



ACT 57 – EVICTION MEDIATION PROGRAM

**WHAT HAPPENS WHEN THE
MORATORIUM ON
EVICTIONS ENDS**





Landlords Must Provide
the Notice to the Tenants
and Simultaneously Send
the Notice to the
mediation center on the
island where the tenant
resides



For tenants on **Oahu**, landlords may go directly to the Mediation Center of the Pacific's (MCP) website to upload the notice at:

<https://www.mediatehawaii.org/sempr>

The landlord will receive an immediate electronic confirmation

It is important for the tenant to call MCP **right away** when they receive the notice from their landlord

Call MCP's designated line for landlords and tenants at: **807-0080**, Monday through Friday between 8:30 a.m. and 4:30 p.m. MCP can ask an interpreter can assist

A Client Service Specialist will ask the tenant to provide some basic information and then work with the tenant to identify the best day and time to schedule a mediation session

Mediations are scheduled Monday through Friday between 8:30 a.m. and 5:00 p.m.

Some Saturday sessions are available

The Client Service Specialist will notify the landlord of the date/time of the scheduled mediation

If the Tenant Does Not Call MCP and Schedule a Mediation Session **Within 15 Days** from the Date of the Notice, the Landlord Will Move Forward With the Eviction

If the mediation session doesn't occur within **30 days** from the date of the notice, the landlord can begin filing for eviction.



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

Mediations will be conducted remotely 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 MCP's office and equipment to participate in the remote mediation session

They may also mediate in-person at MCP's office, if they do not have the equipment or the comfort level to participate remotely

How to Prepare for Mediation



Apply for rental assistance or find out what is required to apply



Talk with an attorney (tenants may reach out to Legal Aid Society of Hawaii)



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



Talk with a financial counselor



Find out about alternate housing arrangements

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

- **The mediator will ask lots of questions, such as:**

- Has the tenant or landlord applied for rental assistance?
- If yes, what happened?
- If no, why not?

- **The mediator will ask the tenant more questions:**

- What is their current financial situation?
- Do they expect their financial situation to change in the future?
- What are their future plans and do they want to remain in the residence?

- **The mediator will ask the landlord more 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 COVID?
 - 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?
 - Would they consider reducing the rent?
 - Would they consider waiving back rent if the tenant agreed to move out?

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The Mediator Will Help
the Landlord and Tenant
Negotiate an Agreement

Mediation Agreements Can Include a Variety of Terms

That landlord and tenant agree to work together to apply for rental assistance

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

That tenant will move out within an agreed-upon time, and landlord will waive the back rent owed



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

When a tenant on Oahu receives the notice, they should contact MCP **as soon as possible.**

(808) 807-0080

Landlords submit their notice for tenants on Oahu at

<https://www.mediatehawaii.org/semp>

How Community Organizations Can Help

Get the word out

Prepare tenants for receiving the notice

- Don't throw it away

Reinforce the importance of immediately calling MCP to schedule a mediation session

- The mediation must be scheduled within 15 days
- Their landlord will move forward with the eviction if they don't schedule a mediation

Talk with landlords and tenants about how mediation works and why it is a good process to participate in

Help tenants and landlords with any paperwork, from electronically signing the confidentiality agreement to sharing rental assistance information with the mediator

Discuss the best way for them to participate in mediation

- Remotely with their equipment
- Remotely at your office or somewhere in the community
- Remotely or in-person at MCP

Offer to be available to help them during the mediation

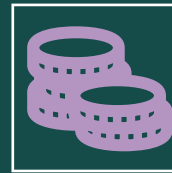
Help tenants gather resources prior to the mediation



Confirm how much
money is owed



Reach out to Legal Aid with
legal questions



Meet with a financial
counselor to gain a
realistic idea of what the
tenant can afford



Identify alternate living
arrangements that are
affordable for the tenant and
how long it would take to
move to the new location

Benefits of Mediation

Mediation can help build a stronger relationship between landlord and tenant

Mediation is not like going to court

A mediated agreement will help them avoid court

They make their own decisions in mediation

Final chance to create plans to avoid eviction