

JAN 25 2017

A BILL FOR AN ACT

RELATING TO FORECLOSURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 182, Session Laws of Hawaii 2012, is
2 amended by amending section 69 to read as follows:

3 "SECTION 69. This Act shall take effect upon its approval;
4 provided that:

5 ~~[(1) On July 1, 2017:~~

6 ~~(A) Section 667 O in section 3 of this Act shall be~~
7 ~~repealed; and~~

8 ~~(B) Section 667 P in section 3 of this Act shall take~~
9 ~~effect;~~

10 ~~(2)]~~ (1) Section 4 of this Act, amending section 454M-5,
11 Hawaii Revised Statutes, shall take effect on July 1,
12 2012;

13 ~~[(3)]~~ (2) The website maintained by the department of
14 commerce and consumer affairs for purposes of
15 publishing the electronic public notices of public
16 sale pursuant to section 667-27(d), as amended in



1 section 20 of this Act, shall be operative no later
2 than August 30, 2012;

3 ~~[(4)]~~ (3) Section 26 of this Act, amending section 667-41,
4 Hawaii Revised Statutes, shall take effect on
5 September 1, 2012; and

6 ~~[(5)]~~ (4) Part VI of this Act, amending sections 667-F,
7 667-R, and 667-27, Hawaii Revised Statutes, shall take
8 effect two years after the effective date of this
9 Act."

10 SECTION 2. Section 667-18, Hawaii Revised Statutes, is
11 repealed.

12 ~~["~~§667-18~~ Attorney affirmation in judicial foreclosure.
13 An attorney who files a complaint in a mortgage foreclosure
14 action shall affirm in writing, under penalty of perjury, that
15 to the best of the attorney's knowledge, information, and belief
16 the allegations contained in the complaint are warranted by
17 existing law and have evidentiary support."]~~

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20



1 SECTION 4. This Act shall take effect on June 30, 2017.

2

INTRODUCED BY:

~~SEN. D.C. FISH-LEGAN~~
Randy de Paul



S.B. NO. 1227

Report Title:

Foreclosures; Attorney Affirmation; Judicial Foreclosure

Description:

Makes permanent the affirmation requirement and form that is filed by an attorney on behalf of a mortgagee who is seeking to foreclose on a residential property under a judicial foreclosure action. Repeals the affirmation requirement of an attorney who files a complaint in a mortgage foreclosure action that would have been effective on 07/01/2017.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

