

## Policy Advocacy Strategies for Combatting Evictions Following the Maui Wildfire

### Eviction moratoriums

NHLP developed the following model state eviction moratorium language during the pandemic. This language could be modified for local government and for the wildfire.

- NHLP, [Model Eviction Moratorium Act](#) (updated Mar. 2020)
  - Sections
    - Short Title
    - Definitions: eviction, landlord, tenant, eviction notice, eviction case, eviction order, moratorium period
    - Moratorium on evictions
    - Enforcement
    - Procedure for termination of moratorium
    - Limitations on residential property practices (governing entry into premises, fees, eviction or lease nonrenewal due to rent delinquency, anti-retaliation)
    - Lease termination by tenant or by mutual agreement
    - Appendix: criminal activity
- NHLP, [Model State Legislation, Safe at Home Act](#) (updated July 2020)
  - Sections
    - Short Title
    - Definitions: covered period, covid-19 rent arrearage, evict, model payment plan, reasonable payment plan, rental application fee
    - Residential tenancies during Covid-19 emergency – no termination without cause – changes in household membership
    - Treatment for rental arrearages accumulated during Covid-19 emergency
    - Termination of rental agreement by tenant affected by Covid-19
    - Payment plans
    - Rental admissions screening
    - Reprisals or retaliation prohibited
    - Civil penalties
    - Enforcement

In addition to state and local moratoriums, it might be possible to advocate for an eviction moratorium for multifamily properties with federally-backed mortgages. During the pandemic, Freddie Mac and Fannie Mae offered mortgage forbearance to owners of federally-backed mortgages; and in exchange, the owners had to agree not to evict tenants for the duration of the mortgage forbearance. It is not clear whether such eviction protections are in place in Maui. Based on research, the following properties have mortgages backed by Fannie and Freddie. If there are concerns about evictions taking place in these properties, advocates should notify NHLP, who can assist in reaching out to Freddie, Fannie, or the Federal Housing Finance Agency.

1. Federally-backed multifamily rentals in affected areas
  - a. Affected zipcodes ([used USDA's SNAP benefits eligibility](#))
    - i. Maui County: 96753, 96761, 96768, 96788, 96790.
    - ii. Hawai'i County: 96743, 96755
2. [Freddie](#)
  - a. [Kalama Heights](#) (123 units, senior living)
    - i. 101 Kanani Road, Kihei HI 96753
  - b. [Paradise Gardens](#) (400 units)
    - i. 851 S Kihei Road, Kihei HI 96753
  - c. [Sunset Terrace/Sunset Terrace Apartments](#) (288 units)
    - i. 3626 Lower Honoapilani Road, Lahaina HI 96761
3. Fannie (no zip code search, via [NLIHC CARES Act Database](#))
  - a. [Honokowai Kauhale](#) (184 units, income restricted)
    - i. 3500 Lower Honoapilani Road Lahaina HI 96761

### **Strategies to prevent illegal evictions**

The following are potential strategies to prevent illegal, “self-help” evictions from landlords:

- ***Guidance from the state attorney general reminding landlords that self-help evictions are illegal*** – Hawaii’s AG released similar guidance during the early part of the pandemic.<sup>1</sup> Other examples include an information bulletin from California’s attorney general to all police chiefs and sheriffs and the memo from New York’s Attorney General to all New York State law enforcement departments.<sup>2</sup>
- ***Directives from police departments to train their officers on how to handle self-help evictions*** – [Philadelphia Police Department Directive 3.17](#) provides a good example.
- ***Know-your-rights campaigns to educate tenants about the right to be free from an illegal eviction*** – Such a campaign can incorporate [illegal lockout forms](#) from Legal Aid Hawai'i for tenants to obtain a TRO against a landlord who is engaging in self-help pursuant to Hawaii 521-63(c) ([Tenant’s Remedy for Termination at any time; unlawful removal or exclusion](#)). Not that the penalties imposed by this law for landlords are only civil, not criminal.

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<sup>1</sup> Hawaii: <https://www.oha.org/news/tenant-advocates-warn-landlords-of-consequences-for-illegal-evictions/>

<sup>2</sup> See California Attorney Rob Bonta Information Bulletin to all police chiefs and California Sheriffs: [Protecting Tenants Against Unlawful Lockouts and Other “Self-Help Evictions”](#) (July 13, 2022); New York Attorney General Letitia James Memo to NYS Law Enforcement Depts: [Unlawful Evictions Under RPAPL Sect. 768](#) (May 4, 2020); see also [New York article](#).