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SP. No. 1DSD-20-0000005

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

In the Matter of the

DISTRICT COURT OF THE FIRST
CIRCUIT'S ADDITIONAL RESPONSE TO
THE COVID-19 OUTBREAK

)
) FOURTH AMENDED EMERGENCY
) ORDER REGARDING SUMMARY
) POSSESSION AND EJECTMENT
) CASES FILED WITH THE DISTRICT
) COURT OF THE FIRST CIRCUIT;
) EXHIBITS 1-7
)

FOURTH AMENDED EMERGENCY ORDER REGARDING SUMMARY POSSESSION
AND EJECTMENT CASES FILED WITH THE DISTRICT COURT OF THE FIRST CIRCUIT

This matter comes before the Court in light of the public health emergency in the State of Hawai'i; the current eviction moratorium as set forth in Governor David Y. Ige's Twenty-First Proclamation Related to the COVID-19 Emergency (dated June 7, 2021 and effective through August 6, 2021); the enactment of Act 57, Session Laws of Hawai'i 2021, signed by Governor Ige on June 16, 2021; and the notice issued by Governor Ige on July 15, 2021, regarding the expiration of the eviction moratorium on August 6, 2021.

To further protect the health and safety of First Circuit District Court employees and all court participants, and pursuant to the Orders of Chief Justice Mark E. Recktenwald filed in SCMF No. 20-0000152, In re the Judiciary's Response to the COVID-19 Outbreak; the Orders of Chief Judge R. Mark Browning filed in SP No. 1CSP-20-0000082, In re the Circuit Court of the First Circuit's Response to the COVID-19 Outbreak; and with authority as Deputy Chief

Judge of the District Court of the First Circuit, State of Hawai'i, the Court hereby orders as follows:

1. Effective date of this order. The Third Amended Emergency Order Regarding Summary Possession and Ejectment Cases filed with the District Court of the First Circuit shall remain in effect through August 6, 2021. The Fourth Amended Emergency Order Regarding Summary Possession and Ejectment Cases filed with the District Court of the First Circuit shall take effect on August 7, 2021.

2. Act 57, Session Laws of Hawai'i 2021. Before initiating court action, parties with landlord-tenant disputes should review Act 57, Session Laws of Hawai'i 2021 ("Act 57") to determine whether their case is covered by Act 57. A copy of Act 57 is attached as Exhibit 1. Failure to comply with Act 57 may result in dismissal.

3. Mediation. Landlords must attempt to engage tenants in mediation before initiating court action in cases covered by Act 57. Failure to do so may result in dismissal.

Regardless of whether Act 57 applies, parties in all landlord-tenant disputes are encouraged to mediate their disputes before initiating court action. Free mediation services are currently available in all District Courts through the Mediation Center of the Pacific, Inc.

Hours: Monday through Friday, 8:30 a.m. to 4:30 p.m.

Telephone: (808) 521-6767

Cost: Free

Online, telephone, video-conference and in-person mediation sessions are available.

4. Legal advice for self-represented litigants available through the Honolulu Access to Justice Room. Self-represented litigants (*i.e.*, people without attorneys) seeking legal

advice in landlord-tenant and other civil matters in District Court may request telephonic assistance through the Honolulu Access to Justice Room.

Hours: Monday, Wednesday, and Friday between 9:00 a.m. to 1:00 p.m.

Telephone number: (808) 452-1544

Cost: Free

The Honolulu District Court Service Center will refer calls to the Honolulu Access to Justice Room. In-person appointments at the Honolulu Access to Justice Room are not currently available. Information about the Access to Justice Room is available at:

https://www.courts.state.hi.us/general_information/access_to_justice_rooms_self_help_centers

5. Filing of summary possession and ejectment cases on or after August 7, 2021.
 - a. Complaints. Beginning on August 7, 2021, two different forms are approved for use in the District Court of the First Circuit.
 - i. Eviction cases filed pursuant to Act 57. Pursuant to the Order Adopting Temporary Use Form filed in SCR-11-0000580 by the Hawai'i Supreme Court on July 6, 2021, parties seeking summary possession in residential landlord-tenant cases based on unpaid rent may use the form attached hereto as Exhibit 2 (Complaint – Residential Summary Possession (Unpaid Rent Only), Temporary Use Form Act 57, SLH 2021).
 - ii. All other summary possession and ejectment cases. Parties seeking summary possession in all other cases may continue to use the form attached hereto as Exhibit 3 (Form #1DC08, Complaint (Assumpsit, Summary Possession/Landlord-Tenant, Damages)).

b. Summons. Beginning on August 7, 2021, parties filing complaints for summary possession or ejectment in the District Court of the First Circuit shall use the Summons attached hereto as Exhibit 4.

c. Legal Resource Sheet. Legal Documents Branch, Section 2 shall affix a resource sheet regarding legal services and other resources available to landlords and tenants to the Summons. The current resource sheet is attached hereto as Exhibit 5. The resource sheet is subject to change.

d. Written answers or general denials in lieu of remote and/or in-court appearances in possession and ejectment cases. Defendants in summary possession and ejectment cases may file written answers or general denials in lieu of in-person appearances at returnable hearings. Written answers or general denials must be served on all parties and filed within the time periods set forth in the District Court Rules of Civil Procedure. Defendants who file written answers or general denials are responsible for checking eCourt Kokua for all future court dates, including pretrial and status conferences.

6. Court dates for summary possession and ejectment cases filed on or after August 7, 2021.

a. Increased civil court dates. To address the anticipated increase in summary possession and ejectment cases, the District Court of the First Circuit will be increasing the number of civil court dates in the `Ewa Division, Kāne`ohe Division, Wahiawā Division, and Wai`anae Division. These additional court dates will be added at the end of August 2021.

b. Returnable hearings. The initial court date in summary possession and ejectment cases is called a returnable. Unless a written answer or general denial is filed, Plaintiffs and Defendants in summary possession and ejectment cases must appear at returnable

hearings. If a Plaintiff fails to appear, the complaint may be dismissed. If a Defendant fails to appear, a default may be entered. Returnable hearings for summary possession and ejectment cases filed on or after August 7, 2021, will be scheduled on the following days of the week:

Cases filed in the Wahiawā Division: Mondays

Cases filed in the `Ewa Division: Thursdays

Cases filed in the Honolulu Division: Fridays

Cases filed in the Kāne`ohe Division: Fridays

Cases filed in the Wai`anae Division: Fridays

This schedule will take effect on August 30, 2021.

c. *Remote appearances encouraged for returnable hearings.*

Returnable hearings will be conducted remotely by Zoom and in-person. Parties are encouraged to appear remotely via Zoom. If a party is unable to appear via Zoom, the party may appear in-person.

d. *Pretrial conferences.* Summary possession and ejectment cases that are not resolved at returnable hearings may be set for pretrial conferences. Pretrial conferences will be conducted remotely by Zoom and in-person. Parties are encouraged to appear remotely via Zoom. If a party is unable to appear via Zoom, the party may appear in-person.

7. *Information about remote Zoom hearings.*

a. *Instructions.* Instructions on “How to Join a Court Remote Hearing Using Zoom” are available at:

https://www.courts.state.hi.us/wp-content/uploads/2020/06/How-to-Log-Onto-Zoom-Guide5-28-2020_final.pdf

A copy of these instructions is attached as Exhibit 6. Additional information is also available on the Judiciary's website at:

<https://www.courts.state.hi.us/remote-court-hearings-via-zoom-or-webex>

b. Zoom ID numbers. The current Zoom meeting IDs for the civil District Court courtrooms are:

ʻEwa A: 779 575 4192

ʻEwa B: 492 363 9717

Kāne`ohe A: 596 725 0378

Kāne`ohe B: 928 747 9610

Honolulu Courtroom 10A: 936 4644 0201

Honolulu Courtroom 10B: 669 372 3318

Wahiawā: 357 427 7279

Wai`anae: 483 947 9811

Wai`anae (returnable hearings on Fridays only): 867 5075 7234

These meeting numbers are subject to change. Remote court hearings are open to the public.

Parties, attorneys, and members of the public are advised to dress and behave appropriately.

c. Laptop Access Station at the Hawai`i Supreme Court Law Library (Pilot Program). The Hawai`i Supreme Court Law Library (SCLL) launched a laptop access station to expand access to technology for District Court litigants with remote hearings in District Court. The laptop access station is available by appointment only. Litigants may call or e-mail SCLL to schedule an appointment.

Telephone: (808) 539-4964

Email: lawlibrary@courts.hawaii.gov

Appointment times: Monday through Friday, from 8:15 a.m. to noon, and 1:00 p.m. to 3:30 p.m.

All participants must abide by COVID-19 building safety rules.

The public can also connect to library staff via the SCLL virtual reference desk optimized for mobile devices at:

<https://histatelawlibrary.com/home/virtual-reference-desk/>

Additional information about the pilot project is attached in Exhibit 7. The pilot project is subject to change by the SCLL.

8. Court service hours. General court services in civil cases are available through the Legal Documents Branch on the third floor of the Honolulu District Court. They are open Monday through Friday, 7:45 a.m. to 4:00 p.m.

9. General matters. As set forth in SCMF-20-0000152, In the Matter of the Judiciary's Response to the COVID-19 Outbreak, Fourth Amended Order Regarding Entering Judiciary Facilities, no one shall enter Judiciary facilities in the First Circuit if they: (i) have a fever or chills, cough, shortness of breath or difficulty breathing, or other symptoms of respiratory illness or of COVID-19 as set forth by the Centers for Disease Control and Prevention ("CDC"), except where the Department of Health ("DOH") has advised that quarantine is not necessary; (ii) have had close contact with a person who has or is suspected to have COVID-19, except where the DOH has advised that quarantine is not necessary; or (iii) have traveled outside of Hawai'i in the past 10 days and have not (a) satisfied the State's Safe Travels program's negative test exception to the mandatory self-quarantine period for Trans-Pacific travel and any applicable post-arrival test requirements, or (b) satisfied the State's Safe Travels program's requirements for Trans-Pacific travel regarding completion of a vaccination

regimen approved by the DOH, as specified by the Director of the Hawaii Emergency Management Agency (posted at <http://hawaiiicovid19.com/>), subject to any subsequent travel restrictions imposed through Statewide or County emergency orders, rules, or proclamations.

Furthermore, any person entering any Judiciary facility shall wear an appropriate face covering as described and recommended by the CDC (both inside and outside the courtroom), unless exempt, and shall maintain appropriate social distancing of at least six feet while visiting Judiciary facilities (both inside and outside the courtroom).

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, August 3, 2021.

/s/ Melanie May
Melanie May
Deputy Chief Judge, District Court of the First
Circuit Court, State of Hawai'i

Exhibit 1

A BILL FOR AN ACT

RELATING TO THE LANDLORD-TENANT CODE.

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

1 SECTION 1. The legislature finds that, due to the
2 coronavirus disease 2019 (COVID-19) pandemic, tens of thousands
3 of Hawaii residents have lost their jobs and have been unable to
4 pay their rent. The governor has issued proclamations related
5 to the COVID-19 emergency to provide protections for tenants
6 struggling to pay rent during this time, including an eviction
7 moratorium that prohibits any eviction from a residential
8 dwelling unit for failure to pay rent. The legislature finds,
9 however, that while this moratorium has been extended at various
10 times throughout the course of the COVID-19 pandemic, at some
11 point, the eviction moratorium will expire. Therefore, a
12 balanced approach is needed to encourage communications and
13 facilitate mediation between landlords and tenants to help
14 reduce the large number of summary possession cases that are
15 expected to follow the expiration of certain COVID-19 emergency
16 proclamations.



1 Accordingly, the purpose of this Act is to:

- 2 (1) Extend the period for a notice of termination of the
3 rental agreement from five days to fifteen calendar
4 days;
- 5 (2) Require landlords to engage in mediation and delay
6 filing an action for summary possession if a tenant
7 schedules or attempts to schedule a mediation;
- 8 (3) Require landlords to provide specific information in
9 the fifteen-calendar day notice to tenants, which
10 shall also be provided to a mediation center that
11 offers free mediation for residential landlord-tenant
12 disputes;
- 13 (4) Restrict when a landlord may exercise remedies,
14 depending on the number of days that have elapsed
15 following the expiration of the governor's eviction
16 moratorium and the amount of rent due; and
- 17 (5) Repeal these amendments made to Hawaii's residential
18 landlord-tenant code one year after the expiration of
19 the governor's final eviction moratorium or
20 December 31, 2022, whichever is sooner.



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. (a) A landlord or the landlord's agent may, any time after rent is due, demand payment thereof and notify the tenant in writing that unless payment is made within a time mentioned in the notice~~[7]~~ as provided in subsection (b), not less than ~~[five business]~~ fifteen calendar days after receipt thereof, the rental agreement ~~[will]~~ shall be terminated. If the tenant cannot be served with notice as required, 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 posting. If the tenant remains in default, the landlord may thereafter bring a summary proceeding for possession of the dwelling unit or any other proper proceeding, action, or suit for possession~~[-]~~, subject to subsections (b) through (g). The notice required in this section need not be given if the action is based on the breach of a mediated agreement or other settlement agreement.

(b) The fifteen-calendar day notice shall provide, at a minimum, the following:



- 1 (1) The name of the landlord or the landlord's agent and
2 the landlord's or landlord's agent's contact
3 information, including, if possible, phone number,
4 electronic mail address, and mailing address;
- 5 (2) The address of the dwelling unit subject to the rental
6 agreement;
- 7 (3) The name and contact information of each tenant,
8 including, if possible, phone number, electronic mail
9 address, and mailing address;
- 10 (4) The monthly rental rate of the dwelling unit;
- 11 (5) The current amount of the rent due as of the date of
12 the notice, after applying all rent paid from all
13 sources;
- 14 (6) Whether the landlord or landlord's agent has applied
15 for rental assistance or been contacted on behalf of
16 the tenant by any agency providing rental assistance;
- 17 (7) That any rental assistance received by the landlord or
18 landlord's agent has been credited to the tenant's
19 amount due;
- 20 (8) That a copy of the fifteen-calendar day notice being
21 provided to the tenant is also being provided to the



1 mediation center to be identified by the landlord and,
2 in accordance with subsection (c), in order for the
3 mediation center to contact the landlord and tenant to
4 attempt to schedule a mediation regarding the
5 nonpayment of rent;

6 (9) That the mediation center will provide proof to the
7 landlord that the notice was received and provide
8 confirmation of the scheduled date and time of
9 mediation;

10 (10) That the landlord or landlord's agent may file an
11 action for summary possession if the rent due is not
12 paid and if mediation is not scheduled within
13 fifteen calendar days after the tenant's receipt of
14 the fifteen-calendar day notice, regardless of whether
15 the scheduled mediation session occurs within the
16 fifteen calendar days;

17 (11) A warning in bold typeface print that says: "If
18 mediation is not scheduled within fifteen calendar
19 days after receipt of the notice, regardless of
20 whether the scheduled mediation session occurs within
21 the fifteen-calendar day period, then the landlord may



1 file an action for summary possession after the
2 expiration of the fifteen-calendar day period. If
3 mediation is scheduled before the expiration of the
4 fifteen-calendar day period, regardless of whether the
5 scheduled mediation session occurs within the
6 fifteen calendar days, then the landlord shall only
7 file an action for summary possession after the
8 expiration of thirty calendar days following the
9 tenant's receipt of the fifteen-calendar day notice.
10 If the fifteen-calendar day notice was mailed, receipt
11 of notice shall be deemed to be two days after the
12 date of the postmark. If the fifteen-calendar day
13 notice was posted on the premises, receipt of notice
14 shall be deemed to be the date of posting. If an
15 agreement is reached before the filing of an action
16 for summary possession, whether through mediation or
17 otherwise, then the landlord shall not bring an action
18 for summary possession against the tenant, except as
19 provided in any agreement that may be reached. The
20 landlord shall be required to note the status of the
21 mediation or settlement effort and proof of sending or



1 posting the fifteen-calendar day notice to the
2 mediation center in the action for summary
3 possession.";

4 (12) Notice that the eviction may be subject to additional
5 requirements and protections under state or federal
6 law and that the tenant is encouraged to seek the
7 tenant's own legal advice regarding their rights and
8 responsibilities; and

9 (13) That the landlord or landlord's agent shall engage in
10 mediation if mediation is scheduled.

11 (c) Landlords or their agents shall provide the
12 fifteen-calendar day notice to a mediation center that offers
13 free mediation for residential landlord-tenant matters. The
14 mediation center shall contact the landlord or landlord's agent
15 and the tenant to schedule the mediation. If a tenant schedules
16 mediation within the fifteen-calendar day period, regardless of
17 whether the scheduled mediation session occurs within the
18 fifteen-day period, the landlord shall only file a summary
19 proceeding for possession after the expiration of
20 thirty calendar days from the date of receipt of the notice. If
21 the tenant schedules mediation, the landlord shall participate.



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

3 (1) A document or documents from the mediation center
4 verifying that the landlord provided a copy of the
5 required fifteen-calendar day notice to the mediation
6 center;

7 (2) A statement as to whether the landlord or landlord's
8 agent and tenant have participated in, or will
9 participate in, any scheduled mediation; and

10 (3) If mediation is pending, the date on which the
11 mediation is scheduled.

12 (e) If the mediation has not occurred as of, or been
13 scheduled for a future date after, the return hearing date on
14 the summary possession complaint, the court, in its discretion
15 and based on a finding of good cause, may order a separate
16 mediation.

17 (f) If there is any defect in the fifteen-calendar day
18 notice described in subsection (b) provided by the landlord and
19 the court determines the defect was unintentional and
20 immaterial, the court may allow the landlord to cure the defect
21 without dismissing the action for summary possession.



1 (g) No landlord may bring a summary proceeding for
2 possession for a tenant's failure to pay rent except pursuant to
3 this section and as follows:

4 (1) Beginning on the first day after the expiration date
5 of the final eviction moratorium through the
6 thirtieth day after the expiration date of the final
7 eviction moratorium, the rent due shall be equal to or
8 greater than four months' rent;

9 (2) Beginning on the thirty-first day after the expiration
10 date of the final eviction moratorium through the
11 ninety-first day after the expiration date of the
12 final eviction moratorium, the rent due shall be equal
13 to or greater than three months' rent;

14 (3) Beginning on the ninety-second day after the
15 expiration date of the final eviction moratorium
16 through the one hundred fifty-second day after the
17 expiration date of the final eviction moratorium, the
18 rent due shall be equal to or greater than two months'
19 rent; and

20 (4) Beginning on the one hundred fifty-third day after the
21 expiration date of the final eviction moratorium



1 through the three hundred sixty-fifth day after the
2 expiration day of the final eviction moratorium, the
3 rent due shall be equal to or greater than one month's
4 rent.

5 For purposes of this section, "final eviction moratorium"
6 means an emergency proclamation or supplementary proclamation,
7 or any extension thereof, issued by the governor and related to
8 the coronavirus disease 2019 pandemic, that prohibits any
9 eviction from a residential dwelling for a failure to pay rent.

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

14 SECTION 3. There is appropriated out of the American
15 Rescue Plan Act of 2021, section 3201, Emergency Rental
16 Assistance, Housing Stability Services funds, allocated to the
17 State of Hawaii in the sum of \$3,545,000 but not more than
18 ten per cent of the funds received under the Emergency Rental
19 Assistance or so much thereof as may be necessary for fiscal
20 year 2021-2022, to be allocated as follows:

21 (1) \$490,000 to the county of Hawaii;



1 (2) \$245,000 to the county of Kauai;
2 (3) \$710,000 to the county of Maui; and
3 (4) \$2,100,000 to the city and county of Honolulu,
4 to contract for services as permissible by this Act and the
5 guidance published by the United States Treasury for Emergency
6 Rental Assistance.

7 The sum appropriated shall be expended by each county for
8 the purposes of this Act.

9 SECTION 4. There is appropriated out of the American
10 Rescue Plan Act of 2021, section 9901, Coronavirus State and
11 Local Fiscal Recovery Fund, allocated to the State of Hawaii in
12 the sum of \$505,000 or so much thereof as may be necessary for
13 fiscal year 2021-2022, to be allocated as follows:

14 (1) \$69,000 to the county of Hawaii;
15 (2) \$36,000 to the county of Kauai;
16 (3) \$100,000 to the county of Maui; and
17 (4) \$300,000 to the city and county of Honolulu,
18 to contract for services as permissible by this Act and the
19 guidance published by the United States Treasury to assist
20 households that do not qualify under American Rescue Plan Act



1 of 2021, section 3201, Emergency Rental Assistance, Housing
2 Stability Services funds.

3 The sum appropriated shall be expended by each county for
4 the purposes of this Act.

5 SECTION 5. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date; provided that any contract in
8 effect prior to the effective date of this Act that is
9 subsequently renewed or extended on or after the effective date
10 of this Act shall comply with the requirements of this Act.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect upon approval;
14 provided that the governor shall notify the chief justice,
15 legislature, and revisor of statutes no later than twenty days
16 prior to the expiration of the final eviction moratorium
17 identified in section 2 of this Act, that the governor will not
18 be issuing any further eviction moratoriums in response to the
19 COVID-19 pandemic. On December 31, 2022, or upon the one year
20 anniversary of the expiration date identified by the governor,
21 whichever is sooner:



- 1 (1) All provisions of this Act except sections 3 and 4
2 shall be repealed; and
3 (2) Section 521-68, Hawaii Revised Statutes, shall be
4 reenacted in the form in which it read on the day
5 prior to the effective date of this Act.



Report Title:

Housing; Landlord-tenant Code; Remedies; Notice; Failure to Pay Rent; Mediation; COVID-19 Pandemic; Appropriation

Description:

Extends the required period for a notice of termination of the rental agreement from five days to fifteen days. Requires landlords to provide notice with specified terms and enter into mediation. Delays when a landlord may seek possession of a dwelling unit if the tenant schedules or attempts to schedule mediation. Requires landlords to provide the notice of termination of the rental agreement to a mediation center that offers free mediation for residential landlord-tenant disputes. Restricts when a landlord may exercise these remedies depending on the amount of rent due. Appropriates funds. Repeals certain provisions one year after expiration of the governor's final eviction moratorium emergency supplementary proclamation related to the coronavirus disease 2019 pandemic or 12/31/2022, whichever is sooner. (CD1)

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



Exhibit 2

COMPLAINT - RESIDENTIAL SUMMARY POSSESSION (Unpaid rent only)
Temporary use form Act 57, SLH 2021

| | |
|--|---|
| IN THE DISTRICT COURT OF THE _____ CIRCUIT _____ DIVISION STATE OF HAWAII | |
| Plaintiff | Civil No. |
| Defendant | Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number |
| Premises Address: | |

COMPLAINT - UNPAID RENT ONLY

1. This Court has jurisdiction over this matter and venue is proper.
2. Plaintiff is the landlord or the agent for the landlord of the premises.
3. The premises are located in this division of this Court.
4. Defendant has not paid rent and is in possession of the premises.
5. ☐ There is a written rental agreement for the premises. (Attach a copy of the written rental agreement)
☐ There is no written rental agreement for the premises, only an oral agreement.
☐ There was a written rental agreement which expired on (date) _____. (Attach a copy of the expired rental agreement)
☐ Defendant is a month-to-month tenant.
6. Monthly rent is \$ _____. As of (date) _____, Defendant owes \$ _____ in unpaid rent. This amount is equal to or greater than: ☐ 4 months' rent; ☐ 3 months' rent; ☐ 2 months' rent; ☐ 1 month's rent or ☐ less than 1 month's rent.
7. ☐ A written **15** day notice providing all the information required by Hawaii Revised Statutes (HRS) 521-68(b) was given to Defendant on (date): _____. (Attach a copy of the written notice)
☐ Notice is not required as tenant breached the mediation agreement or settlement agreement. (Attach a copy of the agreement)
8. Documentation from the mediation center verifying its receipt of the 15 day notice provided by the plaintiff to the defendant is attached.

SEE PAGE 2

COMPLAINT (continued)

9. The parties participated in mediation on (date) _____.

☐ Mediation is scheduled for (date) _____.

☐ As of (date) _____, mediation has not been scheduled.

10. Despite the notice and mediation, Defendant has failed to correct this situation and is still in possession of the premises.

11. The Servicemembers Civil Relief Act, 50 U.S.C. App. §501 may apply to a Defendant who is classified active duty as defined in the Act.

Please check all that apply.

☐ To the best of my knowledge, the Defendant is not an active duty member of the Military.

☐ The following Defendant is an active duty member of the Military. Name _____.

☐ I am unable to determine whether the Defendant is an active duty member of the Military. Please attach separate sheet indicating what attempt was made to determine Defendant's military status.

Plaintiff is asking the Court for the following:

A. A Judgment giving Plaintiff possession of the premises.

B. A Writ of Possession directing the Sheriff or Police Officer to:

1. Remove the Defendant from the premises and all persons possessing the premises through the Defendant;

2. Remove from the premises all personal belongings of the Defendant and of any other person; and

3. Put Plaintiff in possession of the premises.

C. Judgment against the Defendant for \$ _____.

In addition, the Court may award additional rent and other charges owed under the rental agreement, damages, court costs, interest and reasonable attorney's fees.

Date:

Signature of Plaintiff/Attorney:

Print/Type Name:

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT WHAT IS STATED IN THE COMPLAINT IS TRUE AND CORRECT.

Date:

Signature of Declarant:

Print/Type Name:



In accordance with the Americans with Disabilities Act, and other applicable State and Federal laws, if you require an accommodation for a disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. _____, FAX _____, or TTY _____ at least ten (10) working days before your proceeding, hearing, or appointment date.

Exhibit 3

COMPLAINT (ASSUMPSIT, SUMMARY POSSESSION/
LANDLORD - TENANT, DAMAGES);
DECLARATION; EXHIBIT(S); SUMMONS

Form #1DC08

| | |
|--|--|
| IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAI‘I | |
| Plaintiff(s) | Reserved for Court Use Civil No. |
| Defendant(s) | Filing Party/ Attorney Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers |
| Premises Address: | |

COMPLAINT

1. This Court has jurisdiction over this matter and venue is proper.
2. Plaintiff is the landlord or the agent for the landlord of the premises.
3. The premises are located in this division of this Court.
4. Defendant rents and/or is in possession of the premises and/or is a personal guarantor under the rental agreement of the premises.
5. ☐ There is a written rental agreement for the premises. **A COPY OF THE WRITTEN RENTAL AGREEMENT FOR THE PREMISES (AND ANY AMENDMENTS TO THE RENTAL AGREEMENT) IS ATTACHED.**
☐ There is no written rental agreement for the premises, only an oral agreement.
☐ There is an expired written rental agreement for the premises. A copy of the written rental agreement (**AND ANY ATTACHMENTS TO THE RENTAL AGREEMENT**) IS ATTACHED.
☐ Defendant is a month-to-month tenant.
6. Defendant has broken the rental agreement because:
☐ Unpaid rent \$ _____
☐ Other _____
7. Written notice was given to Defendant on (date) _____, 20 ____ to correct this situation as follows: ☐ 5-day non-payment ☐ 10-day non-monetary default ☐ 45-day termination of month-to-month tenancy or ☐ as specified in the rental agreement or statute(s). **A COPY OF THE WRITTEN NOTICE IS ATTACHED.**
8. Despite the notice, Defendant has failed to correct this situation and still is in possession of the premises.

I certify that this is a full, true, and correct
copy of the original on file in this office.

Clerk, District Court of the above Circuit, State of Hawai‘i

COMPLAINT (continued)

9. The Servicemembers Civil Relief Act, 50 U.S.C. App. §501 may apply to a Defendant who is classified active duty as defined in the Act.

Please check all that apply.

- ☐ To the best of my knowledge, the Defendant is not an active duty member of the Military.
- ☐ The following Defendant is an active duty member of the Military. Name: _____.
- ☐ I am unable to determine whether the Defendant is an active duty member of the Military. Please attach separate sheet indicating what attempt was made to determine Defendant's military status.

10. As of (date): _____ Defendant(s) owed Plaintiff(s) \$ _____ for:

- ☐ Rent itemized as follows: _____
- ☐ Other: _____

Plaintiff is asking the Court for the following:

A. A judgment giving Plaintiff possession of the premises.

B. A Writ of Possession directing the Sheriff or Police Officer to:

1. Remove the Defendant from the premises and all persons possessing the premises through Defendant;
2. Remove from the premises all personal belongings of the Defendant and of any other person; and
3. Put Plaintiff in possession of the premises.

C. Judgment against the Defendant for \$ _____

In addition, the Court may award any rent and other charges owed under the rental agreement, additional damages, court costs, interest, and reasonable attorney's fees.

| | |
|--|--|
| Date: | Signature of Plaintiff/Attorney: Print/Type Name: |
| DECLARATION I DECLARE UNDER PENALTY OF PERJURY THAT WHAT IS STATED IN THE COMPLAINT IS TRUE AND CORRECT. | |
| Date: | Signature of Declarant: Print/Type Name: |



In accordance with the **Americans with Disabilities Act**, and other applicable State and Federal laws, if you require an accommodation for your disability when working with a court program, service, or activity please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 **at least (10) working days before** your proceeding, hearing, or appointment date.

Exhibit 4

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
_____ DIVISION
STATE OF HAWAII

Plaintiff

Reserved for Court Use

Civil No.

Defendant

Filing Party/Attorney Name, Attorney Number, Firm Name (if applicable), Address, and Telephone Number

SUMMONS**THE STATE OF HAWAII:**

TO: The Director of Public Safety of the State of Hawai'i, the Director's deputy, or any police officer or other person authorized by the laws of the State of Hawai'i:

This Summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a Judge permits, in writing on this Summons, personal delivery during those hours.

TO THE DEFENDANT:

You are required to file a written answer or appear before the District Judge of this Court, in the Judge's Courtroom, on the day and at the time designated by the checked box on page 2. If the Defendant is a corporation or limited liability company, Hawai'i law requires it to be represented by an attorney licensed to practice in the State of Hawai'i.

IF YOU OR YOUR ATTORNEY FAIL TO ATTEND THE COURT HEARING AT THE TIME AND PLACE DESIGNATED OR FILE A WRITTEN ANSWER A DEFAULT JUDGMENT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

NOTICE TO PARTIES: (Honolulu Division only): If this case involves a residential lease and if the Defendant(s) disagrees with the statements in the Complaint, the Court may require the parties to submit their dispute to mediation at the Pre-Trial conference that will be scheduled on the Monday, not a holiday. If the Monday following your court date is a holiday, the Pre-Trial conference will occur on the next business day.

Date:

Clerk

SEE PAGE 2

COURT ADDRESSES AND RETURNABLE DAYS:

☐ **Honolulu Division, 1111 Alakea Street, Tenth (10th) floor Courtroom 10A or 10B, Honolulu, Hawai‘i**

☐ at 8:30 a.m. ☐ 1:30p.m. on Friday, _____ for summary possession. If the Defendant is served with the complaint within five business days of the date listed above, the parties shall appear on the Friday after the date listed above. For remote appearance go to www.zoom.us Meeting ID 936-4644-0201 or call 1 (888) 788-0099.

☐ at 1:30 p.m. on the second Monday following date of service, and should that Monday be a legal holiday then on the next business day. For remote appearance go to www.zoom.us Meeting ID 669-372-3318 or call 1 (888) 788-0099.

☐ **‘Ewa Division, 870 Fourth Street, Pearl City, Hawai‘i**

☐ at 9:00 a.m. on Thursday, _____ for summary possession. If the Defendant is served with the complaint within five business days of the date listed above, the parties shall appear on the Thursday after the date listed above. For remote appearance go to www.zoom.us Meeting ID 492-363-9717 or call 1 (888) 788-0099.

☐ at 9:00 a.m. on the second Thursday following date of service, and should that Thursday be a legal holiday then on the next Thursday. For remote appearance go to www.zoom.us Meeting ID 779-575-4192 or call 1 (888) 788-0099.

☐ **Ko‘olaupoko OR Ko‘olauloa Division, 45-939 Po‘okela Street, Kāne‘ohe, Hawai‘i**

☐ at 9:00 a.m. on Friday, _____ for summary possession. If the Defendant is served with the complaint within five business days of the date listed above, the parties shall appear on the Friday after the date listed above. For remote appearance go to www.zoom.us Meeting ID 928-747-9610 or call 1 (888) 788-0099.

☐ at 9:00 a.m. on the second Friday following date of service, and should that Friday be a legal holiday then on the next Friday. For remote appearance go to www.zoom.us Meeting ID 576-725-0378 or call 1 (888) 788-0099.

☐ **Wahiawā OR Waialua Division, 1034 Kilani Avenue, Wahiawā, Hawai‘i**

☐ at 9:00 a.m. on Monday, _____ for summary possession. If the Defendant is served with the complaint within five business days of the date listed above, the parties shall appear on the Monday after the date listed above. For remote appearance go to www.zoom.us Meeting ID 357-427-7279 or call 1 (888) 788-0099.

☐ at 9:00 a.m. on the second Wednesday following date of service, and should that Wednesday be a legal holiday then on the next Wednesday. For remote appearance go to www.zoom.us Meeting ID 357-427-7279 or call 1 (888) 788-0099.

☐ **Wai‘anae Division, 4675 Kapolei Parkway, Kapolei, Hawai‘i**

☐ at 9:00 a.m. on the second Tuesday following date of service, and should that Tuesday be a legal holiday then on the next Tuesday. For remote appearance go to www.zoom.us Meeting ID 483-947-9811 or call 1 (888) 788-0099.

☐ at 9:00 a.m. on Friday, _____ for summary possession. If the Defendant is served with the complaint within five business days of the date listed above, the parties shall appear on the Friday after the date listed above. For remote appearance go to www.zoom.us Meeting ID 867-5075-7234 or call 1 (888) 788-0099.

Mailing address for the Courts: 1111 Alakea Street, Legal Documents Branch, Third (3rd) floor, Honolulu, Hawai‘i 96813



In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date. **For Civil related matters, please call 538-5629 or visit the District Court at 1111 Alakea Street, Legal Documents Branch - Third (3rd) Floor.**

Exhibit 5

FREE LEGAL RESOURCES ON OAHU (UPDATED JULY 2021)

You can receive free legal information or advice from:

Access to Justice Room. Unrepresented people involved in civil lawsuits in District Court can receive legal advice from pro bono attorneys through the Honolulu Access to Justice Room. Services are currently being provided via telephone.

Telephone: (808) 538-5629

Hours: Monday, Wednesday, and Friday, 9:00 a.m. - 1:00 pm

Hawai'i State Bar Association Legal Line. This free service is provided by the Young Lawyers Division of the HSBA.

Telephone: (808) 537-1868

Hours: Wednesday, 6:00 p.m. - 7:00 p.m.

Free legal advice and possible legal representation may be available through:

Legal Aid Society of Hawai'i:

Telephone: 1-800-499-4302 or 808-536-4302

Hours: Monday- Friday, 9:00 a.m. - 11:30 a.m. and 1:00 p.m. - 3:30 p.m.

On-line intake and legal information: www.legalaidhawaii.org

Volunteer Legal Services Hawai'i:

Telephone: 808-528-7046

Hours: Monday - Friday, 8:00 a.m. - 4:00 p.m.

On-line Pre-Screen Intake Application: www.vlsh.org

On-line services are also available through www.hawaii.freelegalanswers.org

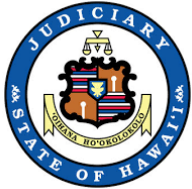
Mediation can help people resolve their disputes. The Mediation Center of the Pacific is available at no cost for landlord-tenant (summary possession) and small claims lawsuits. They have trained mediators to assist you in resolving your lawsuit.

To schedule a mediation for a landlord-tenant or small claims case: 2 options

(1) Call 808-521-6767, Monday - Friday, 8:30 a.m. - 4:30 p.m. or

(2) Submit a request online at www.mediatehawaii.org/contact

Exhibit 6



How to Join a Court Remote Hearing Using Zoom

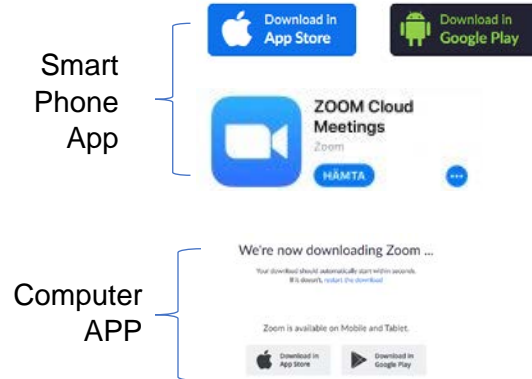
This guide provides step-by-step instructions for joining a Court Remote Hearing via Zoom. Use one of the three options below: 1) Use the Zoom App; 2) Use your web browser; or 3) Call-in.

Please have the meeting information and your telephone with you at all times during the meeting. In the case of a technical difficulty or disconnection, promptly call in to the meeting using your telephone and the call-in number. See option #3 for call in instructions.

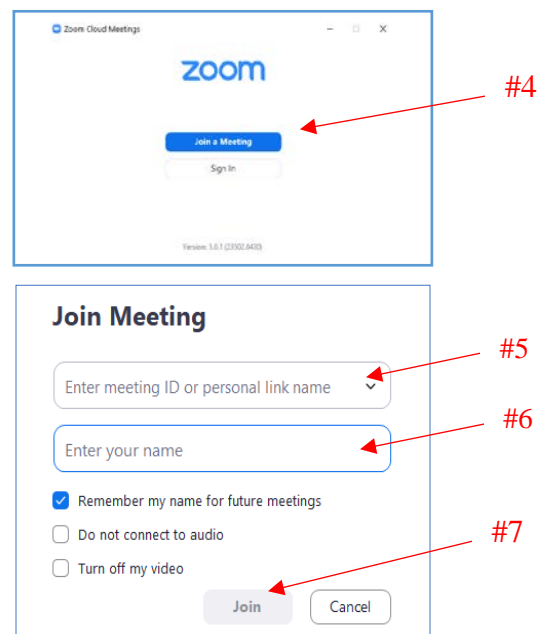
OPTION 1 – Download the Zoom Application on your device

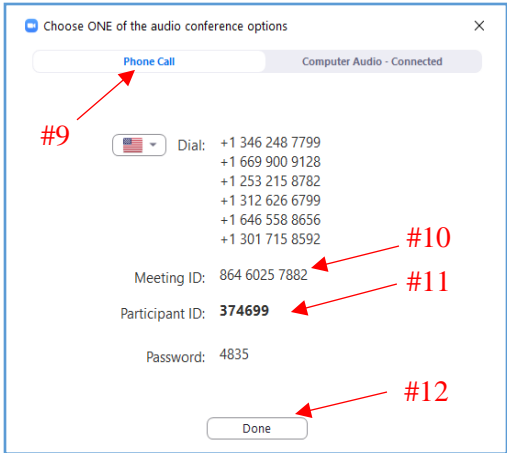
Download the Zoom App at least one day before your scheduled hearing date. This will enable you to test out your device and equipment.

1. Download the Zoom App on your smart device.
2. On your computer or laptop, you may download using this link:
<https://www.zoom.us/support/download>
3. On the date of your court hearing, open the app.



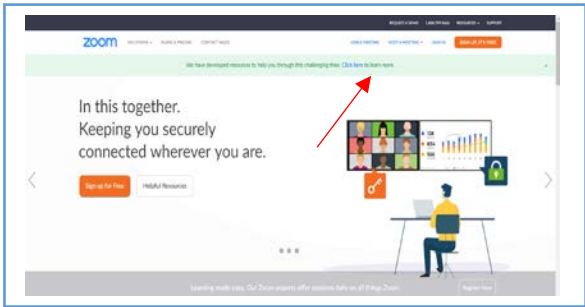
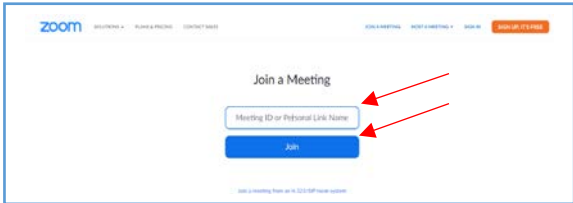
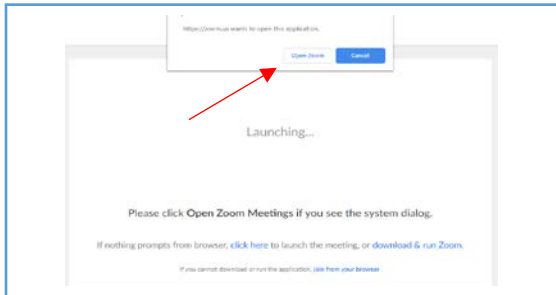
4. Click JOIN MEETING
5. Enter Meeting ID provided by the court.
6. **Enter your name. This will help court staff check you in for the hearing.**
7. Click JOIN.

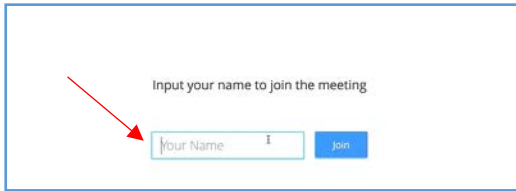
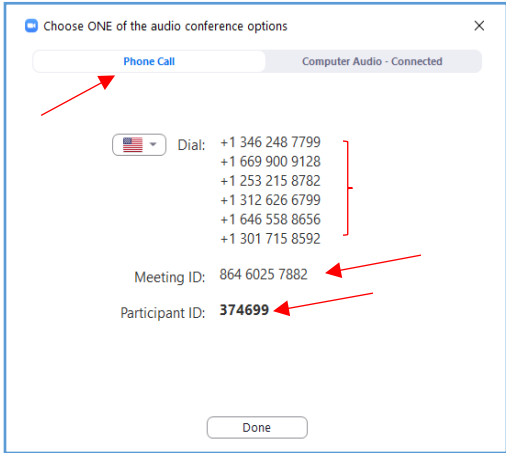


| | |
|--|--|
| <ol style="list-style-type: none"> 8. If your device does not have a microphone, a prompt to choose your audio will appear. 9. Click PHONE CALL. Dial one of the numbers provided. 10. When prompted, enter the MEETING ID followed by the # sign. 11. When prompted, enter the PARTICIPANT ID followed by the # sign. 12. Click DONE. |  |
|--|--|

OPTION 2 - Join using the desktop client. No downloading of the Zoom App.

You may use any browser: Use any of the following web browsers: Chrome, Firefox, Microsoft Edge, Safari, Internet Explorer 10 or higher.

| | |
|---|--|
| <ol style="list-style-type: none"> 1. Go to www.Zoom.us 2. Click JOIN MEETING |  |
| <ol style="list-style-type: none"> 3. Enter the MEETING ID number provided by the court. 4. Click JOIN. |  |
| <ol style="list-style-type: none"> 5. Zoom will launch. Click OPEN ZOOM. |  |

| | |
|---|--|
| <ol style="list-style-type: none"> 6. Enter your name. This will help court staff check you in for the hearing. 7. Click JOIN. |  |
| <ol style="list-style-type: none"> 8. If your device does not have a microphone, a prompt for you to choose your audio will appear. 9. Click PHONE CALL. Dial one of the numbers provided. 10. When prompted, enter the MEETING ID followed by the # sign. 11. When prompted, enter the PARTICIPANT ID followed by the # sign. 12. Click DONE. |  |

OPTION 3 – Join by phone

You may join a court remote hearing if you do not have access to a computer, laptop or mobile device or internet. You may call in using a land line phone or a cell phone.


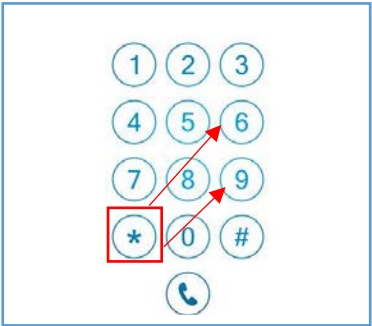
| | |
|--|--|
| <ol style="list-style-type: none"> 1. Dial the phone number provided by the court in your hearing notice. |  |
| <ol style="list-style-type: none"> 2. Key in the MEETING ID provided by the court. This is a 10 digit number. Press the # key. | |
| <ol style="list-style-type: none"> 3. You will be prompted to enter your Participant ID number. If you do not have one, press the # key. | |
| <ol style="list-style-type: none"> 4. Please identify yourself by name when prompted by court staff. This will help court staff check you in for the hearing. 5. To mute yourself press *6 on your key pad. 6. To get the court's attention during the hearing, press *9 on your key pad. This will be seen as a raised hand on the Zoom web conference. |  |

Exhibit 7



Laptop Access Station

at the Hawaii Supreme Court Law Library

Don't have access to a laptop or mobile device to participate in your District Court hearing by Zoom? Don't worry! The Hawaii Supreme Court Law Library has set up a laptop computer station for you to use at no charge. Currently this is a pilot program, which was established to help as many as possible participate in their court hearings in a safe manner.

Please call **539-4964** or email **lawlibrary@courts.hawaii.gov** during regular business hours to make an appointment to use the laptop station. Or you can contact the Law Library's [virtual reference desk](#). Appointments times are 8:15 a.m. to noon.

Hawaii Supreme Court Law Library
Aliiolani Hale
417 South King St.
Honolulu, HI 96813

Masks that cover your mouth and nose are required in the building. No bandanas or gaiters permitted. You will be asked to answer health screening questions and take your temperature before entering the building.

We are limiting the number of people in the Law Library to enable social distancing and protect everyone's health, however, if you need assistance from a friend or family member, you may bring one other person to sit with you during the hearing.

