

Eviction Defense Resources

This resource sheet aims to provide additional resources and links to those assisting tenants facing eviction due to non-payment of rent under Act 57.

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Rental Assistance

Rent assistance is available through the federal rent and utility assistance programs.

Application information for each of the counties can be found here:

- Oahu: www.oneoahu.org/renthelp
- Hawai'i County: www.HawaiiCountyERAP.org
- Kauai County: <https://kauairenthelp.com/>
- Maui County: <https://www.mauicounty.gov/2438/Maui-County-Emergency-Rental-Assistance->

Federal rental assistance program will provide up to 12 months of rent assistance with the possibility of an additional 3 months.

Program guidance is provided by the Treasury Department and can provide answers to barriers that a tenant may be facing despite it appearing that the tenant should be eligible. The latest guidance can be found here: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/faqs>

Eligibility Levels

All rent and utility assistance programs are open to those with incomes less than 80% of AMI.

Family Size	Oahu		Kauai		Maui		Hawaii	
	80% AMI	80% AMI Monthly	80% AMI	80% AMI Monthly	80% AMI	80% AMI Monthly	80% AMI	80% AMI Monthly
1	\$70,560	\$5,880	\$57,100	\$4,758	\$57,400	\$4,783	\$47,950	\$3,995
2	\$80,640	\$6,720	\$65,250	\$5,437	\$65,600	\$5,466	\$54,800	\$4,566
3	\$90,720	\$7,560	\$73,400	\$6,116	\$73,800	\$6,150	\$61,650	\$5,137
4	\$100,720	\$8,393	\$81,550	\$6,795	\$82,000	\$6,833	\$68,500	\$5,708
5	\$108,800	\$9,067	\$88,100	\$7,341	\$88,600	\$7,383	\$74,000	\$6,166
6	\$116,880	\$9,740	\$94,600	\$7,883	\$95,150	\$7,929	\$79,500	\$6,625
7	\$124,960	\$10,413	\$101,150	\$8,429	\$101,700	\$8,475	\$84,950	\$7,079
8	\$132,960	\$11,080	\$107,650	\$8,970	\$108,250	\$9,020	\$90,450	\$7,537

Document Replacement

Rent assistance programs require a combination of documents to support the application, including:

- 1) Proof of Identity and Residency
- 2) Bill Documentation
- 3) Income Information
- 4) Proof of Covid-19 Hardship

Here are some common resources to assist with document replacement.



Proof of Identity and Residency

If name on identification is missing or other issues are making it difficult to get replacement identification, please refer to Legal Aid.

Hawai'i Driver's License and State Identification

Under current Governor's Emergency Proclamation driver's licenses and state identification that expired between March 20, 2020 and August 6, 2021 is still valid. Due to on-going challenges with access for renewal, it is expected that these documents will continue to be valid after August 6, 2021.

City and County of Honolulu

Initial Application or Renewal: <http://alohaq.honolulu.gov/?lp>

Duplicate:

- Letter stating why duplicate is needed
- \$6 check to City and County of Honolulu
- Mail to: Driver License Section, P.O. Box 30340, Honolulu, HI 96820-0340

Kauai County

Initial Application or Renewal: <https://www.kauai.gov/DMV>

Maui County

Initial Application or Renewal:

- Kahului: <https://www.mauicounty.gov/2145/Validation-Selection>
- Other Maui County Locations: <https://www.mauicounty.gov/2125/DMV-Wait-Times>

Hawaii County

Initial Application or Renewal: <https://vehicleregistrationlicensing.as.me/schedule.php>

Social Security Card

On-Line:

- <https://www.ssa.gov/myaccount/>
- U.S. citizen age 18 or older with a U.S. mailing address
- No name change or other change
- Have a driver's license or state-issued identification card

By Mail:

- Print and complete application: <https://www.ssa.gov/forms/ss-5.pdf>
- Proof of identity
- Two offices: Kapolei and Honolulu
 - <https://secure.ssa.gov/ICON/ic001.action#officeResults>
- 2-4 weeks processing

Interactive document guide: <https://www.ssa.gov/ssnumber/ss5doc.htm>

Bill Documentation

Leases

Most written lease terms will have expired at this point, however many leases using standard forms have month-to-month tenancy provisions and should be used to prove a past valid tenancy. Oral leases are considered month-to-month tenancies: use past proof of payment, late notice or other communication from landlord (including email or text that illustrates a rental), utility bills with property address, etc.

Electric Bill

City and County of Honolulu, Maui County, and Hawaii County

Hawaiian Electric Company

<https://www.hawaiianelectric.com/>

Go to “LOG ON” tab in menu bar

Call: 548-7311 (Monday-Friday, 7:30-6:00 P.M.)

Kauai County

Kauai Island Utility Cooperative: <https://website.kiuc.coop/>

Water Bill

City and County of Honolulu

Board of Water Supply

<https://hbws.mysecuredservices.com/>

Call: 748-5000 X4

E-mail: customerservice@hbws.org

Kauai County

Kauai Department of Water: <http://kauaiwater.org/page2.asp>

Maui County

Department of Water Supply: <https://www.mauicounty.gov/126/Department-of-Water-Supply>

Hawaii County

Department of Water Supply: <https://www.hawaiidws.org/>

Internet/Cable

It is unclear at this time whether internet/cable will be covered as utilities under the various rental assistance programs.

Spectrum

<https://www.spectrum.net/>

Call: 1-855-707-7328

Hawaiian TelCom

<https://www.hawaiiantel.com/>

Go to “My Account” – top right corner

Proof of Income

Possible Documents

W2s, 1099-G, 2020 Taxes (if filed,), past paystubs, DHS welfare/social security statement can be used.

Unemployment Statement

<https://huiclaims.hawaii.gov/#/>

Social Security Statement

Social security statement will list social security wages and may help to document wages from previous years and loss of wages due to the pandemic: <https://www.ssa.gov/myaccount/statement.html>.

Covid Impact

Unemployment Statement

<https://huiclaims.hawaii.gov/#/>

Letter from Employer

Request a letter from the employer, if do not have already. A sample Employer Letter Request is included in Appendix.

We also believe that Covid impact could be the reduction in income due to a family member needing to quit their job in order to provide care for children when schools were closed. In a situation this situation, it is highly unlikely that the family member who quits will be eligible for unemployment.

Unavailable Documentation

Rental assistance programs have indicated a willingness to work closely with renters who are unable to produce documents that are needed, so contacting the program after some efforts are made may be the best approach to initiating an application for assistance.

Legal Issues

Prohibited by Moratoriums and Emergency Proclamation through August 6, 2021

Under the Governor's Emergency Proclamation and Eviction Moratorium, a landlord cannot:

- Evict for non-payment of rent
- Give a 45-day notice to vacate a month-to-month lease
- Raise rent
- Issue a 5-day demand to pay unpaid rent
- Collect holdover rent (rent for staying over the end of the lease)

Under the federal provisions, a landlord of a property that has a federally backed mortgage (over 60% of all properties in Hawai'i) must:

- **Not** charge fees, penalties or other charges related to non-payment of rent for the period of March 27, 2020 – July 24, 2020
- Provide 30 days notice for non-payment (when state moratorium lifts)
- Provide 45 days notice to terminate lease (when state moratorium lifts)

Eviction for Non-Payment Under Act 57 beginning August 7, 2021

Evictions for non-payment of rent are expected to be allowed as of August 7, 2021 under the following conditions:

- Landlords can only bring a summary possession case on the following schedule:
 - o 4+ months behind on rent: August 7 to September 5, 2021
 - o 3 months behind on rent: September 6 to November 5, 2021
 - o 2 months behind on rent: November 6, 2021 to January 5, 2022
 - o 1 month behind on rent: January 6 to August 6, 2022
- Prior to filing an extensive termination notice must be given to the tenant which also notifies the tenant of mediation and asks the mediation center to schedule a mediation
- If mediation is scheduled by the tenant within 15 days from receiving the notice (actual date of mediation can occur after this period), then the landlord cannot file until 30 days after the notice was received.
- If the tenant does not respond within 15 days to schedule the mediation, the landlord can bring the action.

Emergency Proclamation Impact

If the Governor's Emergency Proclamation is still in place, a landlord with a tenant who is paying rent will still not be able to:

- Give a 45-day notice to vacate a month-to-month lease
- Raise rent

Always Prohibited

Under the Hawai'i Revised Statutes, landlords cannot:

- Lock out a tenant without a court order
- Turn off utilities without a court order
- Discriminate due to language, disability, family status, gender expression, and other protected classes or sexually harass a tenant

A landlord must have a court order in order for a tenant to be removed from a property.

Allowed

Under the various moratoriums and the Hawai'i Revised Statutes, landlords can:

- Evict a tenant for health or safety reasons
- Give 45 day notice to end lease because a family member is moving in (broad definition of family)
- Evict after purchasing the property with 45 day notice

If a tenant is threatened with eviction through a text, a call, a letter, or a court filing, please refer the client to Legal Aid, Court Self-Help Centers, or other legal service providers for assistance. While there may be a valid reason for the eviction, it is important that clients know their rights and responsibilities when confronted by this situation.

Financial Resources Available to Families Impacted by the Pandemic

During the pandemic, a number of resources were put into place by the federal government in an effort to maintain stability for these families.

Unemployment (Pandemic Unemployment Assistance/regular unemployment)

Hawai'i's unemployment rate reached the highest in the nation during April 2020 when Hawai'i shutdown. Overwhelming demand and problems with an antiquated unemployment system, impacted many families in the state.

Pre-Pandemic (regular unemployment only)

Pre-pandemic, unemployment was limited to a total of 26 weeks.

Expansion of Unemployment

Unemployment eligibility has now been extended to a total of 49 weeks or until September 4, 2021, whichever occurs first. When unemployment ends, a person may be eligible for extended benefits for 13 weeks and/or PUA benefits (see below).

Expansion of Pandemic Unemployment Assistance

PUA benefits (for those who do not qualify for regular unemployment due to lack of work history or exhaustion of regular unemployment benefits) has been extended to a total of 79 weeks or until September 6, 2021, whichever occurs first.

Amount of Unemployment

The amount of unemployment that a person is eligible for is based on the highest pay quarter (the total amount earned in that quarter) in the last five quarters divided by 21 up to a max of \$639/week. The Department of Labor has this calculator to help estimate your benefit amount:

https://huiclaims2.hawaii.gov/UI_ClaimWEB/pages/calculator/calculator.jsf.

Amount of PUA

\$263-\$648 per week.

Plus Ups

Over the last year and through September 4, 2021, the federal government added a number “plus ups” to unemployment:

- 03/27/2020 – 07/31/2020: \$600/week
- 08/01/2020 – 09/05/2020: \$300/week
- 12/27/2020 – 09/04/2021: \$300/week

These payments will go to anyone eligible for unemployment during this period.

Unemployment Applications, Overpayments and Appeals

If a client is having difficulty accessing unemployment and should be eligible, please refer the client to Legal Aid for assistance. While there may be a legal basis for the denial or overpayment, Legal Aid wants to ensure that clients know their rights and responsibilities when confronted by this situation.

Federal Stimulus Funds

There were three federal payments authorized over the last year. The information below outlines the maximums available as some families continued to be eligible above these rates at an adjusted basis.

- April 2020:
 - o \$1,200 for single adult with adjusted gross income for 2019 less than \$75,000
 - o \$2,400 for a married couple with adjusted gross income for 2019 less than \$150,000
 - o \$500 for each child under 17
 - o No payments for singles earning more than \$99,000 AGI, heads of households earning more than \$136,500 AGI or couples earning more than \$198,000 AGI
- December 2020:
 - o \$600 for single adult with adjusted gross income for 2019 less than \$75,000
 - o \$1,200 for a married couple with adjusted gross income for 2019 less than \$150,000
 - o \$600 for each child under 17
 - o Unlikely to receive payments are singles earning more than \$87,000 AGI, heads of households earning more than \$124,500 AGI or couples earning more than \$174,000 AGI
- March 2021:
 - o \$1,400 for single adult with adjusted gross income for 2019 or 2020 less than \$75,000
 - o \$2,800 for a married couple with adjusted gross income for 2019 or 2020 less than \$150,000
 - o \$1,400 for each dependent

- No payments for singles earning more than \$80,000 AGI, heads of households earning more than \$120,000 AGI or couples earning more than \$160,000 AGI

Child Tax Credit

Beginning in July 2021, many families will begin to automatically receive an advance of Child Tax Credit payments. For 2021, the Child Tax Credit will be:

- \$3,600 per child, 5 or under at the end of 2021
- \$3,000 per child, ages 6 through 17 at the end of 2021

Financial and Housing Counseling

Tenants should be careful to only receive financial counseling through a credible non-profit organization. Financial institutions like credit unions may also provide financial and budgeting assistance as well.

The Department of Housing and Urban Development certifies housing counselors who can work with homeowners and renters on budgeting. Some of the organizations in Hawai'i with certified housing counselors include:

Council for Native Hawaiian Advancement: <https://www.hawaiiancouncil.org/hud>

Habitat for Humanity Maui: <https://www.habitat-maui.org/financial-awareness/>

Hawaiian Community Assets: <http://www.hawaiiancommunity.net/>

Hawai'i Homeownership Center: <https://www.hihomeownership.org/>

Hale Mahaolu: <https://halemahaolu.org/program/homeownership-counseling-program/>

Nanakuli Housing Corporation: <https://www.nanakulihousing.org/>