

WASSP Committee

From: Bevanne Bowers <bbowers@mauimmediation.org>
Sent: Wednesday, January 28, 2026 3:10 PM
To: WASSP Committee
Cc: Clarissa L. MacDonald
Subject: Maui Mediation Services Act 202 and Act 278 documents
Attachments: PEMP TENANT FLYER.pdf; PEMP LANDLORD FLYER.pdf; ACT278.OVERVIEW.pptx; Act 202 Annual Activity Reports.pdf

Aloha Committee Members,

Thank you for the opportunity to present at your January 26th meeting. Please find attached the PowerPoint and flyers for Act 278. Also attached are the summaries I read from regarding Act 202.

Please don't hesitate to contact me with any questions,

Mahalo,

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Hawai'i's Pre-filing Eviction Mediation Program (PEMP)

What You Should Know as a Tenant

Starting February 5, 2026, if you fall behind on rent, your landlord must give you a Notice offering you 10 calendar days to pay or schedule a FREE mediation session before moving forward with eviction.

Important Deadlines (Know Your Rights)

- **Landlords must give tenants a 10-calendar-day written notice** before filing an eviction for non-payment of rent.
- If you do not schedule mediation within ten calendar days, your landlord may file an eviction for non-payment of rent.
- The tenant has ten (10) calendar days to request mediation.
- If the tenant requests mediation within 10 calendar days, the landlord must participate and cannot file for eviction for 20 calendar days from the date of Notice to tenant. This is to allow for mediation to take place.

HOW TO REQUEST MEDIATION

1. **Act quickly:** You must request mediation within 10 calendar days of receiving your eviction notice for nonpayment of rent.
2. **Contact your mediation center:** Call the mediation center that serves the community where your rental unit is located. Let them know you want to request mediation under ACT 278.
3. **Provide information:** Be ready to share your landlord's contact information, details about your rental, and a copy of the eviction notice and the postmarked envelope it came in.
4. **Wait for scheduling:** The mediation center will contact your landlord and schedule a mediation session.
 - a. The mediation will be held online via Zoom. If you don't have a way to participate virtually, the mediation center will assist you.
 - b. If English is not your primary language, request an interpreter.
5. **Attend mediation:** Participate in the scheduled session.
 - a. The mediation session will last up to 1.5 hours.

WHAT IS MEDIATION?

Mediation is an informal conversation between you and your landlord, guided by an impartial mediator. The mediator doesn't take sides or make decisions—they help you communicate and explore solutions.

WHAT DOES MEDIATION COST?

While there is no cost to participate, if you fail to show up to a scheduled session, the landlord can file for eviction and include their costs for participating in the pre-mediation process.

HOW DOES MEDIATION WORK?

- **Opening:** Generally, you and the landlord will meet with the mediator together to share your perspectives. You may request to start in a private session with the mediator only.
- **Private Discussions:** Following the opening the mediator will move to private discussions with you and the landlord.
- **Problem-solving:** Through private and/or joint discussions, the mediator will help you explore possible solutions with your landlord.
- **Agreement:** If you reach an agreement, the mediator will put it in writing for you and the landlord to sign.

POSSIBLE OUTCOMES OF MEDIATION

Mediation can result in various agreements, such as:

- A payment plan to catch up on overdue rent
- Agreement on a move-out date that works for both parties
- Resolution of other issues affecting the rental relationship

IF NO AGREEMENT IS REACHED, THE LANDLORD CAN PROCEED WITH THE EVICTION

If no agreement is reached, your landlord may file for eviction after 20 calendar days.

PEMP COMMUNITY MEDIATION CENTERS

Kaua'i – Kauai Economic Opportunity Inc.
(KEO) Mediation Center
808-245-4077 x237
mediation@keoinc.org

East Hawai'i – Ku'ikahi Mediation Center
808-935-7844 x2
landlordtenant@hawaiimediatehawaii.org

O'ahu – The Mediation Center of the Pacific
808-521-6767
landlordtenant@mediatehawaii.org

West Hawai'i – West Hawai'i Mediation Center
808-885-5525
info@whmediation.org

Maui, Lana'i, Moloka'i – Mediation Services of Maui
808-344-4255 / 808-446-0511
landlordtenanthelp@mauimmediation.org

Hawai'i's Pre-filing Eviction Mediation Program (PEMP)

What You Should Know as a Landlord

Starting on February 5, 2026, if your tenant is behind on their rent, you must send a notice to your tenant informing them that you will move forward with the eviction process if they do not pay the rent or schedule a mediation session within ten (10) calendar days from the receipt of the notice.

Important Deadlines (Know Your Responsibilities)

- **Landlords must give tenants a 10-calendar-day written notice** before filing an eviction for non-payment of rent.
- The tenant has ten (10) calendar days to request mediation.
- If the tenant requests mediation within the 10 calendar days, you must participate and are restricted from filing for eviction for 20 calendar days from notice to tenant, to allow for mediation to take place.

HOW DOES PEMP WORK?

1. If your tenant is behind on their rent, go to the Judiciary's website to create a Notice
2. Next go to <https://www.mediationcentersofhawaii.org/> to complete and upload an Intake Form and attach the Notice.
3. The Notice and Form will be directed to the community mediation center on the island where the tenant resides.
4. Provide the Notice to the tenant on the same day you upload your notice.
5. The mediation center will contact you and your tenant to schedule a mediation session via zoom.
 - a. If you do not have a way to participate virtually, your local mediation center will assist you.
6. The mediation session will last up to 1.5 hours.
6. If English is not your primary language, request an interpreter.

WHAT HAPPENS IF...

The tenant doesn't request mediation within 10 days?

You may proceed with eviction after the 10-calendar day notice period ends, and the tenant has not requested mediation.

The tenant fails to appear at mediation?

You may proceed with eviction, and you may seek repayment of mediation-related costs, including legal fees.

No mediation is scheduled within 10 days?

You may proceed with eviction after the 10-calendar day notice period ends.

Mediation doesn't result in an agreement?

You may proceed with the eviction process following the 20-calendar day period from the tenant's receipt of the Notice.

The tenant defaults on a mediation agreement?

You may file for eviction and seek repayment of mediation-related costs, including legal fees.

What Does Mediation Cost?

There is no cost to you or the tenant to participate in a PEMP mediation session.

PEMP Mediation Centers

Kaua'i – Kauai Economic Opportunity, Inc.
(KEO) Mediation Center
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mediation@keoinc.org

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Summary of Responses Collected from Lead Tenants Act 202 Cases

For Year Ending: December 31, 2025
Report Submitted by: Bevanne J. Bowers

Total Tenants Contacted this Period	232
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Number of Tenants who have Received Rental Assistance?	13
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Impacted by 2023 Wildfire	
Loss of Housing	17
Loss of Job	57
Other	55
N/A	97

Number of People in Household	
1-2	102
3-5	104
6-10	21
10+	0

Household Income	
Less \$10,000	48
\$10 - \$30 K	57
\$30 - \$50 K	60
\$50 - \$80 K	32
\$80 - \$100 K	7
More than \$100K	6

Months Behind in Rent	
1 month	49
2 months	40
3 months	32
4 + months	166

Monthly Rent	
Less than \$1000	34
\$1000 - \$3000	170
\$3000 - \$5000	21
More than \$5000	3

JUDICIARY ● STATE OF HAWAII
FY2025-2026
ANNUAL ACTIVITY REPORT for ACT 202

Time Period February - December 2025
Provider: Maui Mediation Services
Report Submittal Date: January 15, 2026
Report Prepared By: Bevanne J. Bowers

ACT 202 Cases

Cases Opened this Period	653
Total Cases Served this Period	653
Cases Closed, M/ Agreement	266
Cases Closed , M/ No Agreement	70
Cases Closed, No Mediation	318
Cases Closed Total	644

Clients Served

Total Clients Served	937
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Reason for Cases Closed No Mediation

Case Rejected	19
Tenant Declined	27
Tenant No Contact - Deadline Expired	82
Tenant No Follow up - Deadline Expired	20
LL Declined	0
LL No Contact - Deadline Expired	0
LL No Follow up - Deadline Expired	0
Case Settled	119
Unable to Schedule	3
Tenant No Show	5

STATEWIDE PRE-FILING EVICTION MEDIATION PROGRAM (PEMP)

ACT 278

UNDER ACT 278, WHEN A LANDLORD WANTS TO FILE FOR EVICTION,
THEY MUST FIRST PROVIDE A 10-DAY NOTICE TO THE TENANT

The Notice Must Also Simultaneously be Sent to the Community
Mediation Center on the Island Where the Rental Property is Located.

When Landlords Provide the 10-day Notice to Tenants, They Must Also Provide the Notice to the Mediation Center on the Island Where the Rental Property is Located

To create a Notice, landlords must go to the Judiciary's website.

To provide the Notice to the appropriate community mediation center, go to <https://www.mediationcentersofhawaii.org/>

Through the website, landlords must complete an Intake Form, attach the Notice to the Form and upload both.

The landlord will receive an immediate electronic confirmation that the Notice and Intake Form has been provided to the mediation center.

The landlord must then mail the Notice to the tenant or post it on the dwelling.

Landlords Must Ensure that



All information included in the Notice and Intake Form is correct with **no typos or other errors**.



The names and contact information of everyone (attorneys and/or authorized agent) who will participate in mediation are included on the Intake Form.



Any needed accommodations to participate in mediation (i.e., interpreter, tech support, etc.) are specified.



One Notice and one Intake Form are completed for each lease agreement.

When a Tenant Receives a Notice of Eviction



The tenant has **10 days** to reach out to the mediation center on the island where the rental property is located, to schedule a mediation session.

If tenant has not requested mediation within 10 days, the landlord may proceed with the eviction.

When a Tenant Receives a Notice of Eviction, They Must Request Mediation Within 10 Days.

Tenants should immediately call the mediation center on the island where the rental property is located.

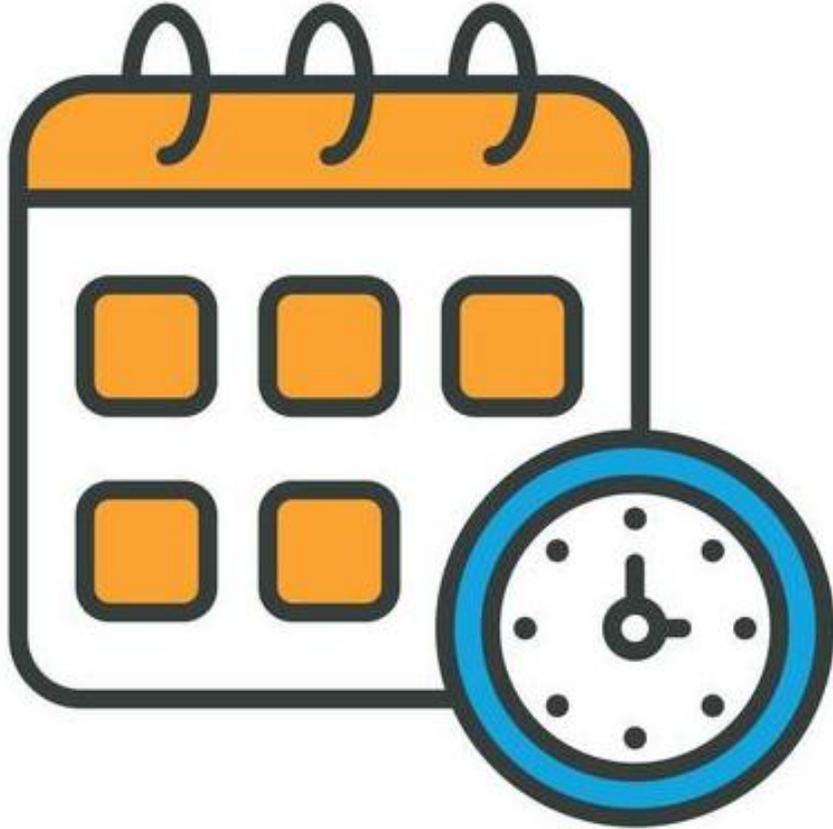
Request an interpreter to assist with scheduling, as well as the mediation, if English is not your primary language.

Provide all required background information to the scheduler, including date the Notice was received (postmark or date posted on dwelling).

Provide availability to mediate (mediations are scheduled Monday through Friday between 8:30 a.m. and 5:00 p.m. via Zoom).

The mediation center scheduling the mediation can provide technical assistance to participate in mediation.

The scheduler will reach out to the landlord to finalize scheduling a mediation.



Once a mediation session is scheduled with the tenant, the landlord and tenant will be electronically notified of the date and time of the mediation session, and provided with a Zoom link.

Check your junk email folder for notices.

If the tenant does not participate in the scheduled mediation session, the landlord may move forward with the eviction.

Mediations are conducted virtually via Zoom

Landlords and Tenants will need to have:

- A desktop, laptop, or smart phone with a microphone and camera
- Internet access and sufficient bandwidth

They may use the mediation center's office and equipment to participate in the remote mediation session.

They may also mediate in-person at the mediation center office, if they do not have the equipment or the comfort level to participate virtually.

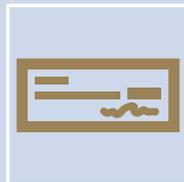
How to Prepare for Mediation



Organize information and documents including the lease agreement, how much is owed, a realistic payment plan, and/or possible new living arrangements



Talk with an attorney



Think about potential outcomes
(What can you do? What is a reasonable timeline? What are your plans?)

How the Mediation Will Work

A confidentiality agreement will be emailed to tenant and landlord to sign electronically prior to the mediation.

An interpreter will be provided if English is not the tenant or landlord's primary language.

The session will be scheduled for up to 1.5 hours.

The landlord and tenant will start together with the mediator.

- The landlord or the tenant may request that they be kept separate

If either landlord or the attorney are represented by an attorney, they are responsible for their own attorney's fees.

The Mediator Will Ask Lots of Questions



What circumstances led to the tenant getting behind on their rent?



What is the tenant's plan for repaying the outstanding rent?



What circumstances have changed that will enable the tenant to pay rent moving forward?



If the tenant cannot agree to a realistic payment plan, what options have they looked into for relocating?

The Mediator Will Also Ask the Landlord Questions

What is important to them: covering the lost rent or having the tenant move out and never recouping the back rent?

What was their relationship like with their tenant, prior to the tenant getting behind on their rent?

What is their definition of a “good tenant”?

If they could recoup all of the back rent and the tenant could pay the rent moving forward, would they consider renewing a lease with the tenant?

The Mediator Will Help the
Landlord and Tenant Negotiate
an Agreement

Mediation Agreements Can Include a Variety of Terms



That the tenant will complete a payment plan to cover rent owed



That landlord and tenant agree to a regular communication plan



That the landlord agrees to reduce rent moving forward



That the tenant will move out within a specified period and the landlord will waive the back rent owed

A Mediation Agreement Will
Keep the Landlord and
Tenant Out of Court and
Avoid the Eviction Process

If the tenant does not attend the scheduled mediation or fails to meet the terms of the mediated agreement



The landlord may move forward with the eviction process.



The tenant will be required to pay the landlord's attorney's fees and costs incurred by the landlord when participating in mediation.

REMEMBER



Landlords must submit the 10-day Notice to:
<https://www.mediationcentersofhawaii.org/>



When a tenant receives the Notice, they should immediately contact the mediation Center on the island where the rental property is located.

The Mediation Centers

Kaua'i – KEO Mediation Center

808-245-4077 x237

mediation@keoinc.org

O'ahu – The Mediation Center of the Pacific

808-521-6767

landlordtenant@mediatehawaii.org

Maui – Mediation Services of Maui

808-344-4255 / 808-446-0511

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808-935-7844 x2

landlordtenant@hawaiimediatehawaii.org

West Hawai'i – West Hawai'i Mediation Center

808-885-5525

info@whmediation.org

Encourage tenants to participate in mediation

Reinforce the importance of immediately calling the mediation center on the island where the rental property is located to schedule a mediation session.

Remind tenants to answer phone calls even if they don't know the caller because it might be a mediation center.

Help tenants understand the importance of notifying the mediation center in advance if they cannot attend the scheduled mediation session.

Tell tenants to only reach agreements that they can realistically complete.

Benefits of Mediation

Mediation is informal. It's not like going to court.



A mediated agreement will help landlord and tenant avoid court.



Landlords and tenants make the decisions in mediation.



It is a final chance to create plans to avoid eviction.



Mediation can help build a stronger relationship between landlord and tenant.