businesses make security and hygiene extremely difficult. In our case it resulted in rise of cleaning costs by \$500 per month. We very much support this bill to thwart homeless occupation in front of doorways especially with their larger belongings including shopping carts which end up as debris that private residenrs have to clean after. For small businesses they have to keep on cleaning up after them and keep on calling HPD like a broken record to keep them from keeping customers away due to discomfort. At 1649 Kalakaua the small flower shop owner has to often clean her store front of urine and rubbish.