

# SB950

Measure Title: RELATING TO MORTGAGE SERVICERS.

Report Title: Mortgage Servicers; Division of Financial Institutions; Chapter 454M; Presumption of Control; Change in Control

Description: Clarifies and updates requirements under chapter 454M, Hawaii Revised Statutes, for mortgage servicers. Adds new sections for change in control, and defining "presumption of control". Adds a definition of "executive officer".

Companion: [HB1084](#)

Package: Governor

Current Referral: CPH, WAM

Introducer(s): KOUCHI (Introduced by request of another party)



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**PRESENTATION OF THE  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2017

TUESDAY, FEBRUARY 7, 2017  
9:00 a.m.

**TESTIMONY ON S.B. NO. 950  
RELATING TO MORTGAGE SERVICERS**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Iris Ikeda, Commissioner of Financial Institutions of the Division of Financial Institutions ("DFI"), testifying on behalf of the Department of Commerce and Consumer Affairs, in strong support of this administration bill, S.B. No. 950, Relating to Mortgage Servicers.

This measure will add clarity and consistency to various provisions of the Mortgage Servicers Law, Chapter 454M, Hawaii Revised Statutes ("HRS"), and provide for appropriate supervision of the mortgage servicers industry. It will make the chapter clearer and more effective, improving compliance within the industry, regulatory

oversight, and the Commissioner's ability to enforce the chapter. Consumer protection will be enhanced.

The bill clarifies and refines the chapter by identifying which persons related to a mortgage servicer are subject to interviews and examination, and disclosure of bankruptcy filings, lending industry violations, and criminal history. It also deletes the reference to needing a license under Chapter 454F, HRS, in order for a mortgage servicer to make loan modifications, as this is no longer required.

The bill adds a section requiring the Commissioner to approve a change of control of a licensee. The licensee will submit an application and a \$500 application fee to DFI. Following an investigation, the Commissioner will approve the application provided that the Commissioner makes certain determinations as to the fitness of the persons who will obtain control, and the impact of the change of control on the public interest.

A new section is added that identifies when an individual is presumed to control a mortgage servicer. The presumption applies to certain key persons with specified voting powers, and to an executive officer of a mortgage servicer. The bill adds a definition of "executive officer" to Section 454M-1, HRS. These new provisions will enhance consumer protection by preventing the takeover of a licensed mortgage servicer by unqualified persons.

This bill will make Chapter 454M clearer and more effective and efficient, and improve compliance within the industry. DFI's regulatory oversight and enforcement of the chapter will be enhanced, and consumer protection will be elevated. These are

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important interests since mortgage services often have relationships with borrowers lasting 30 years or more, directly impacting what is often a consumer's largest asset.

DFI strongly supports this administration bill, S.B. No. 950, and respectfully requests that it be passed.

Thank you for this opportunity to testify. I would be pleased to respond to any questions that you may have.