

Honolulu, Hawaii

February 10, 2014

RE: H.B. No. 2513

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2513 entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify judicial foreclosure procedures by specifying that attorney affirmations attesting to the accuracy of documents submitted in connection with a judicial foreclosure of residential property, as required under current law, are to be filed with the court at the time the foreclosure action is commenced.

A concerned individual testified in support of this measure. The Hawaii Bankers Association, Mortgage Bankers Association of Hawaii, and Hawaii Financial Services Association supported the intent of this measure.

Your Committee finds that section 667-17, Hawaii Revised Statutes, requires attorneys filing a judicial foreclosure action for residential property to submit an affirmation that the attorney has verified the accuracy of documents submitted in connection with the foreclosure action. However, the statute currently does not specify when the affirmation must be submitted, thus allowing attorneys to initiate a foreclosure action without information sufficient to warrant the action. This measure helps to prevent those unwarranted actions by requiring that the attorney affirmation be filed with the court at the time that the foreclosure action is commenced.



As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2513 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



