



## **SUMMARY POSSESSION FOR NONPAYMENT OF RENT**

### **ACT 278 INFORMATION FOR LANDLORDS**

Effective as of February 5, 2026, pursuant to Act 278 of 2025, a complaint for summary possession for nonpayment of rent may not be filed unless the landlord has notified the tenant in writing that if payment is not made within **10** days after receipt of the notice of non-payment of rent, the rental agreement shall be terminated.

The notice may be posted in a conspicuous place on the dwelling unit or mailed.

#### **REQUIRED NOTICE**

A notice form adopted by the Judiciary is available online at [www.courts.state.hi.us](http://www.courts.state.hi.us). Hard copies are available at the self-help center.

The 10 day notice must include the following:

- Name of landlord (or agent) and contact information, including phone number, email, and mailing address
- Address of the dwelling unit
- Name of each tenant and contact information, including phone number, email, and mailing address
- Current amount of rent due as of the date of the notice, after applying all rent paid from all sources
- A statement that the copy of the 10-day notice is also being provided to Mediation Center of the Pacific
- A statement that the landlord (or agent) may file an action for summary possession if the rent due is not paid and if mediation is not scheduled within 10 calendar days after the tenant's receipt of the notice, regardless of whether the scheduled mediation session occurs within the 10 days

- The following warning in bold typeface print:  
**If mediation is not scheduled within 10 calendar days after receipt of this notice the landlord or landlord's agent may file an action for summary possession after the expiration of the 10-calendar-day period. If mediation is scheduled before the expiration of the 10-calendar-day period, regardless of whether the scheduled mediation session occurs within the 10-calendar-days, the landlord or landlord's agent shall only file an action for summary possession after the expiration of 20 calendar days following the tenant's receipt of the ten-calendar-day notice unless you (tenant) fail to attend or cancel mediation. If the ten-calendar-day notice was posted on the premises, receipt of notice shall be deemed to be the date of posting. If the ten-calendar-day notice was mailed, receipt of notice shall be deemed to be 2 business days after the date of the postmark. If filing an action for summary possession, the landlord or landlord's agent shall be required to note, in the summary possession complaint, the status of the mediation or settlement effort and proof of posting or sending the ten-calendar-day notice to the mediation center**
- A statement that the landlord (or agent) shall engage in mediation if mediation is scheduled

## **REQUIRED MEDIATION**

The landlord (or agent) must provide the 10-day notice to Mediation Center of the Pacific.

If the tenant schedules mediation within the 10 day period, the landlord (or agent) may file a summary possession complaint only after the expiration of 20 days from the date of the receipt of the notice.

The mediation does not have to occur within the 10 day period, as long as it is scheduled within the 10 day period. If the tenant fails to schedule mediation within the 10 day period, the landlord (or agent) may proceed with filing an action for summary possession at the expiration of the 10 day period.

The landlord (or agent) must participate in mediation if the tenant schedules mediation.

If mediation has not occurred by the return hearing date on the summary possession complaint, the court may order a separate mediation for good cause.

## **THE SUMMARY POSSESSION COMPLAINT**

The complaint form adopted by the Judiciary is available online at [www.courts.state.hi.us](http://www.courts.state.hi.us). Hard copies are available at the self-help center.

The summary possession complaint must contain the following:

- Verification from Mediation Center of the Pacific that the landlord (or agent) provided a copy of the required 10 day notice to Mediation Center of the Pacific.
- A statement as to whether the landlord and tenant have participated in or will participate in any scheduled mediation.
- If mediation is pending, the date on which mediation is scheduled.