STAND. COM. REP. NO. 542

Honolulu, Hawaii Feb **S**, 2011

RE: H.B. No. 879

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

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred H.B. No. 879 entitled:

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

beg leave to report as follows:

The purpose of this bill is to implement the recommendations of the Mortgage Foreclosure Task Force relating to service of notice, conversion from nonjudicial to judicial foreclosure, bar against deficiency judgments, notice of pendency of action, and extinguishment of a mortgagor's interest.

The Department of Commerce and Consumer Affairs, Hawaii Council of Associations of Apartment Owners, Hawaii Financial Services Association, UNITE HERE Local 5, Hawaii Credit Union League, Catholic Charities Hawaii, and many concerned individuals testified in support of this bill. The Hawaii Association of REALTORS supported the intent of this measure. The Hawaii Bankers Association supported this bill with amendments. The Community Associations Institute, and several concerned individuals opposed this measure. The Judiciary, Laulima, LLC, Faith Action for Community Equity, and many concerned individuals provided comments.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 879 and recommend that it pass Second Reading and be referred to the Committee on Finance.

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Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

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ROBERT N. HERKES, Chair

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Chair

GILBERT KEITH--**Á**GARÀ Ν,

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HB879 HSCR CPC-JUD HMS 2011-2368

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Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 879 Committee Referral: CPC/JUD, FIN Date: -/16/2011							
The committee is reconsidering its previous decision on the measure.							
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)							
CPC Members	Ayes	Ayes (WR)	Nays	Excused			
1. HERKES, Robert N. (C)	/	_					
2. YAMANE, Ryan I. (VC)							
3. BROWER, Tom							
4. CABANILLA, Rida T.R.							
5. CARROLL, Mele							
6. ITO, Ken	/						
7. KEITH-AGARAN, Gilbert S.C.	<u> </u>						
8. LUKE, Sylvia							
9. McKELVEY, Angus L.K.							
10. MORITA, Hermina M.							
11. OSHIRO, Blake K.							
12. SOUKI, Joseph M.				/			
13. TSUJI, Clift	/						
14. CHING, Corinne W.L.							
15. MARUMOTO, Barbara C.							
16. THIELEN, Cynthia							
·							
TOTAL (16)	13			2			
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation.							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							

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Record of Votes of the Committee on Judiciary

Bill/Resolution No.: C HB 879	ommittee Referral: CPC/JUD, FIN	ee Referral: JUD, FIN 2/16/11					
□ The committee is reconsidering its previous decision on the measure.							
The recommendation is to: X Pass, unamended (as is)							
Image: Comparison of the second se							
JUD Members	Ayes	Ayes (WR)	Nays	Excused			
1. KEITH-AGARAN, Gilbert S.C. (C)							
2. RHOADS, Karl (VC)	/		, 	-			
3. BROWER, Tom	· /						
4. CABANILLA, Rida T.R.							
5. CARROLL, Mele							
6. HERKES, Robert N.							
7. ITO, Ken							
8. LUKE, Sylvia							
9. McKELVEY, Angus L.K.							
10. MORITA, Hermina M.							
11. OSHIRO, Blake K.							
12. SOUKI, Joseph M.							
13. TSUJI, Clift	. /						
14. FONTAINE, George R.							
15. MARUMOTO, Barbara C.	\checkmark						
16. THIELEN, Cynthia							
TOTAL (16)	13		0	2			
The recommendation is: Adopted							
If joint referral, did not support recommendation.							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							