



JUST

NEIGHBORHOODS

A COVID-19 Plan to Prevent Evictions
with Community Messaging

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The Medical-Legal Partnership for Children in Hawai'i is a unique collaboration between the William S. Richardson School of Law (University of Hawai'i at Mānoa) and Kōkua Kalihi Valley Comprehensive Family Services (KKV), a community health center. We seek to address and improve the social determinants of health that impact child and family well-being. MLPC also partners with the communities we serve to identify and address systemic advocacy and health policy issues. We embrace the motto of KKV, striving to build on community strengths of "Neighbors being neighborly to neighbors."



Medical-Legal Partnership for Children in Hawai'i

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PREVENTION NOT REACTION:

The Medical-Legal Partnership for Children in Hawai'i has over a decade of experience providing preventive legal services. Our model of service delivery focuses on early legal intervention, self-help resources, training and problem solving to stop issues from becoming legal crises involving time-consuming, expensive, and often difficult to reach legal resources. Our partnership draws on public health models of well-being that emphasize work on up-stream causes that promote healing and self-empowerment rather than costly reactive emergency room care.

The pandemic represents a time for the government to tap into community networks and focus on prevention and community care and safety supports, as these are more effective strategies than focusing on punishing bad behavior. Just Neighborhoods are neighborhoods where community and government work together to prevent problems through training, resources, and community messaging.

EVICITION PREVENTION:

The State and County COVID-19 responses with respect to evictions have been piecemeal and reactive, making it difficult for all involved to provide advice and mediate difficult situations. The resulting lack of preventative messaging and enforcement has led to increasingly unsafe situations. Akin to domestic violence, power imbalances between many landlords and tenants have devolved into tense situations.

Government leadership needs to send clear messages to the community about expected behavior for landlords and tenants alike during the pandemic and emergency lockdown. Unfortunately, with many of the regulations buried in the emergency proclamations, the lack of public awareness has led to many illegal evictions and tense situations with landlords. Prevention-based messaging can help to ensure that landlords and tenants are aware of the rules before problems become emergencies.

JUST NEIGHBORHOODS PREVENTION MESSAGING:

1. Leadership should provide clear moratorium guidelines that indicate any moves to evict individuals during a pandemic and the emergency lock down for non-payment are akin to unfair business practices such as surge pricing or supply hoarding.
2. Messaging should stress the availability of remedies for landlords through mortgage payment deferrals, potential county CARES Act funding for lost business revenues for landlords that qualify, as well as rental assistance for tenants to help with rental non-payment issues.
3. Moratorium should be extended for a longer period of time or with more notice. As legal service providers it is difficult to provide legal information to both tenants but also landlords when the expiration of the moratorium looms. Notices to quit are usually executed after 45 days, which often include anticipated move out dates beyond the moratorium. As a result, landlords and tenants are left confused and unable to plan when orders are extended with less than 15 days before their original expiration.
4. Messaging and enforcement actions around the eviction moratorium should stress the availability of mediation services. Even if the moratorium expires, mediation between tenants and landlords must be operationalized.
5. Translation of notices and messaging around the current eviction moratorium would ensure that limited English proficient landlords and tenants are aware of the current regulations and therefore able to comply with the law. Lack of awareness has led to tense situations that have escalated into police involvement. Informed individuals are better able to comply with the law.

SUPPORT NEEDED FOR JUST NEIGHBORHOODS:

1. INFORMATIONAL CAMPAIGN

A strong informational campaign that includes translation by the government to landlords and tenants about the moratorium as well as remedies would best prevent tense community situations. Government campaigns should inform the community that evictions violate emergency orders and are misdemeanor criminal offenses and unfair business practices; a move to make someone vacate housing is irresponsible during a pandemic, similar to price gouging and supply hoarding. Without clear information, tenants are left to only believe what their landlords tell them, even if wrong, and even many times after reaching out to legal services, tense situations with landlords mean tenants vacate their housing and move to the street or crowd with family or friends.

2. TRAINING GUIDANCE AND RESOURCES FOR LOCAL POLICE

During the pandemic, violations of the eviction moratorium are violations of the emergency order to be enforced by local police. Police on all islands need training as well as resources to put landlords on notice for irresponsible and illegal behavior. Currently, police are not responding to calls, and when they are, they are untrained, even as landlord tenant disputes escalate to harassment and threatening situations. If properly conducted, community policing can be a resource to landlords and tenants and provide information on the eviction moratorium to help calm and de-escalate tense situations.

3. OPERATIONALIZE LANDLORD TENANT HOTLINE TO REPORT AND RECORD VIOLATORS

The landlord tenant hotline should be operationalized to provide better resources to prevent harassment and subsequent homelessness for tenants who are facing illegal actions by landlords. The (DCCA) office should send informational letters explaining the law to landlords who are reported for violations and robustly utilize their investigative and enforcement powers to prevent further illegal actions. Tenants have reported calling DCCA only to be told to seek legal counsel. Early intervention and prevention are needed, rather than waiting for disputes to reach the level of civil court cases that will only further clog court dockets during the pandemic.

PREVENTION AND SUPPORT, NOT PUNISHMENT

Providing support and focusing on prevention encourages collective cooperation rather than individualized targeting.

1. Train police on all counties to offer warnings and provide legal information as well as resources that landlords and tenants can apply for mortgage and rent supports.
2. Provide mediation brochures to tenants and landlords.
3. After a warning, if violence or harassment escalates, local police can be called to issue citations to landlords attempting to evict tenants during the pandemic.
4. Allow attorneys to report unlawful activity by landlords for investigation, resulting in local police intervention (e.g, provide information, issue citations, as needed).

CASE STUDY: COORDINATED USE OF ALREADY-ALLOCATED CARES ACT FUNDS FOR TRAINING AND RAPID RESPONSE IN HONOLULU

The bulk of the City and County of Honolulu CARES Act funds have already been allocated to provide community assistance grants and police enforcement of emergency orders in response to the pandemic. There needs to be better cooperation between these two planned responses. Reports indicate that only a small fraction of the Community Services grants for assistance to households have been distributed. This may be from lack of awareness as well as lack of assistance applying for funds. The other largest bulk of allocated funds is for police to rapidly respond to situations. In order for these City funds to fulfill their intended purpose, police should be trained on and allowed to take preventative actions in illegal eviction situations. To date, the Honolulu Police Department's (HPD) "COVID enforcement team" seems primarily focused on park and beach violations at the expense of enforcing illegal evictions which would prevent increased homelessness and overcrowding, clear risks to increased virus spread.

1. HPD need to be trained to provide rapid response information to landlords who are unlawfully evicting or causing tenants to flee leading to overcrowding other households during the pandemic
2. HPD need to provide resources to landlords and tenants on mediation and assistance funds for which they may qualify.
3. A coordinated community policing response by HPD will ensure that situations do not escalate and involve further criminal behavior like harassment.
4. HPD should act as resources for vulnerable populations who are susceptible to abuse by landlords who prey on them.

ALREADY-ALLOCATED CARES ACT FUNDS FOR TRAINING AND RAPID RESPONSE

City and County of Honolulu				
Project	Department	Amount (est.)	Percent (est.)	Description
Community Services	DCS, HOU, OED	\$166,000,000	43%	Grants for Households, Small Businesses and Childcare
Public Safety	HPD, HFD, HESD	\$126,000,000	32%	Recruitment, PPE, Equipment, Sanitation supplies, Rapid response vehicles
Property Acquisition	DLM	\$38,000,000	10%	Shelter overflow and quarantine
Oahu Recovery Initiative	MDO	\$19,000,000	5%	Recovery planning and processing – staff, rent, equipment, incentives
Administrative Costs	All Departments	\$19,000,000	5%	Overtime and Personnel Costs
Equipment/Construction	BWS, CSD, DCS, DDC, DES, DEM, DFM, DIT, DPP, DPR, DTS, ENV, OED, RHB	\$19,000,000	5%	Computer equipment, program licenses, PPE, sanitizing machines and supplies, testing facilities, social distancing renovations
Total		\$387,000,000		

Source: Honolulu Civil Beat

SAMPLE INFORMATIONAL HANDOUT FOR GOVERNMENT DISTRIBUTION BY POLICE AND CONSUMER ADVOCATES

During the COVID-19 Pandemic, we all as a community must make a shared sacrifice to remain in lock down, limit our movements, and put the health and well-being of our community first. To limit the spread of the virus and allow assistance for those who have lost jobs and livelihoods because of the pandemic, the state enacted a series of State eviction moratoriums. Please be advised that the State moratorium on evictions has recently been extended to September 30, 2020. This means that prior to this date, a landlord cannot evict or threaten to evict a tenant for the failure to pay rent. The moratorium may be further extended by emergency order from the Governor. Violation of the provisions of the emergency order, which is a misdemeanor offense, are punishable by either a \$5000 fine or up to a one year term of imprisonment.

While the Federal moratorium on evictions for federally subsidized properties has not been extended, tenants residing in these properties (Public Housing, Section 8, and LIHTC Properties) are still protected under the State moratorium on evictions until at least September 30, 2020.

There are options for assistance during this time. Are you having trouble paying for rent, utilities (electric/gas), mortgage, licensed elder care, or licensed childcare? Is this hardship a direct result of a business closure, employment loss or decrease in income, and/or increase in expenses directly related to COVID-19? You may be eligible for the Household Hardship Relief Fund that awards households affected by COVID-19 up to \$2000 a month for up to 6 months. Contact Aloha United Way by calling 2-1-1 to find out what resources and assistance that for which you may qualify. You may also qualify for free mediation services by the Mediation Center of the Pacific.