

LANDLORD RIGHTS & RESPONSIBILITIES

(As of August 7, 2021)

For legal information purposes only. Seek the assistance of an attorney for legal advice.

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

- Yes. Evictions will be phased in depending on how behind the tenant is on rent:
 - 4+ months behind on rent: Eviction may be filed August 7, 2021 to September 5, 2021
 - 3 months behind on rent: Eviction may be filed September 6 to November 5, 2021
 - 2 months behind on rent: Eviction may be filed November 6, 2021 to January 5, 2022
 - 1 month behind on rent: Eviction may be filed January 6 to August 6, 2022
- However, you must provide more notice to tenants before filing for eviction and the notice requires participation in mediation prior to filing for an eviction.

What do I need to know about the new non-payment notice?

- The new notice requires that at least 15-calendar days are provided to tenants to schedule a mediation for both the landlord and tenant to attend. If the tenant does not schedule the mediation within those 15-calendar days, the landlord can bring the eviction action. If the tenant does schedule the mediation, the landlord cannot bring the eviction action until 30-calendar days have passed since the notice.
- The 15-calendar day notice for nonpayment is much more complicated than the prior 5-day notice to quit for nonpayment. A template notice can be found at www.repnakamura.com. Legal advice should also be sought to make sure it is done properly.
- Notice must be provided to the tenant, **and** also to the mediation center for the area where the residential property is located. Please check the local mediation center's website for more information about how to send in a notice. Please note that these notices cannot be sent prior to August 7, 2021.

What is the impact of the August 3, 2021 federal CDC eviction moratorium?

- The CDC eviction moratorium blocks the starting of certain evictions based on the most recent transmission rate in the county through October 3, 2021. As such, whether it applies could change daily.
- To qualify, tenants must complete this declaration (https://www.cdc.gov/coronavirus/2019-ncov/communication/EvictionProtectDeclare_508.pdf) and provide a copy to their landlord.
- If you receive a declaration, it is advisable to check with an attorney as to how to proceed.

How do I reach the mediation centers?

- Oahu: Mediation Center of the Pacific at (808) 807-0080; <https://www.mediatehawaii.org/sempl/>
- East Hawai'i: Ku'ikahi Mediation Center at (808) 935-7844; <https://hawaiiemediation.org/landlordtenant/>
- West Hawai'i: West Hawai'i Mediation Center at (808) 885-5525; <https://whmediation.org/our-services/landlord-tenant/>
- Maui County: Maui Mediation Services at (808) 344-4255; <https://www.mauimediation.org/>
- Kauai: Kauai Economic Opportunity, Inc. Mediation Program at (808) 245-4077 x229 or x237 or mediation@keoinc.org

Must I participate in mediation?

- If a tenant responds to the mediation center and schedules a mediation, the landlord must participate in the mediation.

What happens if the tenant does not respond to the request to schedule a mediation?

- If a tenant does not work with the mediation center to schedule the mediation within fifteen days of the notice, the landlord can bring the eviction action in court, so long as the tenant is behind the required months to file.

What happens if the mediation isn't scheduled to occur until after 30 days from the notice?

- So long as the tenant is behind the required months to file, the landlord can bring the eviction action once 30 days have passed since the initial notice. In filing the eviction case, the landlord will need to note for the court whether a mediation is scheduled and the date of that mediation.

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

- You may apply for federal rental assistance on behalf of your tenant with their consent. The federal rental assistance program provides up to 12 months of rent. Payment goes directly to you, the landlord.
 - 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->
- DHHL Emergency Rental Assistance Program: www.hawaiiancouncil.org/dhhl. Must be Native Hawaiian.

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.