



GOVERNOR'S COORDINATOR ON HOMELESSNESS

WEBINAR SERIES - MONDAY, JULY 26, 2021



Homeless
Partners in Care



Bridging The Gap

Continuum of Care serving Hawai'i Island, Mau'i & Kaua'i



GENERAL UPDATES

▶ HOUSEKEEPING REMINDERS

▶ Updates

- **SNAP Eligibility Reviews (ERs) and Six Month Report Forms (SMRFs)** – Review forms are being mailed out and must be returned to avoid adverse impact on benefits.
- **COVID-19 testing and vaccination for homelessness facilities on Oahu** – Contact Project Vision Hawaii at **(808) 201-3937**, or contact Laura Thielen at PIC at **(808) 380-9444**. For Maui, Kauai, and Hawaii island, contact your local District Health office.
- **Updates on Oahu Housing Now (OHN) and BTG CARES Act Funded Projects:**
 - OHN housed 115 households (298 individuals) in average of 22 days from enrollment to housing.
 - BTG CARES Act funded programs have assisted 1,000 households (1,749 individuals) through a range of street outreach, emergency shelter, homelessness prevention and rapid rehousing programs - with 55% of households exiting programs to permanent housing.



DHS Review Forms

Form 1313A (04/07)

Report Month:
RETURN BY:
Case Number:
See Unit 313A

SIX MONTH REPORT

RETURN TO ABOVE OFFICE
FOR HELP PHONE:
(Leave Name and Address Blank)

ELIGIBLE MONTHS LEFT

PGM	STATUS	PGM	STATUS
AF		MD	
PS		MS	
NA			

EARN UNEN ADULT CHILD PA GRANT

If the mailing address is wrong enter correct address:

Answer all questions. Print all information. If this form is late, incomplete, not returned, or if correct verification is not submitted, your "assistance" may be delayed, stopped or discontinued. Attach pay stubs and verification of all changes.

SECTION 1 ADDRESS INFORMATION

Residence Address: _____

Have you moved in the last 6 months? ☐ Yes ☐ No If you did not move, go to section 2.
If the residence address above is wrong enter your correct residence address below:

New Residence Address: _____

If you moved and you receive food stamps, you must provide verification of your new address and provide verification, no dollar costs will be allowed. Enter the cost of each expense that:

Rent or Mortgage	Water
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SECTION 2 PEOPLE WHO LIVE WITH YOU

Please indicate if the person(s) listed below are still at your home:

Household Member	Still in your home?	Household Member	Still in your home?
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No
_____	Yes No	_____	Yes No

You must complete an eligibility review to continue receiving SNAP benefits.

Your eligibility review forms will be mailed to you when it is time to renew.

DO NOT THROW AWAY THESE FORMS.

Failure to complete your eligibility review may result in your benefits being reduced, suspended, or stopped.

- ☐ Make sure your address is updated with DHS.
- ☐ Look out for the ER or SMRF forms in the mail, and complete them ASAP.
- ☐ Visit <http://pais.dhs.Hawaii.gov> to apply or to renew your benefits online.



Eviction Moratorium: Three Key Messages



1. **RESPOND** to mediation letters and eviction notices.

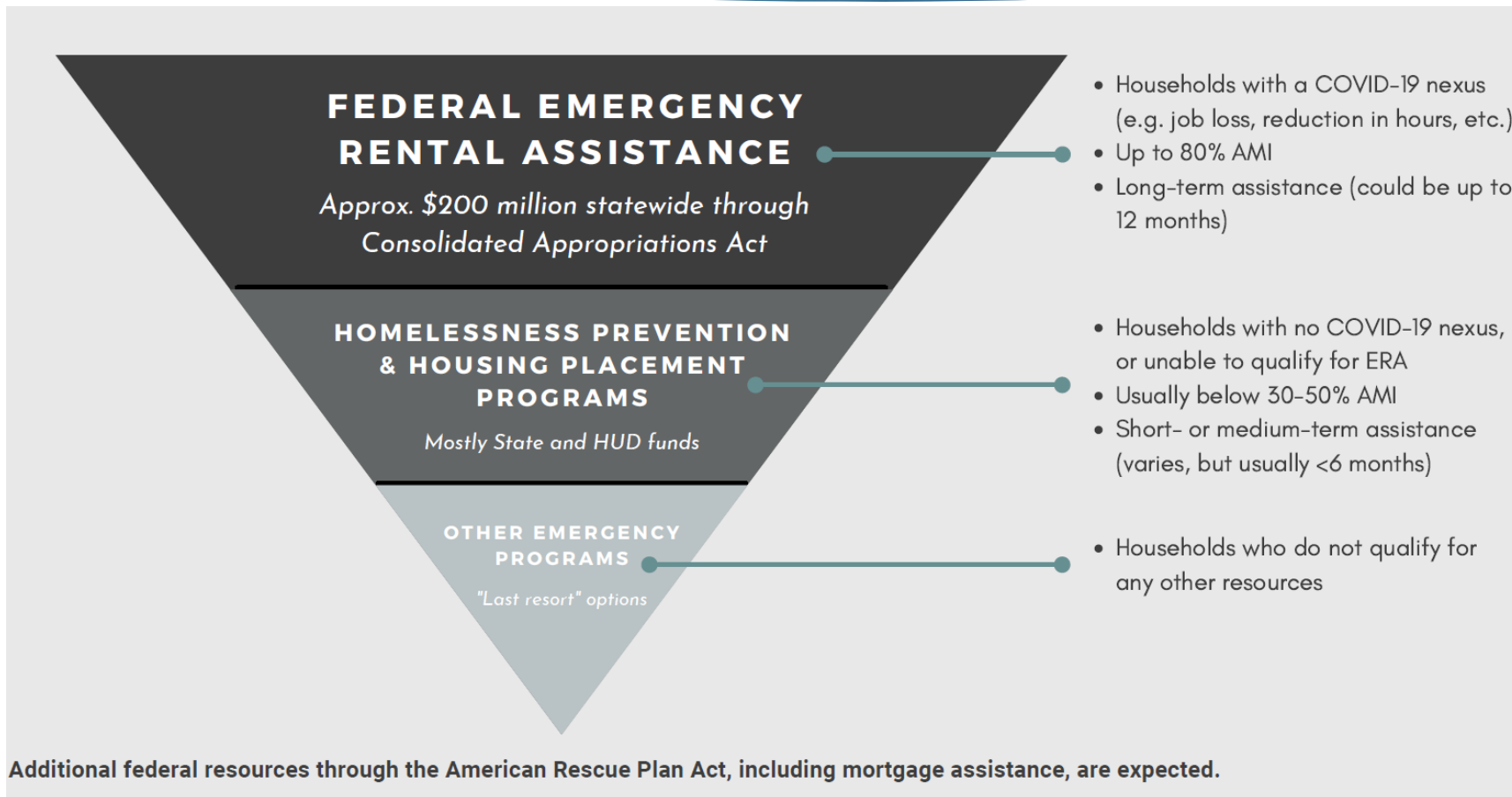


2. **APPLY** for rental assistance as soon as possible.



3. **CALL** to understand your legal rights under the landlord-tenant code.

Available Financial Assistance





ACT 57 & Lifting the Statewide Eviction Moratorium: What You Should Know

- **Dan O'Meara**, *Legal Aid Society of Hawaii*
- **Stephen Levins**, *Office of Consumer Protection*
- **Tracey Wiltgen**, *Mediation Center of the Pacific*

Eviction Prevention

Understanding the Eviction Process for Non-Payment of Rent under Act 57

and

What You Can Do to Help Keep People Housed

Overview of Training

- Eviction Process
- Impact of Act 57
- Tenant Stories
- How You Can Help





A Court Order is Required

A family CAN only be moved out of the place that they have been renting **WITH** a court order.

Consequences of Eviction



Public Record of
an Eviction



Landlord
attorney's fees
and costs



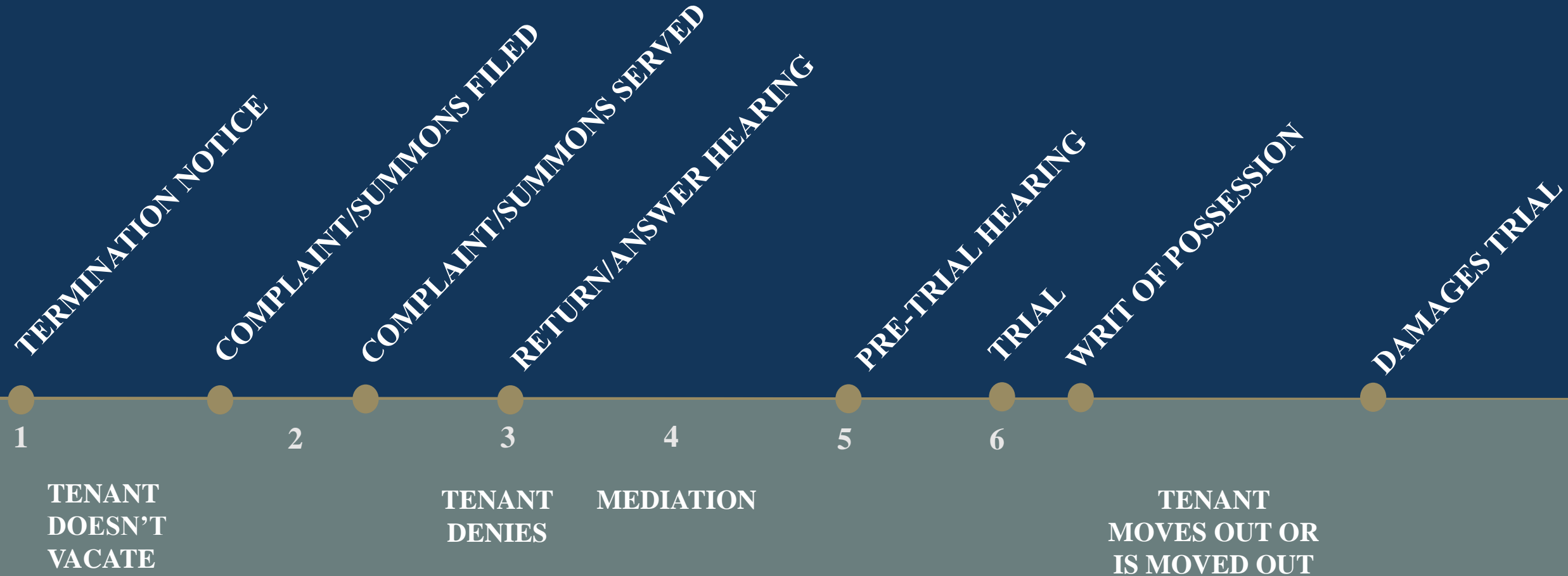
Impact on credit
score



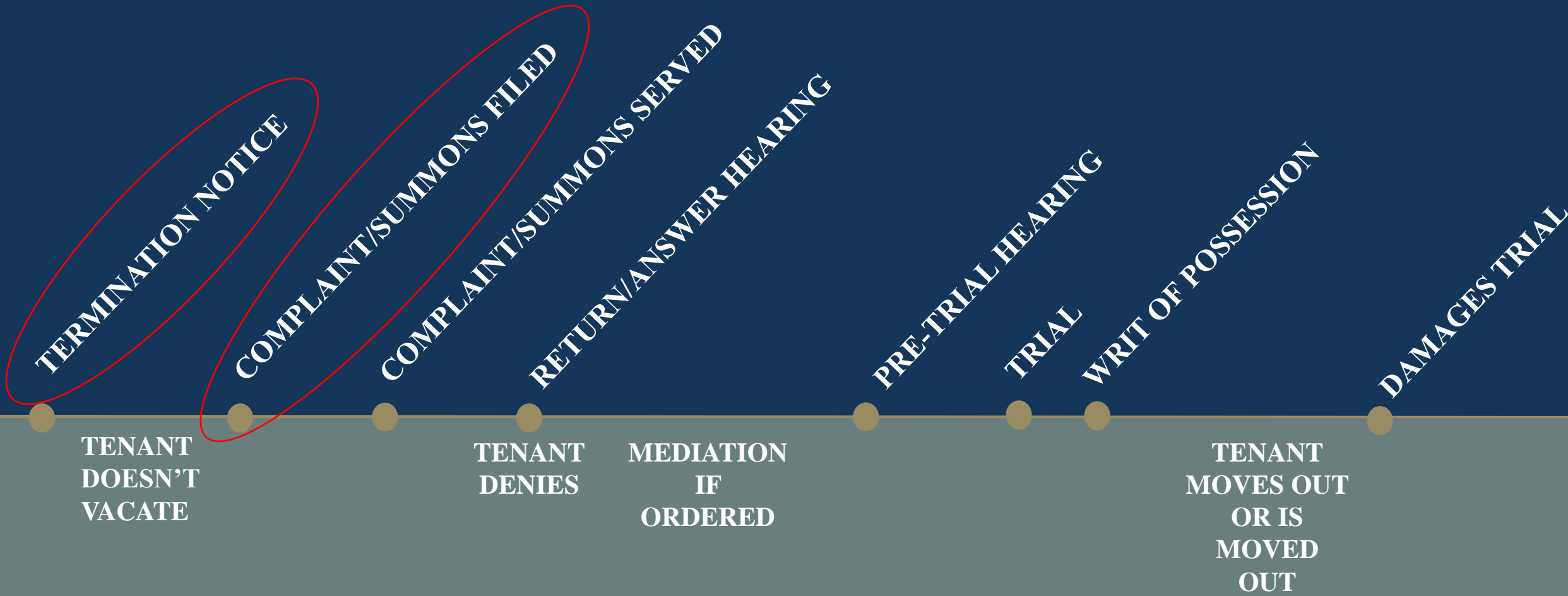
If Section 8
voucher, possible
loss of voucher

Eviction Process

Pre-Covid/Pre-Act 57



Act 57 Eviction Process



Act 57 Changes

Effective August 7, 2021 for one year until August 6, 2022

WHEN LANDLORD CAN BRING ACTION

- Depends on how many months behind in rent tenant is
- Graduated process
- If tenant is a month behind, starting January 6, 2022

TERMINATION NOTICE

- Amount of rent due
- Whether rental assistance was applied for
- Give to mediation center to schedule mediation

WHEN A LANDLORD CAN FILE

- 15 days after notice, if tenant does not work with mediation center to schedule mediation
- 30 days after notice, if tenant does schedule mediation within 15 days after the notice



Tenant Stories



Kalama 'Ohana

- Lily Kalama was employed by a small restaurant in Kaimuki when the pandemic hit. While the restaurant did not immediately close, she quit when her three children had to remain home when the schools closed.
- Her husband Max continued to work at his job as a bookkeeper.
- Prior to the pandemic, the family earned about \$6,000 per month. When Lily quit her job, their income dropped to \$3,000 per month. The rent on their four bedroom house is \$2,800 per month.
- Because Lily quit her job, she did not qualify for unemployment.
- They had some savings and paid their rent through October 2020.
- Their landlord has been threatening eviction since November 2020 and has refused to accept rental assistance from Catholic Charities.

Possible Solutions



Rental Assistance

Apply for assistance.
Having rental assistance available is critical to negotiating with a landlord even if the landlord is refusing to cooperate.



Financial Counseling

Seek budgeting assistance.
With schools returning to in-person, Lily may be able to return to work. Getting assistance in budgeting and reviewing past debt can assist with negotiations.



Legal Assistance

Seek legal help.
Legal assistance can help to understand what rights the tenant has. For example, if the landlord is refusing to accept rent assistance, there may be a legal defense to the eviction.



Mediation

Participate in mediation.
Mediation will be required after August 7, 2021 in order for the landlord to evict. If served, Lily and Max need to respond to schedule the mediation.

Sam and Susan Kang

- Sam and Susan Kang both worked at a major hotel in Waikiki. They were both laid off in June 2020 and received unemployment in July 2020. They were notified that they would need to return to work in August.
- Their income prior to the pandemic was \$6,500/month. Their monthly expenses are \$2,500 for rent, and \$3,050 for other expenses including \$1,200 for car payments and other transportation needs, \$800 for credit card, \$550 for utilities, cell, and internet/cable and \$500 for food.
- During the pandemic their unemployment ranged from \$3,756/month (October – December 2020) to a high \$8,556 (July 2020). Currently, they receive about \$6,156/month.
- From October – December 2020, they only paid \$1,500 to their rent.
- Their landlord has been harassing them for the difference in rent and late fees, and is threatening eviction.

Possible Solutions

Pay the Back Rent



Rental Assistance

Apply for assistance.

The Kangs may be eligible for the \$3,000 that they did not pay their landlord last year and could apply for assistance.



Financial Counseling

Seek budgeting assistance.

Given the Kangs credit card and car debt, budgeting assistance may be helpful as they return to work.



Legal Assistance

Seek legal help.

If the landlord is harassing them or engaging in other threatening behavior, legal assistance can inform the Kangs of their rights.



Mediation

Participate in mediation.

If noticed the Kangs need to respond to schedule. Because Kangs technically only owe a little more than one months rent, the court may not hear case until January 2022

Kerry 'Ohana

- Kaipo Kerry worked at a fast food restaurant and worked there until he caught Covid-19 from a co-worker. He was in the hospital for two months and because of on-going effects, has not returned to work.
- Kim Kerry is a custodian and earns about \$3,100 per month.
- They have one child who is in pre-school.
- Prior to the pandemic, they earned about \$5,000 per month. Kaipo did not qualify for unemployment because he is not available for work and did not have enough quarters to apply for SSDI. The family also did not qualify for TANF because of Kim's income.
- Their rent is \$2,100 per month and other expenses for food, utilities, transportation, phone, and child care comes to about \$2,000 per month. They have not paid their rent since October 2020.
- They are also now facing significant hospital debt and have been threatened by debt collectors.

Possible Solutions



Rental Assistance

Apply for assistance.

Having rental assistance available is critical to negotiating with a landlord.



Financial Counseling

Seek budgeting assistance.

May help the Kerry's come up with a longer term plan given the medical debt and Kaipo's inability to work.



Other Programs

Access homelessness prevention.

Because of the income change, the Kerry's may want to seek help from a rapid rehousing program.



Legal Assistance

Seek legal help.

Debt collection violations, bankruptcy protections, health insurance, and other public benefits.



Mediation

Participate in mediation.

Kapio and Kim need to respond to schedule the mediation.



Available Services

Know What Services Are Available

Rent and Utility Assistance

- Over \$350 million dollars available
- RENTERS NEED TO APPLY!!!

	Oahu		Kauai		Maui		Hawaii	
Family Size	80% AMI Monthly	80% AMI Monthly	80% AMI Monthly	80% AMI Monthly	80% AMI Monthly	80% AMI Monthly	80% AMI Monthly	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

Rent and Utility Assistance Barriers

- Documentation Requirements
 - Proof of Identity and Residency
 - Bill Documentation
 - Income Information
 - Proof of Covid-19 Hardship
- Landlord Refusal
- Seek Legal Assistance for...
 - Difficulties in getting vital documents or identification
 - Difficulties with lease or other rental proof
 - Difficulties with landlord's not being willing to agree or participate in program
- Lack of access

Financial Counseling

- Budgeting
- Financial Goal Planning

Other Programs

- Rapid Rehousing Programs
- Homelessness Prevention Programs
- Coordinated Entry System for Access to:
 - Transitional Housing
 - Emergency Shelter Grants
- Public Housing and Section 8 Vouchers

Legal Assistance

- Better understand rights under Act 57 and landlord tenant code
- Provide legal advice and representation where landlord is not accepting rental assistance, engaging in illegal attempts at eviction, not dealing in good faith, or engaging in housing discrimination.
- Assist in providing guidance to mitigate damages.
- Assistance tenant to access documentation needed for rent assistance or to advocate why specific documentation does not need to be provided.
- Assist tenant in understanding what other assistance may be available:
 - Unemployment
 - Public Assistance
 - Medical Insurance
 - Bankruptcy

Mediation

- Provide a safe place for discussion between landlord and tenant
- Required to be scheduled prior to filing for eviction
- Can create long term agreements between landlord and tenant, especially when tenant has accessed rental assistance and has created a budget to show ability to pay future rent
- Mediation centers are currently working to set up their processes to manage an expected increase in mediation requests

Ask Your Clients

- Have been able to pay their rent?
 - If not, find out why.
 - If pandemic related, encourage application for rental assistance and assist with document gathering or application if client does not have internet access
- Has their landlord threatened eviction?
 - If yes, refer to Legal Aid
- Did they receive a notice of termination from their landlord that includes a referral to a mediation center?
 - If yes, make sure they respond and/or contact the mediation center to schedule mediation
 - Also make sure they apply for rent assistance, seek financial counseling, and request legal assistance
- Refer them to www.legalaidhawaii.org.

Emergency Proclamation, if still in place, Will Prohibit

For Month-to-Month Tenants:

45 day notice to terminate lease unless landlord or their family moving in or new property owner

Raising of rent

Mahalo

www.legalaidhawaii.org



Office of Consumer Protection

"To Foster a Fair and Safe Marketplace"

Presentation by Stephen H. Levins

Executive Director

Office of Consumer Protection

State of Hawaii Department of Commerce and Consumer Affairs

Office of the Governor's Coordinator on Homelessness

July 26, 2021

Honolulu, Hawaii

OCP is composed of four sections

Consumer Resource Center – Performs intake of complaints for OCP.

Investigation Section – Receives cases from the Consumer Resource Center and gathers evidence to determine whether consumer laws have been violated.

Legal Section – Enforcement attorneys undertake civil enforcement action against violators of consumer law. They also engage in informal and formal resolutions of cases prior to filing lawsuits.

Residential Landlord-Tenant Information Center - Staffed by OCP investigators and volunteers Monday through Friday. The center does not represent landlords or tenants in court or provide legal advice; its role is limited to providing information regarding landlord-tenant laws.



Landlord-Tenant Information Center





**Landlord-Tenant Information
Center**

(808) 586-2634

8:00 a.m. – Noon

**Monday through Friday, except
State holidays**

Landlord-Tenant Information Webpage



Department of Commerce and Consumer Affairs
Consumer Protection

Search this site

HomeAboutNews ReleasesCalendarReportsHRS HARFAQsContactDCCA Home

Home > Landlord - Tenant Information

LANDLORD - TENANT INFORMATION

Welcome to our Landlord-Tenant Information site. There are many resources for Landlord-Tenant information. You can call our Residential Landlord-Tenant Information Center, read our on-line brochures, or call "Consumer Dial."

Governor David Ige's recent emergency proclamations concerning the coronavirus have invoked special legal requirements applicable to Landlords and Tenants in Hawaii.


New information about the end of the Eviction Moratorium on August 6, 2021.

- [Landlord Tenant FAQs](#)
- [Tenant Rights and Responsibilities](#)
- [Landlord Rights and Responsibilities](#)
- [Eviction Notice Requirements](#)
- [Changes to SNAP benefits to avoid interruption of benefits](#)

Recently passed bills relating to landlords and tenants:

- [Act 57 - Landlord-Tenant mediation requirements following the end of the eviction moratorium](#)
- [Act 19 - Early termination of a rental agreement for certain active duty servicemembers](#)

Residential Landlord-Tenant Information Center 586-2634 (from Oahu)
8:00 a.m. - 12 noon Monday through Friday, except State holidays




From the neighbor islands (toll free):
974-4000, ext. 52634 (from the Big Island)
274-3741, ext. 52634 (from Kauai)
984-2400, ext. 52634 (from Maui)
1-800-468-4644, ext. 52634 (from Molokai & Lanai)

[Chapter 521 Residential Landlord-Tenant Code of the Hawaii Revised Statutes \(revised 2018\)](#)

[Landlord-Tenant Code \(PDF\)](#)

[Residential Landlord-Tenant Handbook \(PDF\) \(2018 edition\)](#)

EXECUTIVE DIRECTOR



Stephen H. Levins Read Message

OCP SPOTLIGHT

- COVID-19 Resources
- File a Consumer Complaint
- Landlord - Tenant Information
- Provide Legal Services to the Office of Consumer Protection
- Consumer Resources
 - Keep Kids Safe Online
 - How to Obtain a Free Credit Report
 - Check Out A Business Online
 - Sign Up for the Do Not Call Registry to Reduce Telemarketing Calls
 - Mortgage Foreclosure Information
 - Mortgage Foreclosure Dispute Resolution (MFDR) Program
 - Information on Extended Warranties
 - Security Breach Notices
 - Towing Rights
 - Unaccredited Degree Granting Institutions
- Forms and Brochures
- Other related websites

www.cca.hawaii.gov/ocp/landlord_tenant/

Landlord-Tenant Code Handbook



235 S. Beretania Street
Suite 801
Honolulu, Hawaii 96813

Landlord-Tenant
Information Center:
(808) 586-2634

Hours of Operation:
8:00 am to 12:00 pm

Neighbor Islands:

Kauai
274-3141 ext. 62634#

Maui
984-2400 ext. 62634#

Big Island
974-4000 ext. 62634#

Molokai/Lanai
1(800) 468-4644
ext. 62634#

Website:
<http://cca.hawaii.gov/ocp/>



HANDBOOK FOR THE HAWAII RESIDENTIAL LANDLORD-TENANT CODE

BASED UPON
THE HAWAII REVISED STATUTES
CHAPTER 521



DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Based on Hawaii Revised Statutes, Chapter 521

Available for purchase at the DCCA Cashier's Office for \$2.00

King Kalakaua Building
335 Merchant Street
Honolulu, HI 96813


Download a free PDF copy at

www.cca.hawaii.gov/OCP/landlord-tenant


ACT 57 – EVICTION MEDIATION PROGRAM

**WHAT HAPPENS WHEN THE
MORATORIUM ON
EVICTIONS ENDS**





Landlords Must Provide
the Notice to the Tenants
and Simultaneously Send
the Notice to the
mediation center on the
island where the tenant
resides



For tenants on **Oahu**, landlords may go directly to the Mediation Center of the Pacific's (MCP) website to upload the notice at:

<https://www.mediatehawaii.org/sem>

The landlord will receive an immediate electronic confirmation



It is important for
the tenant to call
MCP **right away**
when they receive
the notice from their
landlord

Call MCP's designated line for landlords and tenants at:
807-0080, Monday through Friday between 8:30 a.m.
and 4:30 p.m. MCP can ask an interpreter can assist

A Client Service Specialist will ask the tenant to provide
some basic information and then work with the tenant
to identify the best day and time to schedule a
mediation session

Mediations are scheduled Monday through
Friday between 8:30 a.m. and 5:00 p.m.

Some Saturday sessions are available

The Client Service Specialist will notify the
landlord of the date/time of the scheduled
mediation

If the Tenant Does Not Call MCP and
Schedule a Mediation Session **Within 15 Days**
from the Date of the Notice, the Landlord Will
Move Forward With the Eviction

The mediation session must occur within
30 days
from the date of the notice



Once a mediation session is scheduled with the tenant, the landlord will be electronically notified of the date and time of the mediation session, and provided with a Zoom link

Mediations will be conducted remotely via Zoom

Landlords and Tenants will need to have:

- A desktop, laptop, or smart phone with a microphone and camera
- Internet access and sufficient bandwidth

They may use MCP's office and equipment to participate in the remote mediation session

They may also mediate in-person at MCP's office, if they do not have the equipment or the comfort level to participate remotely

How to Prepare for Mediation



Apply for rental assistance or find out what is required to apply



Talk with an attorney (tenants may reach out to Legal Aid Society of Hawaii)



Think about potential outcomes (*What can you do? What is a reasonable timeline? What are your plans?*)



Talk with a financial counselor



Find out about alternate housing arrangements

How the Mediation Will Work



- A confidentiality agreement will be emailed to tenant and landlord to sign electronically prior to the mediation
- An interpreter will be provided if English is not the tenant or landlord's primary language
- The session will be scheduled for up to 1.5 hours
- The landlord and tenant will start together with the mediator
 - The landlord or the tenant may request that they be kept separate

- **The mediator will ask lots of questions, such as:**
 - Has the tenant or landlord applied for rental assistance?
 - If yes, what happened?
 - If no, why not?
- **The mediator will ask the tenant more questions:**
 - What is their current financial situation?
 - Do they expect their financial situation to change in the future?
 - What are their future plans and do they want to remain in the residence?

- **The mediator will ask the landlord more questions:**

- What is important to them: covering the lost rent or having the tenant move out and never recouping the back rent?
- What was their relationship like with their tenant, prior to COVID?
- What is their definition of a "good tenant"?
- If they could recoup all of the back rent and the tenant could pay the rent moving forward, would they consider renewing a lease with the tenant?
- Would they consider reducing the rent?
- Would they consider waiving back rent if the tenant agreed to move out?



The Mediator Will Help
the Landlord and Tenant
Negotiate an Agreement

Mediation Agreements Can Include a Variety of Terms

That landlord and tenant agree to work together to apply for rental assistance

That the tenant will complete a payment plan to cover back rent owed

That tenant will move out within an agreed-upon time, and landlord will waive the back rent owed



A Mediation
Agreement Will Keep
the Landlord and
Tenant Out of Court
and Avoid the
Eviction Process

When a tenant on Oahu receives the notice, they should contact MCP **as soon as possible.**

(808) 807-0800

Landlords submit their notice for tenants on Oahu at

<https://www.mediatehawaii.org/semp>

How **You** Can Help

Get the word out

Prepare tenants for receiving the notice

- Don't throw it away

Reinforce the importance of immediately calling MCP to schedule a mediation session

- The mediation must be scheduled within 15 days
- Their landlord will move forward with the eviction if they don't schedule a mediation

Talk with landlords and tenants about how mediation works and why it is a good process to participate in

**Help tenants and landlords with any paperwork,
from electronically signing the confidentiality agreement to
sharing rental assistance information with the mediator**

Discuss the best way for them to participate in mediation

- Remotely with their equipment
- Remotely at your office or somewhere in the community
- Remotely or in-person at MCP

Offer to be available to help them during the mediation

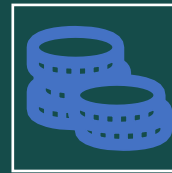
Help tenants gather resources prior to the mediation



Confirm how much
money is owed



Reach out to Legal Aid with
legal questions



Meet with a financial
counselor to gain a
realistic idea of what the
tenant can afford



Identify alternate living
arrangements that are
affordable for the tenant and
how long it would take to
move to the new location

Benefits of Mediation

Mediation can help build a stronger relationship between landlord and tenant

Mediation is not like going to court

A mediated agreement will help them avoid court

They make their own decisions in mediation

Final chance to create plans to avoid eviction



LET'S CONNECT

JASON KASAMOTO

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