

February 5, 2026

**The Honorable Mark J. Hashem, Chair**

House Committee on Water & Land  
State Capitol, Conference Room 411 & Videoconference

**RE: House Bill 1990, Relating to Residential Real Property**

**HEARING: Thursday, February 5, 2026, at 9:00 a.m.**

Aloha Chair Hashem, Vice Chair Morikawa, and Members of the Committee:

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 provides **comments expressing concerns** on House Bill 1990, which establishes penalties for an owner of real property's failure to remediate zoning violations, including fines and liens. Permits a county planning or permitting agency or the Attorney General, or a private entity under certain circumstances, to commence foreclosure proceedings if the owner fails to satisfy certain conditions

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.

Also, the current timelines established in the bill are exceptionally short and could result in foreclosure proceedings in a very limited timeframe. With a minimum fine of \$1,000 per day, a lien may be imposed once fines exceed \$20,000, which could occur in as few as 20 days. If the lien is not satisfied and remediation commenced within 30 days, foreclosure proceedings must begin. As a result, a homeowner could face foreclosure in 60 days from an initial failure to remedy a violation. This quick timeline raises concerns, particularly for homeowners who may be ill, traveling, temporarily absent, or otherwise unaware that notices have been issued.

Finally, HAR is concerned about the provision allowing a private entity to initiate foreclosure if the county or Attorney General does not act within 60 days. While the Attorney General's consent is required, HAR has concerns about granting private entities the ability to initiate foreclosures, which could be based on financial decisions rather than in the public interest.

Mahalo for the opportunity to provide testimony on this measure.

Feb. 5, 2026, 9 a.m.  
Hawaii State Capitol  
Conference Room 411 and Videoconference

**To: House Committee on Water & Land**  
**Rep. Mark J. Hashem, Chair**  
**Rep. Dee Morikawa, Vice Chair**

**From: Grassroot Institute of Hawaii**  
**Ted Kefalas, Director of Strategic Campaigns**

RE: TESTIMONY IN OPPOSITION TO HB1990 — RELATING TO RESIDENTIAL REAL PROPERTY

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **opposes** [HB1990](#), which would allow county permitting agencies or the attorney general — or a private entity under certain circumstances — to commence foreclosure procedures upon private property and use the revenues to satisfy unpaid civil fines for unaddressed zoning violations related to the property.

First, we urge the Committee to consider the possibility that the foreclosures and sales envisioned in this bill might unfairly target vulnerable populations. It is possible that the effect of these foreclosures would fall most heavily on older individuals living on fixed incomes who do not have the resources to pay their fines, hire attorneys or otherwise navigate complicated legal and financial matters. According to the AARP, “tax authorities’ seizure of all of their home equity is nothing short of catastrophic” for older individuals.<sup>1</sup>

We sympathize with the desire of the counties to address nuisances and recoup fines, but this bill does not adequately protect the equity interests of homeowners. Unless those interests are protected, any actions taken to recoup fines via foreclosure sales would be vulnerable to legal challenge.

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<sup>1</sup> [Brief of Amici Curiae AARP and AARP Foundation Supporting Petition for Writ of Certiorari](#), Tyler v. Hennepin County, Minnesota, Sept. 22, 2022, p. 4.

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. Thus, it is important that the bill be amended to protect the homeowner’s equity interest, which would include the removal of the provision directing a percentage of the fines assessed to the general fund.

Moreover, we are concerned that the sales envisioned in this bill are ripe for corruption especially given the ability of a private entity to act in foreclosure. Without a provision that requires the property be sold promptly at or near market value, it is possible for a bad actor to 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 far below market price to friends and families of local officials.<sup>2</sup>

If this bill were to move forward, we suggest that the Committee remove section 3(c), which allows private entities to commence foreclosure proceedings, in its entirety. In addition, we suggest that the Committee amend the language of the bill to include the bolded sections as follows:

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

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

(B) Commence and diligently conduct remediation of all

conditions that gave rise to issuance of the notice of

violation, to the county planning or permitting agency's

satisfaction,

then the applicable county planning or permitting agency shall commence foreclosure proceedings, judicial or nonjudicial, on the real property without delay; **provided that the county sell the property at no less than the market value of similarly situated properties and that all revenues received from the sale that exceed the amount of the unpaid civil fines be refunded to the property owner.**

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<sup>2</sup> [“Ending Home Equity Theft.”](#) Pacific Legal Foundation, accessed Feb. 4, 2025.

(b) If the applicable county planning or permitting agency fails to commence foreclosure proceedings pursuant to subsection (a)(3) within thirty days, then the attorney general shall commence foreclosure proceedings without delay; provided that proceeds from the sale in the amount of the outstanding fines shall be remitted to the applicable county and that any moneys recovered from the proceedings that exceed the amount of the unpaid civil fines shall be refunded to the property owner; provided further that any properties subject to foreclosure under this section shall be offered at a timely and competitive sale to the highest bidder at no less than the market value of similarly situated properties.

Thank you for the opportunity to testify.

Ted Kefalas  
Director of Strategic Campaigns  
Grassroot Institute of Hawaii

Cindy Freitas

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## **OPPOSE UNLESS AMENDED – H.B. 1990**

RELATING TO COUNTY ZONING ENFORCEMENT

### **Aloha Chair, Vice Chair, and Members of the Committee:**

I respectfully submit testimony **OPPOSING H.B. 1990 UNLESS AMENDED.**

H.B. 1990 establishes mandatory daily fines of **\$1,000 per day** for zoning violations, authorizes **automatic liens after \$20,000**, and permits **judicial or nonjudicial foreclosure**, including by the Attorney General or a private entity. While enforcement is important, the bill **expands punitive authority without including basic due process, proportionality, and housing-stability safeguards.**

### **WHAT IS MISSING FROM H.B. 1990**

- **Due process and appeal protections.** The bill does not require a hearing before fines accrue, does not clearly provide an appeal process before liens attach, and does not stay penalties during good-faith appeals.
- **Proportionality and hardship considerations.** A flat \$1,000-per-day fine applies regardless of violation severity, intent, or risk, with no hardship waivers for minor, technical, legacy, or non-safety violations.
- **Clear compliance standards.** Key terms such as “satisfaction” of the agency and “diligent remediation” are undefined, leaving property owners without objective benchmarks for stopping penalties.
- **Distinction among violation types.** The bill does not differentiate between health and safety violations and paperwork, permitting, or inherited conditions.
- **Limits on foreclosure authority.** Foreclosure may be pursued by the State or a **private entity** without consumer-protection standards, restrictions, or safeguards against abuse.
- **Enhanced notice requirements.** The bill lacks robust notice standards (e.g., multilingual notice, service on all interested parties, or confirmation of actual receipt) before liens and foreclosure.
- **Protections for heirs’ property and title defects.** There are no allowances for probate delays, fractional ownership, or curing title issues before penalties escalate.
- **Standards for prosecutorial discretion and oversight.** The mandate to act “without delay” provides no guidance on when foreclosure is appropriate or how discretion is exercised.
- **Transparency and legislative review.** The bill includes no reporting requirements, sunset clause, or review of fines, liens, or foreclosure outcomes.
- **Housing-stability alternatives.** The bill omits compliance plans, payment plans, or other non-foreclosure remedies to resolve violations while preserving housing.

## CONCLUSION

H.B. 1990 significantly escalates penalties and foreclosure authority **without the safeguards necessary to ensure fairness, consistency, and housing stability**. Enforcement should correct violations—not create irreversible loss of property where compliance is achievable.

For these reasons, I **OPPOSE H.B. 1990 UNLESS AMENDED** to include due process, proportionality, clear standards, limits on foreclosure, transparency, and alternatives to displacement.

Mahalo,

Cindy Freitas