

NON-PAYMENT OF RENT NOTICE REQUIREMENTS

(As of June 23, 2021)

Based on Governor Ige's statements about ending the eviction moratorium on August 6.¹

THIS IS NOT A TEMPLATE, RATHER A CHECKLIST

Beginning August 7, 2021, a landlord must provide a more thorough notice of non-payment of rent to the tenant prior to filing for eviction than was required under prior statute for a 5-day notice for nonpayment. The amended statute, HRS §521-68, requires notice must be given to the tenant at least 15-calendar days before filing an eviction with the court. The 15-calendar day notice must also be provided to the applicable mediation center for your county. Reference to the provision of the amended 521-68 is noted below –the notice must include:

1. Name and all contact information of the landlord (HRS § 521-68(b)(1))
2. Address of the residential rental property (HRS § 521-68(b)(2))
3. Name and contact information of all tenants, if possible (HRS § 521-68(b)(3))
4. Monthly rental rate (HRS § 521-68(b)(4))
5. Current outstanding balance of rent due, minus any payments made or rental assistance received (HRS § 521-68(b)(5))
6. A statement that the landlord has applied for rental assistance or has been contacted by an agency providing rental assistance (HRS § 521-68(b)(6))
7. A statement that rental assistance has been credited to the tenant's amount due (HRS § 521-68(b)(7))
8. A statement that a copy of the notice is being provided to the relevant mediation center so that the mediation center may contact the tenant to schedule a mediation regarding the nonpayment of rent [include contact information for the applicable mediation center] (HRS § 521-68(b)(8))
9. A statement that the mediation center will provide proof to the landlord that the eviction notice was received by the mediation center and a confirmation of any scheduled mediation (HRS § 521-68(b)(9))
10. A statement that the landlord can file the eviction in court after 15 calendar days if the mediation is not scheduled during the 15-day period, whether or not mediation is scheduling during or after the 15 calendar days (HRS § 521-68(b)(10))
11. **A warning, in bold**, stating that if mediation is timely scheduled with the tenant during the 15-day period (even if the actual mediation cannot occur until later), then the landlord has to wait 30 calendar days to file an eviction action if mediation was timely scheduled. The notice will include that the landlord must note the status of the mediation and proof of providing the notice when a case is filed in court. If notice is mailed, the 15 days starts 2-days after postmark; if notice is posted on the premises, the 15 days starts on date of posting. (HRS § 521-68(b)(11))
12. A statement that the eviction may be subject to other state or federal law restrictions or requirements and that the tenant is encouraged to seek their own legal advice (HRS § 521-68(b)(12))
13. A statement that if mediation is scheduled, the landlord must engage in the mediation (HRS § 521-68(b)(13))

¹ The Governor has to announce by July 17, 2021 whether to officially end the nonpayment eviction moratorium on August 6, 2021 for the notice to be required on and after August 7, 2021.