



# Hawaii not seeing wave of evictions — so far

By [Mark Ladao](#) Oct. 12, 2021

Hawaii has been without a state or federal eviction moratorium for more than a month, but the state appears to have avoided a dreaded spike in evictions so far.

A state-level moratorium, established to protect renters who may have suffered [COVID-19](#)-fueled losses in income, ended Aug. 6. A few weeks later, the U.S. Supreme Court struck down a federal moratorium that was announced by the Centers for Disease Control and Prevention.

The moratoriums that covered Hawaii were replaced with Act 57, a new state law designed to control the flow of evictions and emphasize mediation between renters and landlords who have initiated the eviction process.

But when the process to evict was reinstated, renters and experts alike [braced for a wave of eviction filings](#) that has yet to arrive.

There have been more lately, noted Tracey Wiltgen, executive director of the Mediation Center of the Pacific, but not as many as she had anticipated.

“The CDC moratorium was in place when Act 57 was in effect, so that slowed things down. But we expected things to pick up again,” Wiltgen said.

Between Aug. 7 and Oct. 2, the center opened 565 eviction cases for mediation, but by then it had expected to have closer to 1,000-1,500 cases. Prior to the COVID-19 outbreak, Wiltgen said, the center mediated about 200 eviction cases per month.

In early August, with everything still up in the air — the fates of the federal moratorium and state moratoriums were still uncertain, and there was a newly minted law in Act 57 to consider — many landlords weren’t sure what they could and couldn’t do.

Eviction filings have been slower than expected around the country as well, [The Washington Post found](#), and it’s not clear what’s stymied the flood.

The mediation process could be contributing, as supported by the 90% success rate of mediations Wiltgen has reported since Act 57 went into effect. Before the pandemic, tenants and landlords made some kind of agreement only about 52% of the time, she said.

She said before the pandemic, mediation was a 20-minute meeting between landlords and tenants usually done outside a courthouse, while now they’re Zoom sessions that are closer

to a 1-1/2- or even two-hour session. Many agreements end up with tenants getting rental assistance, Wiltgen said.

David Chee, an attorney who mostly represents landlords, said cases also are being kept out of court because tenants are choosing to leave their units without fighting the eviction.

“A lot of tenants have just run away,” Chee said. “So once the moratoriums were done, a lot of tenants, as soon as they figured out their landlords were going to evict them, just simply left.”

Nalani Fujimori Kaina, executive director of the Legal Aid Society of Hawaii, reported that 30 to 40 eviction cases are being brought to court each week on Oahu, mostly because of back-rent issues and tenants not responding to mediation requests. Before COVID-19, Legal Aid reported that there were only about 150 eviction cases on the island per month. About 25% to 35% of evictions are being granted because tenants don't show up to hearings.

It's also possible that evictions will increase but just haven't yet.

Kaina said in an email that the end of the moratoriums in early August returned to landlords the ability to file 45-day eviction notices, which allows the eviction of tenants on month-to-month leases for any reason.

Act 57, structured in a way to prevent inundation of the court system, also can lead to pulses of increased evictions. For one month after Aug. 7, landlords could evict only tenants who owed at least four months of rent. During the second month, that was extended to tenants owing at least three months of rent.

The next pulse is scheduled for November, when tenants owing at least two months of rent will be subject to evictions, and in January anyone owing a month or more of rent can be taken to court.