

STAND. COM. REP. NO.

215

Honolulu, Hawaii

Feb 11, 2011

RE: H.B. No. 1135
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Housing, to which was referred H.B. No. 1135 entitled:

"A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Notify certain mortgagors about credit counseling prior to a regular nonjudicial foreclosure; and
- (2) Allow certain mortgagors to forestall nonjudicial foreclosure proceedings by requesting a copy of the promissory note and mortgage document.

Hawaiian Community Assets testified in support of this bill with amendments. The Hawaii Bankers Association, Mortgage Bankers Association of Hawaii, Hawaii Credit Union League, and a concerned individual opposed this measure. The Department of Commerce and Consumer Affairs offered comments.

Your Committee has amended this bill by:

- (1) Requiring a mortgagor to send a request for a promissory note and mortgage document by regular mail postage prepaid, instead of by certified, registered, or express mail with prepaid postage and a request for a return receipt; and

HB1135 HD1 HSCR HSG HMS 2011-1768



- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1135, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1135, H.D. 1, and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Housing,



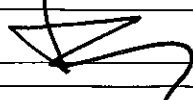
RIDA T.R. CABANILLA, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Hsca 215

Record of Votes of the Committee on Housing

Bill/Resolution No.: HB 1135	Committee Referral: HSG, CPC/JUD	Date: 2-2-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSG Members	Ayes	Ayes (WR)	Nays	Excused
1. CABANILLA, Rida T.R. (C)	<input checked="" type="checkbox"/>			
2. CHONG, Pono (VC)	<input checked="" type="checkbox"/>			
3. CARROLL, Mele				<input checked="" type="checkbox"/>
4. CHANG, Jerry L.	<input checked="" type="checkbox"/>			
5. COFFMAN, Denny	<input checked="" type="checkbox"/>			
6. HAR, Sharon E.	<input checked="" type="checkbox"/>			
7. HERKES, Robert N.				<input checked="" type="checkbox"/>
8. ITO, Ken	<input checked="" type="checkbox"/>			
9. MORITA, Hermina M.				<input checked="" type="checkbox"/>
10. NAKASHIMA, Mark M.	<input checked="" type="checkbox"/>			
11. PINE, Kymerly Marcos	<input checked="" type="checkbox"/>			
12. THIELEN, Cynthia	<input checked="" type="checkbox"/>			
TOTAL (12)	9			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				