

## **ACT 278**

### **FREQUENTLY ASKED QUESTIONS**

#### **What is Act 278?**

ACT 278 is a two-year pilot program (February 5, 2026 – February 4, 2028) that requires landlords to participate in mediation if a tenant requests it within 10 days of receiving an eviction notice for nonpayment of rent. [Hawai`i State Legislature SLH2025 Act278](#).

#### **What is the Purpose of the Program?**

The purpose of Act 278 is to encourage landlords and tenants to engage in conversations early, as soon as tenants are unable to pay their rent. Through mediation, landlords and tenants can work out a payment plan or other agreements with the help of an impartial mediator and avoid the eviction process.

#### **How Does the Program Work?**

To implement the Program the Hawaii State Judiciary contracted with Mediation Centers of Hawaii, a community-based organization comprised of the five community mediation centers located throughout the State including: Kauai Economic Opportunity Mediation Program; Ku`ikahi Mediation Center in East Hawaii; Maui Mediation Services; The Mediation Center of the Pacific on Oahu; and West Hawaii Mediation Center.

When a tenant is behind on their rent, the landlord must provide an eviction Notice to the tenant and submit a Landlord Intake Form with the Notice to the Mediation Centers of Hawaii website at <https://www.mediationcentersofhawaii.org/>. The Notice must include specific language notifying the tenant that they may request mediation.

#### **Where Does the Landlord Find the Notice Template?**

Landlords may go to the Judiciary's website at [https://www.hawaiijudiciary.org/](#) to create and download a Notice. Landlords may also go to the Mediation Centers of Hawaii website at <https://www.mediationcentersofhawaii.org/> to create and upload a Notice with the required Landlord Intake Form.

## **How Should a Landlord Provide Notice to a Mediation Center?**

Landlords must go to the Mediation Center of Hawaii website at:

<https://www.mediationcentersofhawaii.org/> to complete a Landlord Intake Form and upload the Notice. Through the website, the Notice will be directed to the mediation center on the island where the rental property is located. Landlords **should not** mail, email, or drop off Notices at the offices of the individual mediation centers.

## **How Much Time Does a Tenant Have to Request Mediation?**

The tenant has ten (10) calendar days from the date of the receipt of the Notice, to request and schedule a mediation session. If the tenant has not requested mediation within ten (10) days, then the landlord may proceed with the eviction.

## **How Does Mediation Work?**

Mediation provides landlord and tenant with the opportunity to have an informal conversation guided by an impartial mediator. The mediator doesn't take sides or make decisions; they help the participants communicate and explore solutions through the following process:

**Opening:** Generally, the tenant and the landlord meet with the mediator together to share their perspectives. A participant may request to start in a private session with the mediator only.

**Private Discussions:** Following the opening the mediator will move to private discussions with tenant and landlord.

**Problem-solving:** Through private and/or joint discussions, the mediator will help the tenant and landlord explore possible solutions.

**Agreement:** If an agreement is reached, the mediator will put it in writing for the landlord and tenant to sign.

## **What happens if the tenant doesn't request mediation within 10 days?**

The landlord may proceed with eviction after the 10-day notice period ends without a request for mediation.

**What if the tenant doesn't show up to a scheduled mediation session?**

The landlord may proceed with eviction and may seek repayment of mediation-related costs, including legal fees.

**What if there is no mediation scheduled within 10 calendar days?**

The landlord may proceed with eviction after the 10-day notice period ends.

**What if mediation doesn't result in an agreement?**

The landlord may proceed with the eviction, 20 days from the date the tenant received the Notice.

**What if the tenant defaults on a mediation agreement?**

The landlord may file for eviction and seek repayment of mediation-related costs, including legal fees.

**How much does mediation cost?**

There is no cost for a landlord or tenant to participate in the program.