

# EVICTED! WHAT'S NEXT?

(As of December 23, 2021)

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

## The landlord got court papers to evict, what's next?

- **Move out:** The landlord can now ask the Sheriff's Dept to remove the tenant.
- **The tenant may also owe back rent, damages, and/or attorney fees and can lose Section 8 vouchers.**
- **If the tenant did not show up at the hearing and 1) had a good reason for missing it or had not received information about it and 2) there is a legal defense** (i.e. back rent was paid or what the landlord said happened, didn't), **the court may be asked to stop the eviction.**
- Contact Legal Aid for assistance at (808) 536-4302, Monday through Friday, 9:00 am-11:30 am and 1:00 pm-3:30pm; or apply on-line and find more legal information at [www.legalaidhawaii.org](http://www.legalaidhawaii.org).

## What should a tenant facing eviction do?

- **Regardless of the financial situation, the first priority is to find another place to live.** Start early, because this may take longer than anticipated. Tenants may also need to consider other options, such as reaching out to family and friends for temporary help.
- **Make arrangements for the storage or moving of items.** Anything left behind can be sold or donated by the landlord after a 15-day notice. Valuable possessions should be stored or taken with the tenant.
- **Gather vital documents, such as birth certificates and Social Security cards, or begin the process of replacing them** as these will be needed to apply for housing or other types of assistance.
- **Get a P.O. Box or ask friends or family to temporarily use their mailing address and forward mail.**

## What happens if the tenant can't move out?

- **The Sheriffs will notify the tenant when they will come.** If the tenant is there when they arrive, the tenant is usually given time to gather important personal items, such as vital documents and medications. The tenant will be asked to turn over keys and the locks will be changed. The Sheriffs will not assist the tenant to move any items.

## What happens to any property or personal items left behind?

- **Anything left behind can be sold or donated, fifteen days after a notice is mailed to the tenant about what the landlord is planning to do with the items.** If items are being sold, it must be advertised in the newspaper for at least three days and any proceeds, after taking out rent and costs of storage, sale, and advertising, must be held for the tenant for thirty days after that it can be kept by the landlord.
- **Pets must be boarded by the landlord for the same period** and cost can be charged to tenant.

## If a tenant just returned to work and could pay rent, but does not have enough saved for first month's rent and a security deposit, is there help available?

- Programs are available to help with one-time costs, such as a security deposit, utility deposit, or first month's rent. The Governor's Office on Homelessness maintains the list of organizations which can be found here: <https://homelessness.hawaii.gov/eviction-moratorium-resources/>.

## The rental market is tough. Any recommendations on how to find housing?

- Partners in Care maintains a list of sites to begin a search and also has a landlord engagement program to help those who are homeless find housing: <https://www.partnersincareoahu.org/get-help>
- Seniors can also receive assistance in finding housing through their County Aging Offices:
  - Oahu: (808) 768-7700
  - Hawaii County: (808) 961-8626
  - Kauai County: (808) 241-4470
  - Maui County: Maui - (808) 270-7774; Molokai – (808) 553-5241; Lanai – (808) 565-6818

## What types of documents will a landlord need to rent a property?

- While every landlord is different, many landlords will require valid proof of identification for adult renters. Some will ask for proof of Social Security number, proof of current income or assets, or references from past landlords.

## If a tenant cannot afford current rents, what options might be available?

- Federal rental assistance may be able to provide security deposits to those less than 80% of AMI (Area Median Income – determined by County). Payment goes directly to the landlord.
  - 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.maui-county.gov/2438/Maui-County-Emergency-Rental-Assistance->
- Emergency Shelter Grant Housing Choice Vouchers – Coordinate Entry Required - <https://www.partnersincareoahu.org/emergency-housing-vouchers>

## What about Section 8 or public housing?

- The State and County Housing Choice Voucher (Section 8) programs maintain a waitlist for qualified applicants. Applications for the waitlist are accepted during brief periods of time and they quickly fill up:
  - State: <http://www.hpha.hawaii.gov/faqs/section8.html>
  - Oahu: <https://www.honolulu.gov/cms-dcs-menu/site-dcs-sitearticles/1338-cad-section-8.html>
  - Hawai'i County: <https://www.hawaiicounty.gov/departments/office-of-housing/housing-choice-voucher-section-8-program>
  - Kauai County: <https://www.kauai.gov/Government/Departments-Agencies/Housing-Agency/Section-8-Rental-Assistance>
  - Maui County: <https://www.maui-county.gov/2104/Section-8-Waitlist-Information>
- Applications for public housing are currently being accepted only for properties on the neighbor islands. No applications are being accepted for public housing on Oahu at this time. Applications for public housing on Hawaii island, Kauai, or Maui are available by calling (808) 832-5961 or emailing [hpha@hawaii.gov](mailto:hpha@hawaii.gov). Current mailing address and phone number should be included in the message.

## Are there more options available by going to a homeless shelter?

- Homeless shelter space on all islands is limited. People are advised to seek services at a homeless shelter only if they have no other options available.
- Enrollment in homeless services or shelter programs does not guarantee that a housing resource will be available immediately.