

# TENANT RIGHTS & RESPONSIBILITIES

(As of April 12, 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 June 8, 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 June 30, 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?

- The federal \$350 million rental assistance program provides up to 12 months of rent assistance 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: applications will be taken at [www.oneoahu.org/renthelp](http://www.oneoahu.org/renthelp).
  - Hawai'i County: [www.HawaiiCountyERAP.org](http://www.HawaiiCountyERAP.org).
  - Kauai and Maui County: to be announced
- DHHL Emergency Rental Assistance Program: [www.hawaiiancouncil.org/dhhl](http://www.hawaiiancouncil.org/dhhl). Must be on DHHL waitlist or have an undivided interest and meet federal program requirements.

## 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 Kooka:  
[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 June 8, 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).