



**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. 2197, H.D. 1, RELATING TO 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
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 purposes of this bill are to (1) specify a process by which property owners may utilize law enforcement officers to remove unauthorized individuals from dwellings, (2) establish the criminal offenses of squatting and fraudulent sale or lease of residential real property, (3) classify the type of property damage typically inflicted by squatters as a form of criminal property damage in the second degree, and (4) classify the falsification of documentation typically performed by squatters as a form of unsworn falsification to authorities.

The Department is concerned that to fulfill the purpose of this bill, law enforcement officers would be required to make determinations typically reserved for a court or hearings officer on civil matters involving the landlord-tenant code. The process set forth requires a law enforcement officer to rely on an affidavit provided by an individual claiming to be the owner (or authorized agent) attesting that the individual sought to be removed has no legal authorization to remain on the property. Ordinarily, such determinations are made by a court or hearings officer and reduced to a judicial order. This proposal circumvents that process under the penalty of perjury to the affiant. See p. 6, line 18. Given this, the department recommends revision of that portion of the affidavit's contents as follows:

This affidavit constitutes a material statement of law and is signed under penalty of perjury, pursuant to section 710-1060, Hawaii Revised Statutes.

This ensures that the affiant will request the assistance of law enforcement for this purpose with fidelity and in turn that law enforcement may reasonably rely on these affidavits.

Notwithstanding this, the Department notes that the term "Immediate family member," (page 3, line 1-2), although defined, does not encompass individuals in a romantic partnership. The Department is concerned that without a more measured approach, section 2 of this bill may have the unintended consequence of allowing this removal process to be weaponized in domestic disputes.

Also, in instances where tenant rights are not implicated, section 708-813, HRS, Criminal Trespass in the First Degree, and section 708-812.6, HRS, Unauthorized Entry in a Dwelling in the Second Degree, already afford a broad range of protections against defendants who unlawfully enter a dwelling regardless of whether a lawful owner is present or not present. These existing criminal offenses allow for removal of unauthorized persons from a residence by law enforcement and do not require law enforcement personnel to determine the defendant's legal status in the dwelling beforehand. To avoid redundancy and inconsistency in the Hawaii Penal Code, we recommend deletion of the first new section proposed to be added to chapter 708, HRS, by section 3 of this bill on page 9, lines 12-19, relating to the offense of Squatting. If the intent of this proposed new section is to create a class C felony offense for this conduct, the Department recommends a better approach would be to amend section 708-813, HRS, Criminal trespass in the first degree, by adding a section to the bill to amend section 708-813, subsection 4, as follows:

SECTION . Section 708-813, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(4) Criminal trespass in the first degree is a misdemeanor, provided that a person who violates subsection (1)(a)(i) shall be guilty of a class C felony."

Section 4 of this bill amends section 708-821, HRS, to add to subsection (1) a new paragraph (d) that leaves the threshold amount undetermined on page 11, lines 10-12. The existing Criminal Property Damage in the Second Degree statute already

penalizes damage to the property of another exceeding \$1,500 as a class C felony. See section 708-821(1)(b), HRS. If the intent of this bill is to set the requisite amount of damage to a dwelling less than \$1,500 the Department recommends the following amendment to paragraph (d) on page 11, line 10-12:

- (d) The person [~~knowingly enters or remains unlawfully in a dwelling and~~ intentionally or knowingly damages the dwelling, [~~in an amount exceeding \$———.~~] without the other's consent.

Additionally, in section 5, page 11, line 13 through page 12, line 19, this bill uses undefined terms: "government official," (page 12, line 16) and "real property," (page 12, line 17 and page 12, line 19). 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 of prohibited conduct.

Thank you for considering our comments.

March 4, 2026

The Honorable David A. Tarnas, Chair

House Committee on Judiciary & Hawaiian Affairs
State Capitol, Conference Room 325 & Videoconference

RE: House Bill 2197, HD1, Relating to Property

HEARING: Wednesday, March 4, 2026, at 2:00 p.m.

Aloha Chair Tarnas, Vice Chair Poepoe, 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 **supports** and offers amendments to House Bill 2197, HD1, which 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. Effective 7/1/3000.

Squatting occurs when an unlawful occupant resides in an abandoned, vacant, or unoccupied property. During this time, squatters can cause significant property damage or engage in activities that pose safety risks to property owners, real estate professionals, and the surrounding community.¹ In some cases, squatters have even presented fraudulent rental agreements or other fraudulent documents, leaving homeowners and housing providers with limited options and forcing them into lengthy, costly legal proceedings despite the absence of any legitimate tenancy.

This measure provides a much-needed solution by creating a clear and balanced process for property owners to remove unlawful occupants. HAR believes this measure will help enhance community safety and assist homeowners who are victims of squatting in regaining their property. To provide further clarity and align the language of this measure with the rest of the HRS, we respectfully request the following amendments:

Page 3, after line 4:

Add a definition for rental agreement. Rental agreements are defined under the Landlord-Tenant Code.

¹ Miller, Ashley. (August 23, 2024). Civil Beat. Honolulu Struggles to Find a Remedy for Abandoned Homes Taken by Squatters. <https://www.civilbeat.org/2024/08/honolulu-struggles-to-find-a-remedy-for-abandoned-homes-taken-over-by-squatters/>

"Rental Agreement" shall have the same meaning as in section 521-8, Hawaii Revised Statutes.

Page 5, lines 9-12:

Change all mentions of "lease" to "rental agreement".

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

Page 8, line 1:

Add a new section to provide clarity on the removal of items that may be left behind by an unauthorized individual that is removed from the dwelling.

§_-3 Personal property of unauthorized individuals. (a) Any personal property remaining in a dwelling after the removal of an unauthorized individual from a dwelling pursuant to this chapter shall be deemed abandoned.

(b) The owner of the dwelling, or an agent of the owner, may dispose of the abandoned personal property in any manner without notice to the unauthorized individual and shall not be held liable.

Page 12, lines 15-19:

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

(f) For the purposes of this section, and unless the context otherwise requires: "Rental agreement" has the same meaning as in section 521-8, Hawaii Revised Statutes.

Mahalo for the opportunity to provide testimony on this measure.

HB-2197-HD-1

Submitted on: 3/2/2026 9:47:04 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jillian Anderson	Waikiki Neighborhood Board	Support	Written Testimony Only

Comments:

The Waikiki Neighborhood Board SUPPORTS HB2197, and on behalf of our community, urges its passage by the House Committee on Judiciary and Hawaiian Affairs.

Vacant properties in urban neighborhoods such as Waikiki have become prime suspects for squatting. Squatters not only pose a risk to the property which they inhabit, but as Waikiki has unfortunately seen, a greater risk to public safety. Just a few weeks ago a fire broke out in an abandoned, boarded-up two-story building in the heart of Waikiki. In February 2021, another fire blazed through the site of the former Moose McGillicuddy's, which had known squatters and illegal activity.

Abandoned and derelict buildings have long been targets for squatters, so much so that the City and County of Honolulu has recently acquired a condemned building in Waikiki partly due to squatter activity.

The passage of HB2197 would serve to provide stronger recourse for property owners to reclaim their properties, increase the deterrent for squatting in the first place, and have added benefits of reducing crime and fire risk.

Mahalo for your consideration of this measure and the opportunity to support its many merits.

March 4, 2026, 2 p.m.
Hawaii State Capitol
Conference Room 325 and Videoconference

To: House Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

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

RE: TESTIMONY IN SUPPORT OF HB2197 HD1 — RELATING TO PROPERTY

Aloha chair, vice chair and other committee members,

The Grassroot Institute of Hawaii **supports** [HB2197 HD1](#), which would specify a process for law enforcement to assist with removing unlawful occupants, otherwise known as squatters, from dwellings or premises.

Squatting is more than just trespassing. It occurs when a person — or persons — occupy someone else's property without any legal claim and without the consent or permission from the owner.

This bill is needed because trespassing is a criminal offense, but removing squatters is treated as a landlord-tenant dispute. Squatters, however, are not actually tenants and have no incentive to cooperate, making landlord-tenant laws an ineffective way to approach the problem.

In addition, the civil process of eviction can be expensive and time-consuming, so property owners can be locked out of their own homes for months or years while trying to remove unlawful occupants.

In the meantime, unlawful tenants can cause property damage or accumulate utility bills and other costs that property owners are responsible for paying.

In Hawaii, squatters can cause problems for the community by [trashing](#) the property or using it as a base for criminality, making this an issue of public safety in addition to one of property rights. For example,

neighborhood watch groups on Hawaii Island [appealed](#) a few years ago to local lawmakers for help in reducing squatting after seeing an increase in criminal behavior from squatters — including assault and drug trafficking.

Other states facing similar problems have turned to legislation similar to HB2197 in order to streamline the eviction process for unlawful occupants.

According to a recent [report](#) from the Pacific Legal Foundation, the time required to remove unlawful tenants in Georgia, which adopted such a law in April 2024, has dropped from an average of eight months to less than two weeks

The PLF report noted that as of May 2024, Alabama, California, Florida, Georgia, Nevada, Tennessee, Washington and West Virginia had passed laws that criminalize squatting, while 11 other states had introduced bills to do so.

Grassroot recommends that Hawaii pass such a law as well. HB2197 would not only reaffirm property rights, but also enable the counties to more quickly deal with the health and safety concerns posed by criminal trespassing and squatting.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

HB-2197-HD-1

Submitted on: 2/27/2026 4:02:48 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kayla Marie	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this measure. Landlords already have legal means to remove undesirable tenants. Having to vacate with a 24 hour notice is beyond cruel. When people are suddenly displaced they're likely to end up on the streets. People who are displaced often lose vital documents, medications, and other valuables. This measure will only further contribute to the homelessness crisis the state is experiencing.

HB-2197-HD-1

Submitted on: 3/2/2026 12:19:45 AM

Testimony for JHA on 3/4/2026 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 OWNER IS TOTALLY RESPONSIBLE TO KEEP PROPERTY OCCUPIED
AND OR HIRE A MANAGEMENT COMPANY TO KEEP OUT TREPASSERS.

2197 HB RELATING TO PROPERTY.

HB-2197-HD-1

Submitted on: 3/2/2026 6:48:51 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT!!! MAHALO!

HB-2197-HD-1

Submitted on: 3/3/2026 7:45:12 AM

Testimony for JHA on 3/4/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol England	Individual	Support	Written Testimony Only

Comments:

I support!

HB-2197-HD-1

Submitted on: 3/3/2026 1:50:15 PM

Testimony for JHA on 3/4/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
evalani exner	Individual	Support	Written Testimony Only

Comments:

This will greatly reduced value of property