

# Changes to the Landlord-Tenant Code, Mediation, and Rental Assistance

## Mediation



THE MEDIATION CENTER OF THE PACIFIC, INC.  
*Bringing People Together to Talk and Resolve Conflict Creatively*

When Landlords Provide  
the 15-day Notice to  
Tenants, They Must Also  
Simultaneously Send the  
Notice to the Mediation  
Center on the Island  
Where the Tenant Resides

For tenants on **Oahu**, landlords should 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



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## Ensure that

- All the information typed in the form is correct with **no typos or other errors**
- The uploaded notice is **correct and complete**
  - It matches the tenant listed on the form
  - All pages are in one document
  - Not blurry
- You include any accommodations you might need, including time constraints
- Note the primary language of the tenant if it is not English
- One entry per lease agreement



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

Tenants should call MCP's dedicated landlord-tenant line at: **807-0080**, Monday through Friday between 8:30 a.m. and 4:30 p.m. MCP can ask an interpreter to 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 via email



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

Once a mediation session is scheduled, the landlord can file for eviction **30 days** from the date of the notice, if the mediation session has not yet been conducted.



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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

**Check your junk email folder for notices.**



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# 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



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# How to Prepare for Mediation



Apply for rental assistance or find out what is required to apply or what the status of the application is



Talk with an attorney



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



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# 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?



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- **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?



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# The Mediator Will Help the Landlord and Tenant Negotiate an Agreement



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# 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 landlord and tenant agree to a regular communication plan

The landlord agrees to reduce rent moving forward



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



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## REMEMBER

Landlords must submit the 15-day notice to the mediation center on the island where the tenant resides.

On Oahu go to:

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

When a tenant receives the notice, they should contact the mediation center on their island right away to schedule a mediation.

On Oahu call:

**(808) 807-0080**



Encourage  
your tenants  
to participate  
in mediation

**Let MCP know the tenant's primary language so that an interpreter is used when reaching out to the tenant**

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

**Let MCP know right away, if you cannot attend the scheduled mediation session**



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# 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 landlord and tenant avoid court

You make your own decisions in mediation

It is a final chance to create plans to avoid eviction



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