



SUMMARY POSSESSION FOR NONPAYMENT OF RENT 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** calendar days after receipt of the notice, the rental agreement shall be terminated.

If the tenant cannot be served with the notice, the notice may be posted in a conspicuous place on the dwelling unit, or mailed.

REQUIRED NOTICE

The 10-calendar 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
- Monthly rental rate of the unit
- The current amount of rent due balance of the date of the notice, after applying all rent paid from all sources
- A statement that the copy of the notice is also being provided to Maui Mediation Services who will contact the parties to schedule a mediation
- A statement that the mediation center will provide proof to the landlord that the notice was received and provide confirmation of the scheduled date and time of mediation
- A statement that the landlord 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 calendar days

- The following warning in bold typeface print:
“If mediation is not scheduled within 10 calendar days after receipt of the notice, regardless of whether the scheduled mediation session occurs within the 10-calendar day period, then the landlord may file an action for summary possession after 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 day period, then the landlord shall only file an action for summary possession after the expiration of 20 calendar days following the tenant’s receipt of the 10-calendar day notice. If the 10-calendar day notice was mailed, receipt of the notice shall be deemed to be two days after the date of the postmark. If the 10-calendar day notice was posted on the premises, receipt of the notice shall be deemed to be the date of posting. If an agreement is reached before the filing of an action for summary possession, whether through mediation or otherwise, then the landlord shall not bring an action for summary possession against the tenant, except as provided in any agreement that may have been reached. The landlord shall be required to note the status of the mediation or settlement effort and proof of sending or posting the 10-calendar day notice to the mediation center in the action for summary possession.”
- A statement that the eviction may be subject to additional requirements and protections under state or federal law and that the tenant is encouraged to seek the tenant’s own legal advice regarding their rights and responsibilities
- That the landlord or landlord’s agent shall engage in mediation if mediation is scheduled

REQUIRED MEDIATION

Landlords must provide the 10-calendar day notice to Maui Mediation Services, which will contact the landlord and tenant to schedule mediation.

If the tenant schedules mediation within the 10-calendar day period, the landlord shall only file a summary possession complaint after the expiration of 20 calendar days from the date of the receipt of the notice.

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

The landlord must participate in mediation if the tenant schedules mediation.

If mediation has not occurred as of, or been scheduled for a future date after, the return hearing date on the summary possession complaint, for good cause the court may order a separate mediation.

THE SUMMARY POSSESSION COMPLAINT

The summary possession complaint must contain the following:

- A document or documents from Maui Mediation Services verifying that the landlord provided a copy of the required 10-calendar day notice to Maui Mediation Services.
- 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.

The court has forms for use in these cases available at the Hoapili Hale Courthouse Service Center in Wailuku and also online at:

https://www.courts.state.hi.us/self-help/courts/forms/maui/district_court_forms

If a case was filed for nonpayment of rent, not in compliance with Act 278 of 2025 and was dismissed without prejudice, the same case may be re-filed and the filing fee will waived; provided that the landlord must let the filing clerks know of the old case number.