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# 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. Section 521-68, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§521-68 Landlord's remedies for failure by tenant to pay**  
4 **rent.** (a) A landlord or the landlord's agent may, any time  
5 after rent is due, demand payment thereof and notify the tenant  
6 in writing that unless payment is made within a time mentioned  
7 in the notice[~~-~~] as provided in subsection (b), not less than  
8 [~~five business~~] fifteen calendar days after receipt thereof, the  
9 rental agreement will be terminated. If the tenant cannot be  
10 served with notice as required, notice may be given the tenant  
11 by posting the same in a conspicuous place on the dwelling  
12 unit[~~-~~] and the notice will be deemed received on the date of  
13 posting. If the tenant remains in default, the landlord may  
14 thereafter bring a summary proceeding for possession of the  
15 dwelling unit or any other proper proceeding, action, or suit  
16 for possession[~~-~~], subject to subsections (b) through (h). The  
17 notice required in this section need not be given if the action



1 is based on the breach of a mediated agreement or other  
2 settlement agreement.

3 (b) The fifteen calendar day notice shall provide the  
4 following:

5 (1) The name of the landlord or the landlord's agent and  
6 the landlord or landlord's agent's contact  
7 information, including, if possible, phone number,  
8 electronic mail address, and mailing address;

9 (2) The name and contact information of each tenant,  
10 including, if possible, phone number, electronic mail  
11 address, and mailing address;

12 (3) The monthly rental rate on the dwelling unit;

13 (4) The current amount of the rent due as of the date of  
14 the notice, including all rent paid from all sources;

15 (5) Whether the landlord or landlord's agent has applied  
16 for rental assistance or been contacted on behalf of  
17 the tenant by any agency providing rental assistance;

18 (6) That any rental assistance received by the landlord or  
19 landlord's agent has been credited to the tenant's  
20 account;



- 1        (7) That a copy of the fifteen calendar day notice shall  
2        be provided to the appropriate mediation center in  
3        accordance with subsection (d) in order for the  
4        mediation center to contact the landlord and tenant to  
5        attempt to schedule a mediation;
- 6        (8) That the mediation center will provide proof to the  
7        landlord that the notice was received and confirmation  
8        when mediation is scheduled;
- 9        (9) That the landlord or landlord's agent may file an  
10       action for summary possession if the rent due is not  
11       paid and if mediation is not scheduled within fifteen  
12       calendar days, regardless of whether the scheduled  
13       mediation session occurs within the fifteen calendar  
14       days, after receipt of the fifteen calendar day  
15       notice;
- 16       (10) A warning in bold typeface print that:
- 17       (A) If mediation is not scheduled within fifteen  
18       calendar days after receipt of the notice,  
19       regardless of whether the scheduled mediation  
20       session occurs within the fifteen calendar days,  
21       then the landlord may file an action for summary



1                   possession after the expiration of the fifteen  
2                   calendar day period;

3           (B) If mediation is scheduled before the expiration  
4           of the fifteen calendar day period, regardless of  
5           whether the scheduled mediation session occurs  
6           within the fifteen calendar days, then the  
7           landlord cannot file an action for summary  
8           possession until thirty calendar days after  
9           receipt of the fifteen calendar day notice; and

10           (C) If the fifteen calendar day notice is mailed,  
11           receipt of notice shall be deemed to be two days  
12           after the date of the postmark;

13           (11) Notice that the eviction may be subject to additional  
14           requirements and protections under state or federal  
15           law and that the tenant should seek the tenant's own  
16           legal advice; and

17           (12) That the landlord or landlord's agent must engage in  
18           mediation if mediation is scheduled.

19 If the fifteen calendar day notice is mailed, receipt of the  
20 notice shall be deemed to be two days after the date of the  
21 postmark.



1        (c) The fifteen calendar day notice required under this  
2 section may be substantially in the following form:

3        "I, \_\_\_\_\_, am the landlord or landlord's  
4 agent for the property at \_\_\_\_\_ and the contact  
5 information of the landlord or landlord's agent is:

6 \_\_\_\_\_.

7        The tenant(s) are: \_\_\_\_\_ and the contact  
8 information of the tenant(s) is: \_\_\_\_\_.

9        Under the terms of the lease for the property, you are  
10 obligated to pay rent of \$ \_\_\_\_\_ per  
11 \_\_\_\_\_.

12        The current amount of rent due as of the date of this  
13 notice is \$ \_\_\_\_\_.

14        I applied to, or was notified that you applied to,  
15 \_\_\_\_\_ (names of programs or agencies) for rental  
16 assistance with respect to rent. Any rental assistance received  
17 has already been included in calculating the amount stated in  
18 the preceding sentence.

19        As required under Hawaii Revised Statutes section 521-68,  
20 this notice is also being sent to \_\_\_\_\_  
21 (appropriate mediation center) and they will contact you to



1 schedule mediation regarding the nonpayment of rent. You may  
2 also contact this mediation center to schedule mediation and the  
3 contact information of the mediation center is:

4 \_\_\_\_\_.

5 IF MEDIATION IS NOT SCHEDULED WITHIN FIFTEEN (15) CALENDAR  
6 DAYS AFTER RECEIPT OF THIS NOTICE, REGARDLESS OF WHETHER THE  
7 SCHEDULED MEDIATION SESSION OCCURS WITHIN THE FIFTEEN (15)  
8 CALENDAR DAYS, THEN THE LANDLORD MAY FILE AN ACTION FOR SUMMARY  
9 POSSESSION AFTER THE EXPIRATION OF THE FIFTEEN (15) CALENDAR DAY  
10 PERIOD. BUT IF YOU DO SCHEDULE MEDIATION BEFORE THE EXPIRATION  
11 OF THE FIFTEEN (15) CALENDAR DAY PERIOD, REGARDLESS OF WHETHER  
12 THE SCHEDULED MEDIATION SESSION OCCURS WITHIN THE FIFTEEN (15)  
13 CALENDAR DAYS, THEN THE LANDLORD MAY NOT FILE AN ACTION FOR  
14 SUMMARY POSSESSION UNTIL THE EXPIRATION OF THIRTY (30) CALENDAR  
15 DAYS AFTER RECEIPT OF THIS NOTICE. IF THIS FIFTEEN (15)  
16 CALENDAR DAY NOTICE IS MAILED, THE RECEIPT OF THE NOTICE IS  
17 DEEMED TO HAVE OCCURRED TWO DAYS AFTER THE DATE OF THE POSTMARK.  
18 IF THIS NOTICE WAS POSTED ON YOUR PREMISES, RECEIPT IS DEEMED TO  
19 HAVE OCCURRED ON THE DATE OF POSTING.

20 If we reach an agreement before the filing of an action for  
21 summary possession, whether through mediation or otherwise, then

1 I will not bring an action for summary possession against you,  
2 except as provided in any agreement we may reach. I will be  
3 required to note the status of our mediation or settlement  
4 effort and proof of my sending this notice to the mediation  
5 center in the action for summary possession.

6 PLEASE BE AWARE THAT WE MAY BOTH BE SUBJECT TO ADDITIONAL  
7 STATE OR FEDERAL REQUIREMENTS OR PROGRAMS REGARDING EVICTION AT  
8 THE TIME OF THIS NOTICE. YOU ARE ENCOURAGED TO SEEK YOUR OWN  
9 LEGAL ADVICE AS TO YOUR RIGHTS AND RESPONSIBILITIES.

10 As landlord, I must engage in mediation with you, if you  
11 choose to schedule mediation.

12 (Date of notice and signature)"

13 (d) Landlords or their agents shall provide the fifteen  
14 calendar day notice to mediation centers that offer free  
15 mediation for residential landlord-tenant matters. The  
16 mediation center shall contact the landlord or landlord's agent  
17 and the tenant to schedule the mediation. If a tenant schedules  
18 mediation within the fifteen calendar day period, regardless of  
19 whether the scheduled mediation session occurs within the  
20 fifteen days, the landlord shall not file a summary proceeding  
21 for possession until the expiration of thirty days from the date



1 of receipt of the notice. If the tenant schedules mediation,  
2 the landlord shall participate.

3 (e) The summary possession complaint for nonpayment of  
4 rent shall include:

5 (1) A copy from the mediation center that shows proof that  
6 the landlord provided a copy of the fifteen-calendar  
7 day notice to the mediation center;

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

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

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

17 (g) If there is any defect in the fifteen calendar day  
18 notice provided by the landlord that is not intentional or the  
19 court determines such defect is not material, the court may  
20 allow the landlord to cure the defect without dismissing an  
21 action for summary possession.



1        (h) 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 imposed pursuant to a  
6 state of emergency proclamation related to the  
7 COVID-19 emergency issued by the governor through the  
8 thirtieth day after the expiration date, the rent due  
9 is equal to or greater than four months' rent;

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

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



1           expiration date, the rent due is equal to or greater  
2           than one month rent.

3           ~~(b)~~ (i) A landlord or the landlord's agent may bring an  
4 action for rent alone at any time after the landlord has  
5 demanded payment of past due rent and notified the tenant of the  
6 landlord's intention to bring such an action."

7           SECTION 2. There is appropriated out of the general  
8 revenues of the State of Hawaii the sum of \$1,034,286 or so much  
9 thereof as may be necessary for fiscal year 2021-2022 and the  
10 sum of \$2,487,936 or so much thereof as may be necessary for  
11 fiscal year 2022-2023 for the judiciary to contract for  
12 mediation services required by this Act.

13           The sums appropriated shall be expended by the judiciary  
14 for the purposes of this Act.

15           SECTION 3. This Act does not affect rights and duties that  
16 matured, penalties that were incurred, and proceedings that were  
17 begun before its effective date; provided that any contract in  
18 effect prior to the effective date of this Act that is  
19 subsequently renewed or extended on or after the effective date  
20 of this Act shall comply with the requirements of this Act.



1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on January 1, 2050;  
4 provided that this Act shall be repealed one year after the  
5 expiration date of the final eviction moratorium imposed  
6 pursuant to a state of emergency proclamation related to the  
7 COVID-19 emergency issued by the governor and section 521-68,  
8 Hawaii Revised Statutes, shall be reenacted in the form in which  
9 it read on the day prior to the effective date of this Act.



**Report Title:**

Housing; Landlord-Tenant Code; Remedies; Notice; Failure to Pay Rent; Appropriation

**Description:**

Extends the period for a notice of summary possession from five days to fifteen. Requires landlords to enter into mediation and 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 to mediation centers that offer free mediation for residential landlord-tenant disputes. Restricts when a landlord may exercise these remedies depending on the amount of rent due. Appropriates funds for the judiciary to contract for mediation services. Repeals one year after the expiration date of the final eviction moratorium imposed pursuant to a COVID-19 state of emergency proclamation. Effective 1/1/2050. (HD1)

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

