

# TENANT RIGHTS & RESPONSIBILITIES

(As of January 8, 2021)

## Is rent still due?

- Yes. Rent is still due as usual. If you have had a decrease in income or change in circumstances, contact your landlord right away to establish a payment plan and to seek the landlord's participation if you apply for rental assistance.
- If you receive a housing voucher or are in income-based subsidized housing, you should contact your property manager or subsidy provider to request an adjustment of your share of rent.

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

- No. There are currently state and federal moratoriums that prevent landlords from evicting tenants for nonpayment of rent, except in cases where health and safety is involved, if the property is sold, or if the landlord and their family is moving in.
- The state moratorium is in place until February 14, 2021. A federal moratorium was also issued by the Center for Disease Control and Prevention (CDC) which prohibits evictions for non-payment of rent through January 31, 2021.

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

- No. Under Hawaii Revised Statutes, a landlord is prohibited from increasing rent during the period of the State of Emergency declared by the governor.

## I am unable to pay my rent, what can I 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. Your landlord will need to cooperate and payments are made directly to the landlord.
- Catholic Charities Rental Assistance and Mediation Program provides up to \$1,500 per month will be available for rent for up to two months. Applicants must be under 100% of Area Median Income with applicants under 50% of Area Median Income prioritized. The on-line application portal will be available only between January 11 – 13, 2021 with paper applications being accepted through January 18, 2021. More information on the program can be found at: <https://www.catholiccharitieshawaii.org/housinghelp/>
- DHHL Emergency Rental Assistance Program continues to take applications: <https://www.auw.org/covid-19-assistance-programs> Must be on DHHL waitlist as of 12/31/2018 to be eligible.

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

- It will be helpful if you can discuss your situation with your landlord. 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. You can 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 808-521-6767
  - 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 happens if I got court paperwork for eviction, but it was cancelled?

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

## What happens when the moratoriums end?

- When the state non-payment eviction moratorium ends on February 14, 2021, if you still cannot pay your rent, then you would be subject to eviction if the landlord gives you an appropriate notice to vacate or pay the rent. When all eviction moratorium – State, Federal, CDC – end, your landlord will be able to seek to evict you for non-payment of rent.

## 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 TRO, see our website for more information: [www.legalaidhawaii.org/housing-covid-19.html](http://www.legalaidhawaii.org/housing-covid-19.html).

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

- There are some limited situations in which a landlord can evict a tenant at this time, however before responding or taking action, you should be aware of your rights and seek legal counsel or advice.

## 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).