

JAN 17 2025

A BILL FOR AN ACT

RELATING TO EVICTION MEDIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many Hawaii
2 residents continue to face challenges paying their rent. This
3 is a problem for both housing providers and tenants because
4 tenants risk losing their homes due to nonpayment, and housing
5 providers risk losing their property or not keeping up with
6 their bills because of the nonpayment.

7 Act 57, Session Laws of Hawaii 2021 (Act 57), encouraged
8 communication and facilitated mediation between housing
9 providers and tenants to help encourage collaborative solutions
10 to this common problem and to avoid evictions when possible.
11 Experience shows that the mediation procedures created by Act 57
12 were widely successful in substantially increasing the number of
13 disputes that were settled in mediation without any eviction
14 cases being filed, as well as increased the number of
15 settlements in which the parties agreed that the tenant could
16 continue to reside in the dwelling unit. However, the
17 amendments to the landlord-tenant code by Act 57 have expired.



1 Accordingly, the purpose of this Act is to:

2 (1) Encourage tenants and landlords to engage in
3 conversations early, as soon as a tenant knows they
4 are not able to make their full rental payment;

5 (2) Establish a pilot program that adopts the most
6 effective provisions of Act 57 that:

7 (A) Extends the period for a notice of termination of
8 the rental agreement from five business days to
9 ten calendar days;

10 (B) Requires all housing providers and tenants to
11 engage in early mediation and delay filing an
12 action for eviction if a tenant schedules or
13 attempts to schedule a mediation;

14 (C) Requires tenants and landlords to be responsible
15 for their own attorney's fees and costs in
16 prelitigation mediation. If the tenant defaults
17 on a mediated agreement, the landlord may file
18 for eviction and payment of all attorney's fees
19 and costs incurred in the pre-litigation
20 mediation process; and



(D) Requires landlords to provide specific information in the ten-calendar-day notice to tenants, which shall also be provided to a mediation center that offers free mediation for residential landlord-tenant disputes; and

(3) Appropriate moneys for the pre-litigation mediation pilot program.

SECTION 2. Section 521-68, Hawaii Revised Statutes, is amended to read as follows:

"§521-68 Landlord's remedies for failure by tenant to pay rent[-]; pre-litigation mediation. (a) A landlord or the landlord's agent [~~may~~], any time after rent is due, may demand payment thereof and notify the tenant in writing that unless payment is made within a time mentioned in the notice[~~, not~~] as provided in subsection (b), no less than [five-business] ten calendar days after receipt thereof, the rental agreement will be terminated. [~~If the tenant cannot be served with notice as required, notice~~] Notice may be given to the tenant by posting the same in a conspicuous place on the dwelling unit[~~, and~~], and the notice shall be deemed received on the date of the posting. If the notice is mailed to the tenant via the United States Postal



Service, properly addressed and with appropriate postage, the
notice shall be deemed to have been received two business days
after the date of the postmark, unless the letter is returned to
the landlord as undeliverable. If the tenant remains in
default~~[7]~~ after the expiration of the time stated in the
notice, the landlord may thereafter bring a summary proceeding
for possession of the dwelling unit or any other proper
proceeding, action, or suit for possession~~[7]~~, subject to
subsections (b) through (j). The notice required by this
section need not be given if the action is based on the breach
of a mediated agreement or other settlement agreement, or is for
an eviction proceeding based on matters other than non-payment
of rent. In any action based on the breach of a mediated
agreement, the court shall not require any further mediation
prior to trial.

(b) The ten-calendar-day notice shall provide the
following:

(1) The name of the landlord or the landlord's agent and
the landlord's or landlord's agent's contact
information, including, if possible, phone number,
electronic mail address, and mailing address;



- 1 (2) The address of the dwelling unit subject to the rental
2 agreement;
- 3 (3) The name and contact information of all tenants listed
4 on the rental agreement, including phone number and,
5 if possible, electronic mail address and mailing
6 address;
- 7 (4) The current amount of the rent due as of the date of
8 the notice, after applying all rent paid from all
9 sources;
- 10 (5) Notice that a copy of the ten-calendar-day notice
11 being provided to the tenant is also being provided to
12 a state-funded mediation center in order for the
13 mediation center to contact the landlord and tenant to
14 attempt to schedule a mediation regarding the
15 nonpayment of rent in accordance with subsection (c);
- 16 (6) Notice that the landlord or landlord's agent may file
17 an action for summary possession if the rent due is
18 not paid and if mediation is not scheduled within ten
19 calendar days after the tenant's receipt of the
20 ten-calendar-day notice, regardless of whether the



1 scheduled mediation session occurs within the ten
2 calendar days;

3 (7) A warning in bold typeface print in substantially the
4 following form: "If mediation is not scheduled within
5 ten calendar days after receipt of this notice,
6 regardless of whether the scheduled mediation session
7 occurs within the ten-calendar-day period, then the
8 landlord may file an action for summary possession
9 after the expiration of the ten-calendar-day period.

10 If mediation is scheduled before the expiration of the
11 ten-calendar-day period, regardless of whether the
12 scheduled mediation session occurs within the ten
13 calendar days, then the landlord shall only file an
14 action for summary possession after the expiration of
15 twenty calendar days following the tenant's receipt of
16 the ten-calendar-day notice unless you (tenant) fail
17 to attend or cancel mediation. If the
18 ten-calendar-day notice was posted on the premises,
19 receipt of notice shall be deemed to be the date of
20 posting. If the ten-calendar-day notice was mailed,
21 receipt of notice shall be deemed to be two business



1 days after the date of the postmark. If filing an
2 action for summary possession, the landlord shall be
3 required to note, in the summary possession complaint,
4 the status of the mediation or settlement effort and
5 proof of posting or sending the ten-calendar-day
6 notice to the mediation center."; and

7 (8) Notice that the landlord or landlord's agent shall
8 engage in mediation if mediation is scheduled.

9 The judiciary shall prepare a notice form that may be used
10 by landlords and landlords' agents to provide the information
11 required by this subsection and make the form available on its
12 website.

13 (c) A landlord or the landlord's agent shall provide the
14 ten-calendar-day notice to a state-funded mediation center that
15 offers free mediation for residential landlord-tenant matters.

16 All state-funded mediation centers shall offer mediation
17 services to landlords and tenants through in-person and remote
18 means, and shall allow mediation participants to utilize remote
19 appearances, if requested. If a mediation center schedules
20 mediation within the ten-calendar-day period and the tenant
21 participates in the mediation, regardless of whether the



scheduled mediation session occurs within the ten-calendar-day period, the landlord shall only file a summary possession proceeding after the expiration of twenty calendar days from the date of the tenant's receipt of the ten-calendar-day notice. If the tenant schedules mediation, the landlord shall participate. Upon request by the landlord or the landlord's agent, the mediation center shall provide copies of a document or documents verifying that the landlord provided a copy of the required ten-calendar-day notice to the mediation center.

(d) The summary possession complaint for nonpayment of rent shall include:

(1) A document or documents from the mediation center verifying that the landlord provided a copy of the required ten-calendar-day notice to the mediation center or an affirmation from the landlord or the landlord's agent that the notice was provided to the applicable mediation center and the means by which the notice was provided to the applicable mediation center. Upon request by the landlord or the landlord's agent, the mediation center shall provide copies of the relevant documents to the landlord; and



1 (2) If mediation is scheduled but has not yet occurred,
2 the date on which the mediation is scheduled.

3 (e) If there is any defect in the ten-calendar-day notice
4 described in subsection (b) provided by the landlord and the
5 court determines the defect was unintentional or immaterial, the
6 court may allow the landlord to cure the defect without
7 dismissing the action for summary possession.

8 (f) Nothing in this section shall impact a landlord's or
9 tenant's other rights and responsibilities under this chapter.

10 (g) The mediation may take place using remote
11 communication, in person, or both.

12 (h) Each tenant and landlord shall be responsible for
13 bearing the party's own costs, including attorney's fees,
14 relating to the mediation; provided that, if the tenant defaults
15 on a mediated agreement or fails to attend a scheduled
16 mediation, the landlord may request payment of all costs,
17 including reasonable attorney's fees, incurred during the pre-
18 litigation mediation process.

19 (i) If the mediation does not result in an agreement, the
20 landlord or the landlord's agent may file an action for summary
21 possession without participating in an additional mediation;



1 provided that after the filing of the action for summary
2 possession, the court, in its discretion and based on a finding
3 of good cause, may order an additional mediation.

4 ~~[(b)]~~ (j) A landlord or the landlord's agent may bring an
5 action for rent alone at any time after the landlord has
6 demanded payment of past due rent and notified the tenant of the
7 landlord's intention to bring such an action."

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2025-2026 and the
11 same sum or so much thereof as may be necessary for fiscal year
12 2026-2027 for the judiciary to contract for mediation services
13 pursuant to section 2 of this Act.

14 The sums appropriated shall be expended by the judiciary
15 for the purposes of this Act.

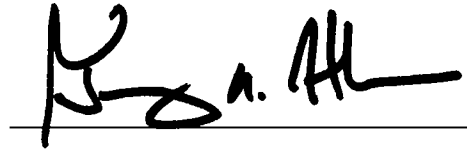
16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 2025;
2 provided that:
3 (1) Section 2 shall take effect on February 5, 2026; and
4 (2) This Act shall be repealed on February 4, 2027, and
5 section 521-68, Hawaii Revised Statutes, shall be
6 reenacted in the form in which it read on the day
7 prior to the effective date of section 2 of this Act.

8
INTRODUCED BY:





S.B. NO. 825

Report Title:

Judiciary; Eviction Mediation; Pre-litigation Mediation Pilot Program; Summary Possession; Landlords; Tenants; Hawaii Public Housing Authority; Emergency Rent Relief Program; Appropriation

Description:

Beginning 2/5/2026, extends the period for a notice of termination of a rental agreement; requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation; and requires landlords to provide specific information in the 10-calendar-day notice to tenants. Repeals 2/4/2027. Appropriates moneys.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

