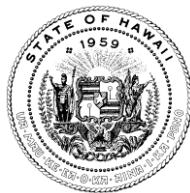


HB2513

LATE

TESTIMONY



NEIL ABERCROMBIE
GOVERNOR

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LT. GOVERNOR

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PRESENTATION OF THE
OFFICE OF CONSUMER PROTECTION

TO THE COMMITTEE ON JUDICIARY AND LABOR

THE TWENTY-SEVENTH
REGULAR SESSION OF 2014

MARCH 25, 2014
10:00 AM

WRITTEN COMMENTS ON H.B. 2513, RELATING TO MORTGAGE FORECLOSURES.

TO THE HONORABLE CLAYTON HEE, CHAIR,
AND TO THE HONORABLE MAILE S. L. SHIMABUKURO, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs, Office of Consumer Protection ("OCP") appreciates the opportunity to offer written comments on H. B. 2513, Relating to Mortgage Foreclosures. My name is Bruce B. Kim and I am the Executive Director of OCP.

H. B. 2513 amends HRS §667-17 to specify that the attorney affirmation in judicial foreclosure ("affirmation") must be filed at the commencement of the action. The affirmation section was a part of Act 182, SLH 2012, which substantially amended HRS Chapter 667 at the recommendation of the Mortgage Foreclosure Task Force ("MFTF"),

after the enactment of Act 48, SLH 2011. However, the affirmation was not included among the recommendations of the MFTF.

At the time of the affirmation's enactment, there was lively debate as to how it would function and the requirements it would impose on foreclosing mortgagees' counsel. It is not immediately apparent from Standing Committee Report No. 626-12 of the expectations of the Committee on Consumer Protection & Commerce as to when the affirmation should be submitted. OCP believes that additional clarification regarding the timing of the affirmation would be appropriate, given the current lack of specificity, if the Legislature sees fit to do so.

Thank you for the opportunity to offer written comments on H. B. 2513. I would be happy to answer any questions members of the committee may have.