

UNDERSTANDING ACT 202 - REQUIREMENTS FOR NON-PAYMENT OF RENT NOTICE

Effective September 18th 2024

Beginning on September 18th, 2024, a landlord must provide tenants with a fifteen-calendar-day written notice before bringing an action for summary possession of the dwelling unit impacted by ACT 202, SLH2024. This notice is more detailed than the previously required five-day notice of nonpayment and must additionally be sent to Maui Mediation Services.

These are the requirements for the notice. This is not a template, but a checklist for creating a valid notice before bringing an action of summary possession.

- The name of the landlord or the landlord's agent and the landlord's or landlord's agent's contact information, including, if possible, phone number, electronic mail address, and mailing address;
- The address of the dwelling unit subject to the rental agreement;
- The name and contact information of each tenant, including, if possible, phone number, electronic mail address, and mailing address;
- The monthly rental rate of the dwelling unit;
- The current amount of the rent due as of the date of the notice, after applying all rent paid from all sources;
- Whether the landlord or landlord's agent has applied for rental assistance or been contacted on behalf of the tenant by any agency providing rental assistance;
- That any rental assistance received by the landlord or landlord's agent has been credited to the tenant's amount due;
- That a copy of the fifteen-calendar-day notice being provided to the tenant is also being provided to the mediation center to be identified by the landlord and, in accordance with subsection (d), in order for the mediation center to contact the landlord and tenant to attempt to schedule a mediation regarding the nonpayment of rent;
- 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;

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 fifteen calendar days after the tenant's receipt of the fifteen-calendar-day notice, regardless of whether the scheduled mediation session occurs within the fifteen calendar days

A warning in bold typeface print that says:

“If mediation is not scheduled within fifteen calendar days after receipt of the notice, regardless of whether the scheduled mediation session occurs within the fifteen-calendar-day period, then the landlord may file an action for summary possession after the expiration of the fifteen-calendar-day period. If mediation is scheduled before the expiration of the fifteen-calendar-day period, regardless of whether the scheduled mediation session occurs within the fifteen calendar days, then the landlord shall only file an action for summary possession after the expiration of thirty calendar days following the tenant's receipt of the fifteen-calendar-day notice. If the tenant cancels the scheduled mediation or does not appear at the scheduled mediation, the landlord may file the summary possession action immediately and shall not be required to wait for the expiration of the thirty calendar days. If the fifteen-calendar-day notice was mailed, receipt of notice shall be deemed to be two days after the date of the postmark. If the fifteen-calendar-day notice was posted on the premises, receipt of 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 be reached. The landlord shall be required to note the status of the mediation or settlement effort and proof of sending or posting the fifteen-calendar-day notice to the mediation center in the action for summary possession.”;

Notice 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; and

That the landlord or landlord's agent and tenant shall engage in mediation if mediation is scheduled.

This notice must be provided to the tenant and be sent to Maui Mediation Services at

Email: landlordtenanthelp@mauimmediation.org

Telephone: (808)-344-4255

Fax: (808) 249-0905

Visit mauimmediation.org for further resources

