

Honolulu, Hawaii

APR 24 2013

RE: S.B. No. 960  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 960, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FORECLOSURES,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish a notice of postponement or cancellation of sale requirement under part IA, chapter 667, Hawaii Revised Statutes, relating to judicial foreclosures.

Your Committee on Conference finds that pursuant to Act 48, Session Laws of Hawaii 2011, the foreclosing mortgagee in a nonjudicial foreclosure is legally required to provide notice of the postponement or cancellation of the public sale to specific persons. It is prohibited conduct for a foreclosing mortgagee to fail to notify identified persons and entities of the postponement or cancellation of a nonjudicial foreclosure sale. Although the



protections relating to the postponement or cancellation of sale apply to nonjudicial foreclosures, there is not a similar requirement for judicial foreclosures under part IA, chapter 667, Hawaii Revised Statutes.

Your Committee on Conference further finds that this measure applies the existing protections for nonjudicial foreclosures to mortgagors and borrowers involved in the judicial foreclosure process. The timely notice required by this measure is intended to help homeowners avoid severe financial penalties which could result from a cancelled foreclosure sale the homeowner knew nothing about.

Your Committee on Conference has amended this measure by inserting an effective date of upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 960, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 960, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ANGUS L.K. MCKELVEY, Co-Chair



KARL RHOADS, Co-Chair



ROSALYN H. BAKER, Chair



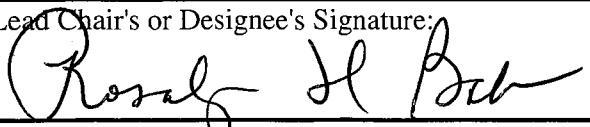
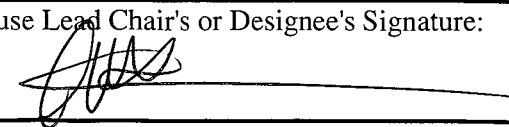
CLAYTON HEE, Co-Chair



Hawaii State Legislature

CCR 10

Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 960, SD 1, HD 1</b>					Date/Time: <b>4/18/13 / 2:59 PM</b>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
BAKER, Rosalyn H., Chr.		✓				MCKELVEY, Angus L.K., Co-Chr.		✓			
HEE, Clayton, Co-Chr.		✓				RHOADS, Karl, Co-Chr.		✓			
IHARA, Les, Jr.					✓	KAWAKAMI, Derek S.K.		✓			
WAKAI, Glenn		✓				MCDERMOTT, Bob		✓			
SLOM, Sam		✓									
TOTAL		4	-	-	1	TOTAL		4	-	-	-
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted				<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted			
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:		Original		Yellow		Pink		Goldenrod			
		File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency			