



SUMMARY POSSESSION FOR NON-PAYMENT OF RENT INFORMATION FOR LANDLORDS KAUA'I

Effective as of February 5, 2026, pursuant to Act 278 of 2025, a complaint for summary possession for non-payment 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 of Termination for Failure to Pay Rent, 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 landlord's agent and the landlord or landlord's agent's contact information, including, if possible, phone number, email address, and mailing address.
- Address of the dwelling unit subject to the rental agreement.
- Name and contact information for all tenants listed on the rental agreement, including phone number and, if possible, email address, and mailing address.
- Monthly rental rate of the unit.
- The current amount of rent due as of the date of the notice, after applying all rent paid from all sources.
- A statement that a copy of the 10-Calendar Day Notice of Termination for Failure to Pay Rent that is being provided to the tenant is also being provided to Kaua'i Economic Opportunity in order for Kaua'i Economic Opportunity to contact the landlord, or landlord's agent, and tenant 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 or landlord's 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 10-Calendar Day Notice of Termination for Failure to Pay Rent, 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 this notice, regardless of whether the scheduled mediation session occurs within the 10-calendar-day period, 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 10-calendar-day notice unless you (tenant) fail to attend or cancel mediation. If the 10-calendar-day notice was posted on the premises, receipt of notice shall be deemed to be the date of posting. If the 10-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 10-calendar-day notice to the mediation center.”
- 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.
- A statement that the landlord or landlord’s agent shall engage in mediation if mediation is scheduled.

REQUIRED MEDIATION

Landlords must provide a copy of the 10-Calendar Day Notice of Termination for Failure to Pay Rent to Kaua’i Economic Opportunity, 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 an additional 10-calendar days (total of 20 calendar days from the date of the receipt of the 10-Calendar Day Notice of Termination for Failure to Pay Rent).

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.

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 Kaua'i Economic Opportunity verifying that the landlord provided a copy of the required 10-calendar day notice to Kaua'i Economic Opportunity.
- 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 Fifth Judicial Circuit – Pu'uhonua Kaulike and also online at:

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

If a case was filed for non-payment 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.