

April 20, 2011

Dan McConnon
Assistant Director, Community Services and Housing Division
Department of Commerce
PO Box 42525
Olympia, WA 98504



Dear Director McConnon,

This morning Governor Christine Gregoire signed HB 1632. This is a complex piece of legislation, and creates both new expectations on the current meet and confer process in foreclosure, and also a new mediation process.

Trustees in Washington are the impartial, third party in the foreclosure process. Our members focus on the process of foreclosure, ensuring documentation is correct, procedures are done correctly, and laws are followed. The new mediation process creates some significant challenges for our industry, and for homeowners and financial institutions who may be working through the foreclosure process as this law becomes effective.

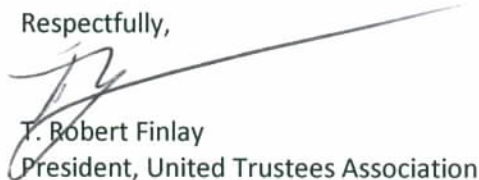
Under the new law, any home that is in foreclosure but has not yet had a Notice of Sale filed against it may be considered for these new programs.

I respectfully ask for guidance from the Department of Commerce on the issues below.

- For those homeowners already in the foreclosure process, who have already been through the meet and confer process but a Notice of Sale has not been filed, how do we address these homes? Is the expectation that these homeowners would restart the foreclosure process with another meet and confer period, and elect to have access to a housing counselor?
- Would these homeowners be eligible to retain a housing counselor or attorney if they are past the meet and confer process and still be allowed to move to mediation?
- If homeowners are allowed to restart from the meet and confer process, are they allowed the full thirty days to opt in to the program? Does this mean we put all homes in foreclosure without an NOS filed on suspension for thirty days?
- What is the effective date of the bill? Would that be when the thirty day clock begins, if these homes are allowed to restart the process?

As the party that implements the foreclosure laws, it is critical that Washington trustees clearly understand the new requirements, and the expectations of your Department. Your early assistance in this matter is greatly appreciated.

Respectfully,



T. Robert Finlay
President, United Trustees Association

cc: Representative Tina Orwall
Senator Adam Kline