

# Mediation for Residential Eviction Cases

## ACT 278: Relating to Eviction Mediation

### Frequently Asked Questions (FAQs)

***\*NOTE: this is not legal advice. This is only a simplified summary of parts of Act 278. This does not cover or apply to all situations. You should seek legal advice if you are a landlord or a tenant.\****

#### GENERAL INFORMATION ABOUT ACT 278

Act 278 (the “Act”) is a law related to mediating disputes about nonpayment of rent before filing a summary possession (eviction) lawsuit. The Act was signed into law on July 2, 2025.

#### When does Act 278 take effect?

From February 5, 2026 to February 4, 2028.

#### What does Act 278 do?

Starting February 5, 2026, landlords may not file a lawsuit to evict residential tenants for nonpayment of rent alone without first providing ten (10) days written notice to tenants.

#### What does the required written notice need to include?

The required written notice must include a statement that the tenant is in default of the rental agreement for non-payment of rent; that the landlord may file a lawsuit against the tenant if no payment is made within 10 calendar days of the receipt of the notice. The notice must also inform the tenant that they may participate in mediation.

A copy of the written notice is available on the [Hawai‘i State Judiciary website](#), and may be submitted via the [Mediation Centers of Hawai‘i website](#); landlords must provide a copy of the written notice to Mediation Centers of Hawai‘i to receive verification. When filing a complaint for summary possession under Act 278, landlords must attach either: (1) a verification from a mediation center confirming that the mediation center received a copy of the ten (10) day notice described further below; or (2) a declaration that a copy of the ten (10) day notice was provided to the mediation center including a description of how the notice was provided.

#### How is the written notice given to the tenant?

Written notice may be posted physically at the rental unit or mailed via USPS. If the written notice is posted on the premises, it will be deemed received as of the date of posting. If the written notice is mailed, it will be deemed received two business days after the postmark date.

#### What do tenants do with the written notice?

If tenants want to mediate regarding nonpayment of rent, they should contact the service provider listed on the notice within ten (10) days of receipt of the notice. The list of mediation service providers is shown further below on page 3, and is also available here: [Contact Us - Mediation Centers of Hawai‘i](#). Landlords and tenants should contact the mediation service provider located nearest to the rental unit.

### **How much will mediation cost (\$)?**

The mediation process itself is FREE, paid for by State funds for both landlords and tenants. If a landlord or tenant hires an attorney, those fees and costs are not funded by the State. Additionally, if a tenant schedules mediation and cancels or fails to attend, the landlord may request the tenant's payment of their attorney's fees and costs for mediation preparation.

### **What happens if the tenant does not contact a mediation service provider within ten (10) days of receiving the written notice?**

If the tenant does not contact a mediation service provider ten (10) calendar days after receipt of the notice, the landlord may then file a summary possession complaint with the court.

### **Where can landlords find forms?**

The [Hawai'i State Judiciary website](#) has approved form-fillable complaints and notices.

Landlords may submit their notices and find more information on the [Mediation Centers of Hawai'i website](#).

### **Who has more information?**

If you have an attorney, contact your attorney. If you do not have an attorney, you may contact the [Hawaii State Bar Association, Lawyer Referral Information Service](#) at 808-537-9140 or email at [LRIS@hsba.org](mailto:LRIS@hsba.org).

If you cannot afford an attorney, you may also contact the following:

#### *Legal Aid Society of Hawai'i*

Oahu: 808-536-4302

All other islands: 1-800-499-4302

#### *Volunteer Legal Services Hawai'i*

Monday through Friday – 8:00 A.M. to 4:00 P.M. (*Except for Holidays and Staff Training Days*)

Main/O'ahu: 808-528-7046

Hawai'i Island: 808-313-8210

Kaua'i: 808-698-8210

Maui: 808-727-8210

If you want to learn more about mediation services, visit the [Mediation Centers of Hawai'i website](#) or contact your local mediation center listed below.

### Mediation Center Contact Information

| Circuit                                        | Provider Name                        | Contact Info                                                                                                                                                                                                                                                                                           | Hours (by appointment) |
|------------------------------------------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| O'ahu<br>1st<br>Circuit                        | Mediation Center of the Pacific      | Email: <a href="mailto:Landlordtenant@mediatehawaii.org">Landlordtenant@mediatehawaii.org</a><br>Phone: (808) 521-6767<br>Web: <a href="https://mediatehawaii.org/">https://mediatehawaii.org/</a><br>Address: 1301 Young Street, 2nd Floor, Honolulu, Hawai'i 96814                                   | M–F: 8:30AM – 4:30PM   |
| Maui,<br>Moloka'i,<br>Lāna'i<br>2nd<br>Circuit | Maui Mediation Services              | Email: <a href="mailto:landlordtenanthelp@mauimmediation.org">landlordtenanthelp@mauimmediation.org</a><br>Phone: 808-344-4255; or 808-446-0511<br>Web: <a href="https://www.mauimmediation.org/">https://www.mauimmediation.org/</a><br>Address: 95 Mahalani Street, Suite 25, Wailuku, Hawai'i 96793 | M–F: 8:30AM – 4:30PM   |
| Hawai'i<br>3rd<br>Circuit                      | West Hawai'i Mediation Center (Kona) | Email: <a href="mailto:info@whmediation.org">info@whmediation.org</a><br>Phone: (808) 885-5525<br>Web: <a href="https://whmediation.org/">https://whmediation.org/</a><br>Address: P.O. Box 7020, Kamuela, Hawai'i 96743                                                                               | M–F: 8:00AM – 4:00PM   |
|                                                | Ku'ikahi Mediation Center (Hilo)     | Email: <a href="mailto:landlordtenant@hawaiimmediation.org">landlordtenant@hawaiimmediation.org</a><br>Phone: (808) 885-5525 ext. 2<br>Web: <a href="https://hawaiimmediation.org/">https://hawaiimmediation.org/</a><br>Address: 101 Aupuni Street, Suite PH 1014 B-2 Hilo, Hawai'i 96720             | M–F: 8:30AM – 4:30PM   |
| Kaua'i<br>5th<br>Circuit                       | Kauai Economic Opportunity           | Email: <a href="mailto:mediation@keoinc.org">mediation@keoinc.org</a><br>Phone: (808) 245-4077 x237<br>Web: <a href="https://keoinc.org/services/mediation/">https://keoinc.org/services/mediation/</a><br>Address: 2804 Wehe Road, Līhu'e, Hawai'i 96766                                              | M–F: 8:30AM – 4:30PM   |

Mediation Centers of Hawai'i is the umbrella organization, contracted by the Hawai'i State Judiciary, which provides mediation services under Act 278 via its subcontracted local mediation centers listed above.

If you get a phone call or an email from one of the mediation centers listed above and you are a landlord or tenant of a residential unit, timely responding may be advisable.

#### **What is mediation? Why does it matter? How does it work under Act 278?**

Mediation is a process where opposing parties can resolve conflicts outside of court. Mediation can help both parties save time and money while resolving disputes amicably.

Under the Act, landlords and tenants can meet with a neutral third party called a mediator, in person or via videoconference, and try to voluntarily reach an agreement regarding overdue rent and/or eviction. Mediators cannot take sides or require parties to agree. If landlords and tenants mutually agree to a solution, mediators can assist with creating a written agreement.

The Act does not require tenants to mediate. However, if a tenant schedules a mediation as outlined above, their landlord is required to participate in mediation. Mediation must take place within thirty (30) days from the date that the mediation center makes contact with both the landlord (or landlord's representative) and tenant. Landlords can request copies from the mediation center of documents verifying that the landlord provided the required written notice to the mediation center.

### **Why was Act 278 passed?**

The State Legislature found that "Hawai'i residents continue to face challenges paying their rent. This is a problem for both housing providers and tenants because tenants risk losing their homes due to nonpayment, and housing providers risk losing their property or not keeping up with their bills because of the nonpayment." Act 278 at Section 1 (SLH 825, 2025).

### **Do tenants need to move out when they receive written notice?**

No, tenants do not have to move out by the date specified in the written notice. Eviction can only occur after a judge issues an order permitting the landlord to evict the tenant. Landlords generally cannot physically remove tenants, touch their personal property, change the locks, or shut off the utilities.

### **My unit is funded by the U.S. Department of Housing and Urban Development (HUD) and I am required to give 30 days' notice for eviction. Does Act 278 still apply?**

Yes. If your tenancy is covered by Act 278, you must still follow the Act 278 notice and mediation process for nonpayment of rent.

If HUD rules or your lease require a 30-day notice, you must give both: 1) the HUD-required 30-day notice; and 2) the separate 10-day Act 278 notice. You must also follow the same steps for sending the Act 278 notice to a mediation center and attaching mediation verification when you file in court. (See "**What does the required written notice need to include?**" on page 1 of this FAQ).