

# LANDLORD RIGHTS & RESPONSIBILITIES

(As of October 15, 2020)

## My tenant is late on rent, can I evict them?

- No. There are currently state and federal moratoriums that apply to evictions for nonpayment of rent or any other nonpayment under a residential lease. Tenants are protected under the Governor's State of Emergency Proclamation through November 30, 2020. A federal moratorium by the Center for Disease Control and Prevention (CDC) prevents evictions for non-payment of rent through December 31, 2020.

## Will my tenant still owe rent?

- Yes. While the moratoriums prohibit eviction, tenants will still be responsible for the rent that is owed.

## Are there any protections for landlords in the CARES Act?

- Yes. A servicer of a federally backed mortgage loan may not: initiate any foreclosure process, move for a foreclosure judgement, order a sale, or execute a foreclosure-related eviction or foreclosure sale until December 31, 2020. To figure out if your property is federally backed, ask your servicer. Or, look at the bottom of your mortgage and see if the mortgage form has an indication at the bottom that it is a federal form. Fannie Mae and Freddie Mac also have easy loan look-up websites.

## What is a mortgage forbearance and how can I get one?

- A mortgage forbearance means you do not have to make your mortgage payment during the forbearance period. Forbearance does not mean your payments are forgiven or erased. Normal interest will continue to accrue and will be due when forbearance ends. Payments, including tax and insurance escrow, can be deferred and added to the loan balance rather than being due in a lump sum at the end of the forbearance. You may not evict a tenant solely for nonpayment or fees if you receive a forbearance. Tenant late fees and other charges are also prohibited.
- To get a forbearance (lasting 180 days with possible 180 day extension), submit a request to your mortgage servicer and confirm you are experiencing COVID-19 related financial emergency (documentation is not required). Additional protections are available if your loan is federally backed for more than 5 units.

## What if my mortgage is not federally backed?

- If your mortgage is not federally backed, it is not covered by CARES Act protections. Contact your loan servicer to discuss your options. You can find your servicer's name on your mortgage statement or by searching the Mortgage Electronic Registration System (MERS) website. Financial institutions have been encouraged to work with borrowers during the pandemic. Your servicer should help you identify options or alternatives that may be available.

## What if I have a tenant who is dangerous, or is engaging in illegal activity?

- If you feel that the tenant is being unsafe, and believe a crime is being committed, call the police. If the tenant has caused or threatened physical harm, or harassed you, a landlord may go to court to seek relief, including seeking an eviction or petitioning for a TRO.

## My tenant is not paying rent, is there anything I can do?

- There are some rental and financial assistance programs available to Hawai'i renters and homeowners who have experienced a reduction in income due to the COVID-19 pandemic and are at risk of eviction or foreclosure. Your cooperation will be needed in order for your tenant to be eligible. Rental assistance payments are made directly to the landlord.
  - City and County of Honolulu Household Hardship Relief Program: <https://www.hawaiiancouncil.org/hoala> or <https://helpinghandshawaii.org/>
  - Maui County's Hawai'i Emergency Lualaba Partnership: <http://www.meoinc.org/>. Closing on 10/31/2020.
  - Hawai'i Island's Rent and Mortgage Program: <http://hopeserviceshawaii.org/rmap/>
  - DHHL Emergency Rental Assistance Program: <https://www.auw.org/covid-19-assistance-programs> Must be on DHHL waitlist as of 12/31/2018 to be eligible.
  - The State Rent Relief and Housing Assistance Program: <https://www.hihousinghelp.com/> Program is currently at capacity and not accepting new applications at this time.

## How do I talk to my tenant if they are having a hard time paying rent?

- To help landlords and tenants negotiate realistic payment plans and maintain a positive working relationship, mediation centers across the state have Rapid Response Mediation Programs. Through videoconference, telephone or a secure online platform, landlords and tenants can work with an impartial mediator who will help discuss a variety of options, such as, payment plans, temporary rent reduction, deferred payments, and other creative solutions.
  - Oahu: Mediation Center of the Pacific at 808-521-6767
  - East Hawai'i: Ku'ikahi Mediation Center at 808-935-9844
  - West Hawai'i: West Hawai'i Mediation Center at 808-885-5525
  - Maui County: Maui Mediation Services at (808) 244-5744
  - Kauai: Kauai Economic Opportunity, Inc. Mediation Program at (808) 245-4077 x229 or x237

## What do I do if I need help or have questions?

- If you have questions about the Landlord Tenant Code, call the Landlord Tenant Hotline at (808) 586-2634. If you need help interacting or negotiating with your tenant, consider seeking mediation.