STAND. COM. REP. NO. 677 -18

Honolulu, Hawaii

February 16

, 2018

RE: H.B. No. 1957 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1957 entitled:

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

begs leave to report as follows:

The purpose of this measure is to override the ruling in Bank of New York Mellon v. Rumbawa by prohibiting a person who is entitled to enforce a mortgage note as a negotiable instrument from foreclosing on the property in a foreclosure by action unless the person establishes that the person is the owner of the mortgage note.

The Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii and three individuals testified in support of this measure. Hawaii Financial Services Association and Hawaii Bankers Association opposed this measure.

Your Committee has amended this measure by changing its effective date to July 1, 2050, to facilitate 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. 1957, as amended herein, and recommends that

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it pass Second Reading in the form attached hereto as H.B. No. 1957, H.D. 1, and be referred to your Committee on Finance.

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

ROY M. TAKUMI, Chair

State of Hawaii House of Representatives The Twenty-ninth Legislature

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Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 1957 CPC	Referral:	Date:	2/14/	18
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. TAKUMI, Roy M. (C)	/			
2. ICHIYAMA, Linda (VC)	√		a - Right balan la	
3. AQUINO, Henry J.C.			Tagana and Anna and A	v Vista i sagar
4. ITO, Ken				
5. JOHANSON, Aaron Ling				
6. LoPRESTI, Matthew S.	V			
7. MIZUNO, John M.	√		V. 4. 10 10 10 10 10 10 10 10 10 10 10 10 10	
8. SAY, Calvin K.Y.	√		State and the state of the stat	
O TOKYOKA I				
9. TOKIOKA, James Kunane				
10. YAMANE, Ryan I.				
11. McDERMOTT, Bob		 		

TOTAL (11)	7	2	0	<u> </u>
The recommendation is: 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				