

STATEWIDE PRE-FILING EVICTION MEDIATION PROGRAM (PEMP)

ACT 278

**UNDER ACT 278, WHEN A LANDLORD WANTS TO FILE FOR EVICTION,
THEY MUST FIRST PROVIDE A 10-DAY NOTICE TO THE TENANT**

The Notice Must Also Simultaneously be Sent to the Community
Mediation Center on the Island Where the Rental Property is Located.

When Landlords Provide the 10-day Notice to Tenants, They Must Also Provide the Notice to the Mediation Center on the Island Where the Rental Property is Located

To create a Notice, landlords can go to the MCH website listed below for links to each circuit's 10-Day Notice Template.

<https://www.mediationcentersofhawaii.org/>

Through the MCH website, landlords must complete an Intake Form, attach the Notice to the Form and upload both.

The landlord will receive an immediate electronic confirmation that the Notice and Intake Form has been provided to the appropriate mediation center.

The landlord must then mail the Notice to the tenant or post it on the dwelling.

Landlords Must Ensure that



All information included in the Notice and Intake Form is correct with **no typos or other errors**.



The names and contact information of everyone (attorneys and/or authorized agent) who will participate in mediation are included on the Intake Form.



Any needed accommodations to participate in mediation (i.e., interpreter, tech support, etc.) are specified.



One Notice and one Intake Form are completed for each lease agreement.

When a Tenant Receives a Notice of Eviction



The tenant has **10 days** to reach out to the mediation center on the island where the rental property is located, to schedule a mediation session.

If tenant has not requested mediation within 10 days, the landlord may proceed with the eviction.

When a Tenant Receives a Notice of Eviction, They Must Request Mediation Within 10 Days.

Tenants should immediately call the mediation center on the island where the rental property is located.

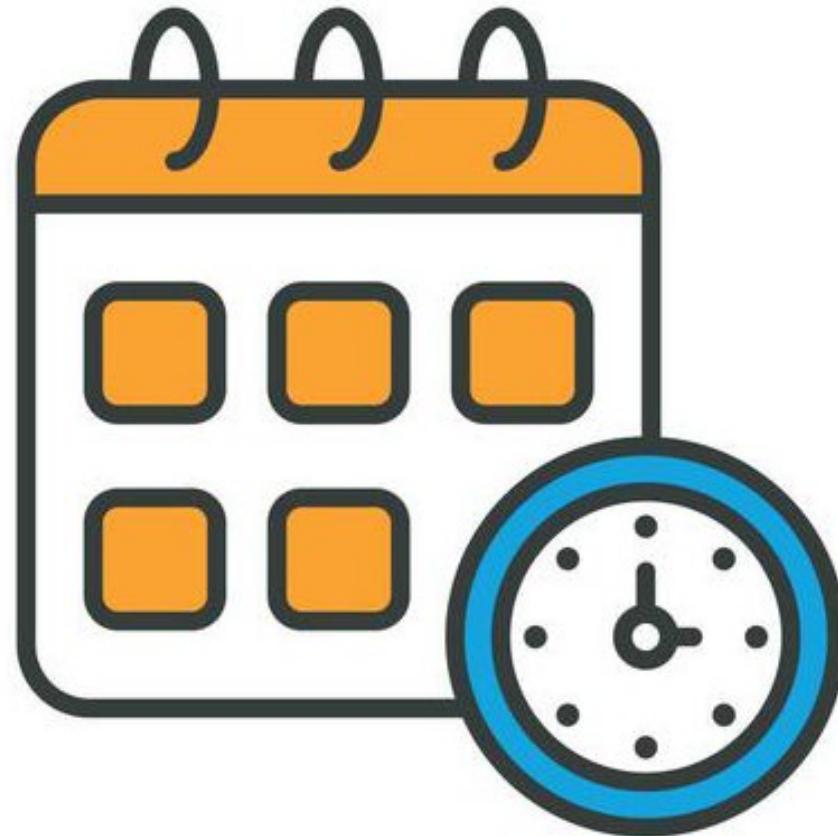
Request an interpreter to assist with scheduling, as well as the mediation, if English is not your primary language.

Provide all required background information to the scheduler, including date the Notice was received (postmark or date posted on dwelling).

Provide availability to mediate (mediations are scheduled Monday through Friday between 8:30 a.m. and 5:00 p.m. via Zoom).

The mediation center scheduling the mediation can provide technical assistance to participate in mediation.

The scheduler will reach out to the landlord to finalize scheduling a mediation.



Once a mediation session is scheduled with the tenant, the landlord and tenant will be electronically notified of the date and time of the mediation session, and provided with a Zoom link.

Check your junk email folder for notices.

If the tenant does not participate in the scheduled mediation session, the landlord may move forward with the eviction.

Mediations are conducted virtually via Zoom

Landlords and Tenants will need to have:

- A desktop, laptop, or smart phone with a microphone and camera
- Internet access and sufficient bandwidth

They may use the mediation center's office and equipment to participate in the remote mediation session.

They may also mediate in-person at the mediation center office, if they do not have the equipment or the comfort level to participate virtually.

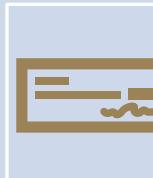
How to Prepare for Mediation



Organize information and documents including the lease agreement, how much is owed, a realistic payment plan, and/or possible new living arrangements



Talk with an attorney



Think about potential outcomes
(What can you do? What is a reasonable timeline? What are your plans?)

How the Mediation Will Work

A confidentiality agreement will be emailed to tenant and landlord to sign electronically prior to the mediation.

An interpreter will be provided if English is not the tenant or landlord's primary language.

The session will be scheduled for up to 1.5 hours.

The landlord and tenant will start together with the mediator.

- The landlord or the tenant may request that they be kept separate

If either landlord or the tenant are represented by an attorney, they are responsible for their own attorney's fees.

The Mediator Will Ask Lots of Questions



What circumstances led to the tenant getting behind on their rent?



What is the tenant's plan for repaying the outstanding rent?



What circumstances have changed that will enable the tenant to pay rent moving forward?



If the tenant cannot agree to a realistic payment plan, what options have they looked into for relocating?

The Mediator Will Also Ask the Landlord Questions

What is important to them: covering the lost rent or having the tenant move out and never recouping the back rent?

What was their relationship like with their tenant, prior to the tenant getting behind on their rent?

What is their definition of a “good tenant”?

If they could recoup all of the back rent and the tenant could pay the rent moving forward, would they consider renewing a lease with the tenant?

The Mediator Will Help the
Landlord and Tenant
Negotiate an Agreement

Mediation Agreements Can Include a Variety of Terms



That the tenant will complete a payment plan to cover rent owed



That landlord and tenant agree to a regular communication plan



That the landlord agrees to reduce rent moving forward



That the tenant will move out within a specified period and the landlord will waive the back rent owed

A Mediation Agreement Will
Keep the Landlord and
Tenant Out of Court and
Avoid the Eviction Process

If the tenant does not attend the scheduled mediation or fails to meet the terms of the mediated agreement



The landlord may move forward with the eviction process.



The tenant will be required to pay the landlord's attorney's fees and costs incurred by the landlord when participating in mediation.

REMEMBER



Landlords must submit the 10-day Notice to:
<https://www.mediationcentersofhawaii.org/>



When a tenant receives the Notice, they should immediately contact the mediation Center on the island where the rental property is located.

The Mediation Centers

Kaua'i – KEO Mediation Center

808-245-4077 x237

mediation@keoinc.org

O'ahu – The Mediation Center of the Pacific

808-521-6767

landlordtenant@mediatehawaii.org

Maui – Mediation Services of Maui

808-344-4255 / 808-446-0511

landlordtenanthelp@mauimediation.org

East Hawai'i – Ku`ikahi Mediation Center

808-935-7844 x2

landlordtenant@hawaiimediatehawaii.org

West Hawai'i – West Hawai'i Mediation Center

808-885-5525

info@whmediation.org

Encourage tenants to participate in mediation

Remind tenants to answer phone calls even if they don't know the caller because it might be a mediation center.

Help tenants understand the importance of notifying the mediation center in advance if they cannot attend the scheduled mediation session.

Tell tenants to only reach agreements that they can realistically complete.

Reinforce the importance of immediately calling the mediation center on the island where the rental property is located to schedule a mediation session.

Benefits of Mediation

Mediation is informal. It's not like going to court.

A mediated agreement will help landlord and tenant avoid court.

Landlords and tenants make the decisions in mediation.

It is a final chance to create plans to avoid eviction.

Mediation can help build a stronger relationship between landlord and tenant.

Post a Link to the MCH Website

**Act 278, impacting residential landlords and tenants,
is in effect on February 5, 2026**

The Act requires landlords to provide a 10-day notice to tenants and participate in mediation before filing for an eviction for nonpayment of rent.

For more information go to: <https://www.mediationcentersofhawaii.org/>

