

# TENANT RIGHTS & RESPONSIBILITIES

(As of July 9, 2021)

Based on Governor Ige's statements about ending the eviction moratorium on August 6.<sup>1</sup>

## Is rent still due?

- Yes. Rent is still due as usual.
- If you have a housing voucher or are in income-based subsidized housing, contact your property manager or subsidy provider to request adjustment to your share of rent, if your income has changed.

## I am unable to pay my rent, what can I do?

- You should apply for rental assistance immediately. Federal rental assistance provides up to 12 months of rent to those less than 80% of AMI with priority to those less than 50% of AMI or unemployed and who are at risk of homelessness. Payment goes directly to the landlord and landlords can also apply with consent of tenant.
  - Oahu: [www.oneoahu.org/renthelp](http://www.oneoahu.org/renthelp).
  - Hawai'i County: [www.HawaiiCountyERAP.org](http://www.HawaiiCountyERAP.org).
  - Kauai County: <https://kauairenthelp.com/>
  - Maui County: <https://www.mauicounty.gov/2438/Maui-County-Emergency-Rental-Assistance->
- DHHL Emergency Rental Assistance Program: [www.hawaiiancouncil.org/dhhl](http://www.hawaiiancouncil.org/dhhl). Must be Native Hawaiian.

## I haven't paid my rent, can my landlord evict me?

- Not until August 7, 2021. Current moratoriums prevent eviction for nonpayment of rent, except where health and safety is involved, if the property is sold, or if the landlord and their family is moving in.
- On August 7, 2021, the State's eviction moratorium is expected to be lifted. However, landlords and tenants must first go through mediation before eviction.

## How does the eviction process work as of August 7, 2021?

- Your landlord must give you 15-calendar days' notice that they plan to evict you. During the 15 days, you should be contacted by a mediation center to schedule mediation. If you do not schedule mediation, eviction proceedings in court could start as soon as the 15-calendar day period is over.
- For information about what must be included in the notice, see "Eviction Notice Requirements."
- However, how soon you can be evicted depends on how long it has been since you last paid rent. For example, if you are 4 months or more behind in rent, your landlord may begin the eviction process immediately after the moratorium ends. For those one month behind in rent, the eviction cannot be filed until January 6, 2022.

<sup>1</sup> The Governor has to announce by July 17, 2021 whether to officially end the nonpayment eviction moratorium on August 6, 2021.

## How do I talk to my landlord if I am having a hard time paying rent?

- Starting August 7, 2021, mediation will be required between landlords and tenants. However, you can still ask the mediation center to reach out to your landlord to start the process. 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) 807-0080; <https://www.mediatehawaii.org/>
  - East Hawai'i: Ku'ikahi Mediation Center at (808) 808-935-7844; <https://hawaiimediation.org/>
  - West Hawai'i: West Hawai'i Mediation Center at (808) 885-5525; <https://whmediation.org/>
  - Maui County: Maui Mediation Services at (808) 244-5744; <https://www.mauimediation.org/>
  - Kauai: Kauai Economic Opportunity, Inc. Mediation Program at (808) 245-4077 x229 or x237 or [mediation@keoinc.org](mailto:mediation@keoinc.org)

## What happens if I was served court paperwork for eviction, but it was cancelled or dismissed?

- The eviction may be rescheduled. To see when it has been rescheduled, check online at eCourt Kookua: [https://www.courts.state.hi.us/legal\\_references/records/jims\\_system\\_availability](https://www.courts.state.hi.us/legal_references/records/jims_system_availability) or contact the Judiciary at (808) 539-4909.

## Can my landlord raise my rent during the pandemic?

- No. A landlord cannot increase rent during the period of the State of Emergency declared by the governor.

## Can my landlord terminate my lease even if I have paid rent?

- Generally, no under the Governor's Emergency Proclamation. If your lease has not ended or have a month-to-month lease, and you are not behind on rent, your landlord cannot end your lease with 45 days' notice unless the property has been sold or the landlord's family is moving into the property. If either of these conditions are present, they must provide you 45 days notice.

## My landlord has locked me out of my home or turned off my utilities because I didn't pay rent.

- Your landlord is not allowed to lock you out or turn off your utilities for non-payment without a writ of possession issued by a judge. If your utilities are shut off you can file a temporary restraining order (TRO), see our website for more information: [www.legalaidhawaii.org/housing-covid-19.html](http://www.legalaidhawaii.org/housing-covid-19.html).

## My landlord sent me an eviction notice, filed for an eviction, sued for rent, filed a restraining order or made other threats that I will be evicted, what can I do?

- As of August 7, 2021, your landlord may be able to evict you if you have not paid rent. However, before responding or taking action, you should be aware of your rights and seek legal counsel or advice.
- If you receive a notice prior to August 7, 2021, contact Legal Aid for assistance.

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

- You can contact Legal Aid for assistance at (808) 536-4302 (toll free at 1-800-499-4302), Monday through Friday, 9:00 am-11:30 am and 1:00 pm-3:30pm. You may also apply on-line at [www.legalaidhawaii.org](http://www.legalaidhawaii.org).

