

STAND. COM. REP. NO.

607

Honolulu, Hawaii

March 5, 2015

RE: H.B. No. 866
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 866 entitled:

"A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR
ENFORCEMENT FOR MORTGAGE LICENSING ACT,"

begs leave to report as follows:

The purpose of this measure is to establish a mortgage
license exemption for sellers of real property who offer or
negotiate terms of a mortgage loan secured by the seller's own
real property.

The Hawaii Association of REALTORS testified in support of
this measure. The Hawaii Association of Mortgage Bankers
testified in opposition to this measure. The Department of
Commerce and Consumer Affairs provided comments on this measure.

Your Committee has amended this measure by:

- (1) Specifying that the seller of real property offering or
negotiating the terms of a mortgage loan secured by the
seller's own real property be the mortgagee and that the
mortgage loan be a residential mortgage loan;
- (2) Specifying that the 3 or fewer mortgage loans per
calendar year limit refers to residential mortgage loans
and that the interest rate on such loans shall not be
above the State's usury limit; and

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- (3) Changing its effective date to July 1, 2112, to encourage further discussion.

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. 866, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 866, H.D. 1, and be placed on the calendar for Third Reading.

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



ANGUS L.K. MCKELVEY, Chair



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Bill/Resolution No.: HB 866	Committee Referral: CPC, JTB	Date: 03/04/15		
<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)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. WOODSON, Justin H. (VC)	✓			
3. BELATTI, Della Au				✓
4. BROWER, Tom	✓			
5. CREAGAN, Richard P.				✓
6. HAR, Sharon E.				✓
7. HASHEM, Mark J.				✓
8. KAWAKAMI, Derek S.K.	✓			
9. LEE, Chris	✓			
10. NAKASHIMA, Mark M.				✓
11. OSHIRO, Marcus R.				✓
12. SAN BUENAVENTURA, Joy A.	✓			
13. TAKAYAMA, Gregg	✓			
14. YAMANE, Ryan I.	✓			
15. FUKUMOTO CHANG, Beth	✓			
16. MCDERMOTT, Bob				✓
TOTAL (16)	9			7
The recommendation is: <input type="checkbox"/> Adopted <input checked="" 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				