

Name of agency/organization: L. Avedon

Contact person/phone/email: [REDACTED]

Thank you for taking the time to answer these questions.

1. In your experience, how prevalent is the issue of squatting and adverse possession?

Squatting is very prevalent. I live in the Leilani Estates sub division. There are several homes on my street and very close by that have been, or are being occupied and used by squatters. There are also properties that have make shift structures that are against CCR requirements that are being occupied by squatters. Property owners cannot be reached or do not care about the unauthorized use of their property. I am not aware of any adverse possession property in my area.

2. In what communities and districts do squatting and adverse possession appear most prominent?

Puna

3. When you receive notice or a complaint about these situations, what is your normal course of action?

Find out if Police have been notified, if so what action did the Police take? Have the property owners been notified? If so what has been done to secure the property? Is Neighborhood Watch aware of the squatters?

4. What kinds of complications have arisen in the past that have prevented a successful resolution of the situation?

In Hawaii County, Police cannot remove squatters without property owners involvement. In spite of No Trespassing signs and other signage indicating private property, this does not deter squatters. Police do not have authority under current trespass law to demand proof that persons have permission to be on the property, or not, so the Police do nothing. In the state where I moved from, the Police could simply ask to see a key for the door in possession of the person, the lease, or cross reference owner of record with persons on the property and if there is no association they are arrested for criminal trespassing and breaking and entering if that is the case. Simple verification of identification and a few questions puts the burden of proof that person is authorized to be there. If there is none the persons are removed and arrested and the property secured. Further action depends on search of squatters, then inspection of premises to determine charges.

5. For those situations that have been successfully resolved, please describe what happened.

I know of none that are resolved. This is an on going problem that needs to be stopped.

6. What happens when you contact or try to contact the owner of record?

Sometimes response is immediate, some times owner of record cannot be reached. It should go without saying that "private property" and any land boundary, is and should be respected regardless of signage, gate or fence or lack there of. If persons can go where

they please with burden of proof they have a right to be there just because they are there prevails. What is to stop anyone from occupying your home or mine if I am not there to stop them? It should be assumed that if you are not in possession of some form of verifiable proof you have permission to be there, or are the owner, you must leave. If the person is found there again, arrested for criminal trespass etc.

7. What solutions would you recommend?

State and county law should be created to insure the safety and security of property and the ability for law enforcement to demand proof that persons have permission to be on any property, with immediate consequences and penalties for trespassers, squatters etc.

8. Are there any other comments you would like to make?

Entering any property without permission in most places I know of would be illegal and therefore a person without Identification or proper authorization could then be removed, arrested and prosecuted for illegal entry. In communities where Police have authority by law to protect private property, having a law in place that addresses squatting and trespassing would increase security, property values, and piece of mind for the community and law enforcement. Without such a law, criminals and others with no respect for ownership or property owners rights are emboldened to do as they please with no accountability. This must change in order for Hawaii county property owners and law abiding citizens to feel safe and secure in their homes, whether their main residence is in Hawaii or else where. Right now, because of our island geography and lack of property rights enforcement it has become a serious problem that demands an effective law or set of laws to allow enforcement of property boundaries and punishment for trespassing illegally.