

ACT 202: Relating to the Landlord-Tenant Code

Frequently Asked Questions (FAQs)

Service Provider: Maui Mediation Services

<https://www.mauimediation.org>

Email: landlordtenanthelp@mauimediation.org

Facebook: <https://www.facebook.com/MauiMediation/>

Landlord-Tenant Mediation Phone #1: 808-344-4255

Landlord-Tenant Mediation Phone #2: 808-446-0511

Hours Open: 8:30 AM to 4:30 PM, Monday through Friday

Maui Mediation Services office is open by appointment only at:

95 Mahalani Street, Suite 25, Wailuku, Hawai'i 96793

NOTE:

This is not legal advice. This is only a simplified summary of parts of Act 202.

This does not cover and/or apply to all situations.

You should seek legal advice if you are a landlord or a tenant.

GENERAL INFORMATION ABOUT ACT 202

On February 4, 2025, the eviction moratorium (ban) on Maui Island will end. The eviction moratorium was put in place after the Lahaina and Kula wildfires for all of Maui Island. After the moratorium ends, landlords and tenants will follow a new law passed this year called Act 202 starting on February 5, 2025.

Does this mean tenants who haven't paid their rent will be evicted immediately?

No, tenants will not be evicted immediately. Act 202 allows tenants and landlords to resolve rent issues through mediation before going to court. Both landlords and tenants must follow the process required under ACT 202.

***Will landlords be able to increase rent after the eviction moratorium ends?**

No. landlords cannot raise rent just because the eviction moratorium ends. The suspension that stops rent increases is still in place to help people who were impacted by the wildfires.

Understanding Act 202

Act 202, signed into law on July 5, 2024, provides tenants with the option of mediation to avoid eviction. Mediation is not automatically required but becomes a mandatory step only if the tenant requests mediation and schedules it within 15 days after receiving the landlord's notice.

The mediation process brings landlords and tenants together in person or by Zoom with an impartial third party called a mediator. The mediator helps the landlord and tenant try to voluntarily reach an agreement about overdue rent and/or eviction. The mediator does not take sides or tell the parties what to do. If the parties reach an agreement, the mediator will put the terms of the agreement in writing. The mediation process is paid for by State funds and is FREE for both landlord and tenant.

The opportunity to schedule a mediation will start on Wednesday, February 5, 2025.

When will Act 202 take effect?

Currently, landlords are not allowed to file lawsuits for evictions relating to wildfires, as the Governor has an eviction moratorium (ban) in place. The eviction ban will end on Tuesday, February 4, 2025. Act 202's mediation process starts the next day – Wednesday, February 5, 2025.

Why was this law passed?

Many tenants cannot pay their rent due to financial hardships or displacement caused by the wildfires. The law tries to balance the rights of landlords and tenants by helping them negotiate agreements with the help of a mediator and avoid the court process.

What is mediation?

Mediation is a process where opposing parties can resolve conflicts without going to court. An impartial mediator helps the parties talk and negotiate agreements that work for them. The mediator does not tell the parties what to do. It is up to the parties whether they want to reach an agreement or not.

What is litigation?

Litigation is the process or practice of settling a dispute in a court of law.

MEDIATION PROCESS

I am a tenant, when can I sign up with Maui Mediation Services if I know I am late paying my rent?

You can sign up right away, even before receiving a notice from your landlord. If you know you are behind on your rent, we recommend signing up as soon as possible.

Please go to the website: <https://mauimediation.org/contact-maui-mediation-services/>

At the very minimum, please enter the following information in the online form:

The tenant named on the lease's contact information:

- **First and last name;**
- **Email address** that the tenant has access to;
- **Phone number** the tenant can be reached at; and

Landlord information: (Enter it in the Defendant/Respondent Information Section)

- **First and last name;**
- **Email address;**
- **Phone number** the landlord can be reached at;
- **Mailing address**

(Please complete as much of your landlord's information as possible so that Maui Mediation Services can contact them to schedule a mediation appointment.)

- **Case type** (this is located towards the bottom of the online form and is a drop-down list, the likely selection would be: "landlord/tenant")
- **Comment** (located at the very end of the form) – you can leave a comment with any additional information you think will be helpful for Maui Mediation Services.

Who is responsible for mediation costs?

The mediation process is paid for by State funds and is FREE for both landlord and tenant. The state has contracted Maui Mediation Services to process mediation requirements under Act 202.

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For community-based legal resources, please visit Maui Recovers' Legal Resources:

<https://intercom.help/mauirecovers/en/collections/6753829-legal-scams>.

What is the Act 202 process?

Under Act 202, a landlord must provide the tenant with a written notice 15 days before filing for an eviction in court. The landlord must serve the tenants with a Notice, as well as send a copy to Maui Mediation Services.

Once the tenant receives the landlord's Notice, it is important to be proactive and schedule a mediation session with Maui Mediation Services within 15 days (the tenant has an additional 2 days if the landlord mailed the Notice). The mediation session itself does not have to occur within the 15 days—it just must be scheduled. The landlord is required to wait 30 days from the date of the Notice before filing the eviction case in court. This 30 day period allows time for mediation to occur and for both parties to potentially reach an agreement.

Once an eviction lawsuit is filed in court, it *generally* takes 6-8 weeks before the court would issue an eviction order. It usually takes longer if a trial is requested.

What happens if a tenant does not respond to the notice?

If the tenant fails to respond or schedule mediation within the 15-day notice period or does not show up to their scheduled mediation, the landlord may proceed with filing for eviction immediately.

What are the conditions under which a landlord can evict their tenant?

Initially, when the moratorium ends, Landlords cannot start the eviction process unless the tenant is four months or more behind on their rent and provides the tenant with a notice. The following month, landlords may provide a notice to tenants who are three months or more

behind. The third month, landlords may provide a notice to tenants who are two months or more behind. And then finally, in the fourth month, landlords may provide a notice to tenants who are one month or more behind. This phased approach helps manage the workload at Maui Mediation Services and gives tenants more time to pay their overdue rent before legal action is taken.

The table below outlines the time periods, corresponding start and end dates, and due and overdue rent amounts required for landlords to begin legal action, based on the expiration of the eviction moratorium on February 4, 2025.

Phases of initiating evictions based on the moratorium expiration date	Start Date	End Date	Overdue Amount
Day 1 to Day 30	February 5, 2025	March 6, 2025	Equal to or greater than four months of rent
Day 31 to Day 91	March 7, 2025	May 6, 2025	Equal to or greater than three months of rent
Day 92 to Day 152	May 7, 2025	July 6, 2025	Equal to or greater than two months of rent
Day 153 to Day 365	July 7, 2025	February 4, 2026	Equal to or greater than one month of rent

Do tenants have to leave their homes by the date on the written notice?

No, tenants do not have to leave their homes 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.

ADDITIONAL RESOURCES AND ASSISTANCE

Are there any organizations that can help with due or overdue rent?

Tenants: Please contact Maui Mediation Services; they may be able to direct you should resources become available, or contact Maui Recovers at <https://www.mauirecovers.org/>.

Landlords: Landlords can apply for a low interest SBA Economic Injury Disaster Loan (EIDL) at <https://www.sba.gov/funding-programs/disaster-assistance/economic-injury-disaster-loans>.

Payments are deferred for the first 12 months, providing a reprieve while allowing landlords to address immediate financial needs.

Maui Economic Forum

- Website: <https://www.meoinc.org>

Is there language assistance for non-English speakers?

Yes. Maui Mediation Services will provide language assistance at intake and during mediation if needed.

If your landlord is trying to evict you because of the expiration of the eviction moratorium or you need more information about the process, your rights, and responsibilities, there are resources available below.

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Department of Commerce and Consumer Affairs

Office of Consumer Protection's Hawai'i Residential Landlord-Tenant Information Center

- Website: <https://cca.hawaii.gov/ocp/landlord-tenant/>
- Maui County – 808-243-4648 between 7:45 a.m. – 4:30 p.m. (HST), Monday to Friday, except state holidays
- Email: ocp@dcca.hawaii.gov

Maui Disaster Recovery Legal Resources

- Website: <https://histatelawlibrary.com/faq/maui-disaster-recovery-legal-resources/>

Hawaii State Bar Association's Lawyer Referral Information Service

- Website: https://hsba.org/HSBA_2020/Public/LRIS.aspx

Volunteer Legal Services Hawai'i

- Website: <https://www.vlsh.org/>

Legal Aid Society of Hawai'i

- Website: <https://www.legalaidhawaii.org>

Although this news may cause additional stress to you and your loved ones, you are not alone. There are resources available to help find solutions. If you are struggling or feel like you are in crisis, please call or text Hawai'i CARES at 988.

Hawai'i CARES

- Website: <https://hicares.hawaii.gov/>

Maui Nui Strong – Mental Health Resources

- Website: <https://www.mauinuistrong.info/>

Hawai'i Heals Together – Secondary Trauma Education & Resources

- Website: <https://www.hawaiitheals.org/>

Hawai'i UTelehealth

Hawai'i UTelehealth offers free telehealth appointments via live video and audio with a psychologist, psychiatrist, family medicine specialist, mental health counselor, and/or substance abuse counselor for all individuals in the state of Hawai'i through 2026, with a focus on our Native Hawaiian, Pacific Islander, and rural communities, as well as older adults. All you need is access to the Internet and a webcam; most mobile phones, tablets and laptops have these built into the device. Call 808-375-2745, email utele@hawaii.edu.

- Website: <https://hawaiiatelehealth.org/>

Disaster Distress Helpline

Call or text 1-800-985-5990 for free, confidential counseling and support 24/7. This helpline can help people deal with strong emotions after a disaster, such as anxiety, worry, or anger.