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# 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 and increased the number of settlements in  
15 which the parties agreed that the tenant could continue to  
16 reside in the dwelling unit. However, the amendments to the  
17 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 attorneys' 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 attorneys' 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), not 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 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



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

15 (b) The ten-calendar-day notice shall include the  
16 following:

17 (1) The name of the landlord or the landlord's agent and  
18 the landlord's or landlord's agent's contact  
19 information, including, if possible, phone number,  
20 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 for the mediation  
13       center to contact the landlord and tenant to schedule  
14       a mediation regarding the nonpayment of rent in  
15       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, 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, the landlord shall only file an action  
14 for summary possession after the expiration of twenty  
15 calendar days following the tenant's receipt of the  
16 ten-calendar-day notice unless you (tenant) fail to  
17 attend or cancel mediation. If the ten-calendar-day  
18 notice was posted on the premises, receipt of notice  
19 shall be deemed to be the date of posting. If the  
20 ten-calendar-day notice was mailed, receipt of notice  
21 shall be deemed to be two business days after the date



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



1 scheduled mediation session occurs within the ten-calendar-day  
2 period, the landlord shall only file a summary possession  
3 proceeding after the expiration of twenty calendar days from the  
4 date of the tenant's receipt of the ten-calendar-day notice. If  
5 the tenant schedules mediation, the landlord shall participate.  
6 Mediation shall take place within thirty days from the date that  
7 the mediation center makes contact with both the landlord and  
8 tenant. Upon request by the landlord or the landlord's agent,  
9 the mediation center shall provide copies of a document or  
10 documents verifying that the landlord provided a copy of the  
11 required ten-calendar-day notice to the mediation center.

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

14 (1) A document or documents from the mediation center  
15 verifying that the landlord provided a copy of the  
16 required ten-calendar-day notice to the mediation  
17 center or an affirmation from the landlord or the  
18 landlord's agent that the notice was provided to the  
19 applicable mediation center and the means by which the  
20 notice was provided to the applicable mediation  
21 center. Upon request by the landlord or the



1 landlord's agent, the mediation center shall provide  
2 copies of the relevant documents to the landlord; and

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

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

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

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

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



1        (i) If the mediation does not result in an agreement, the  
2        landlord or the landlord's agent may file an action for summary  
3        possession without participating in an additional mediation;  
4        provided that after the filing of the action for summary  
5        possession, the court, in its discretion and based on a finding  
6        of good cause, may order an additional mediation.

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

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

17       The sums appropriated shall be expended by the judiciary  
18       for the purposes of this Act.

19       SECTION 4. This Act does not affect rights and duties that  
20       matured, penalties that were incurred, and proceedings that were  
21       begun before its effective date.



1       SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 6. This Act shall take effect on July 1, 2050;  
4 provided that:

5       (1) Section 2 shall take effect on February 5, 2026; and

6       (2) This Act shall be repealed on February 4, 2027, and  
7       section 521-68, Hawaii Revised Statutes, shall be  
8       reenacted in the form in which it read on the day  
9       prior to the effective date of section 2 of this Act.



**Report Title:**

Judiciary; Eviction Mediation; Pre-litigation Mediation Pilot Program; Summary Possession; Landlords; Tenants; Appropriations

**Description:**

Beginning 2/5/2026, extends the period for a notice of termination of a rental agreement from 5 business days to 10 calendar days. Requires landlords to engage in mediation and delay filing an action for summary possession if a tenant schedules or attempts to schedule mediation. Requires landlords to provide specific information in the 10-calendar-day notice to tenants. Requires mediation to take place within 30 days from the date that a mediation center makes contact with both the landlord and tenant. Appropriates funds. Repeals 2/4/2027. Effective 7/1/2050. (SD1)

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

