

GUIDANCE DOCUMENT

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.



Updated Mortgage Banker and Mortgage Loan Originator Guidance on Temporary Branch Relocations

Effective: January 1, 2021

To: Licensed Mortgage Bankers and Sponsored/Licensed Mortgage Loan Originators

From: Kelly Lammers, Director, Nebraska Department of Banking and Finance

RE: Updated Guidance on Temporary Branch Locations Outside of NMLS

The Nebraska Department of Banking and Finance (“Department”) is issuing this update to its March 12, 2020, Mortgage Banker and Mortgage Loan Originator Guidance on Temporary Branch Relocations to assist licensed Mortgage Bankers in responding to continuing government COVID-19 directed health measures. The Department, under Neb. Rev. Stat. § 45-752, is issuing this Guidance in order to effectuate the purposes of the Nebraska Residential Mortgage Licensing Act. (“NRMLA”).

The Department will continue to temporarily allow Nebraska licensed, and sponsored, mortgage loan originators (“MLO”), loan processors, under-writers, and any staff involved in any and all loan origination activity to work from an unlicensed branch, including a home office, as long as the regular licensed branch location a MLO would normally work from is subject to any COVID-19 related State, County, or Municipal directed health measure, health order, executive order, or other similar government directive, that prevents them from physically attending their regular licensed branch location.

Licensed Mortgage Bankers who have any staff involved in any and all loan origination activity working from an unlicensed location, due to such an order of directive, must submit an updated list of those employees to the Department on, or before, March 1, June 1, September 1, and at renewal, in 2021. These lists can be uploaded into the NMLS under the “Documents Uploads – Company Staffing” section of an entity’s document uploads. Licensees can use the Department’s form located at the NMLS website, or licensees can create their own similar form (or printout) with an employee’s name, NMLS#, and unlicensed work location address. Failure to submit this updated unlicensed branch information constitutes a violation of the RMLA and an entity may incur fines, or penalties. The Department may request a copy of any government directive.

A licensed MLO must not keep any physical business records at any location other than the licensed main office or licensed branch location. The MLO must be able to access their employer’s secure origination system using a virtual private network (VPN) that requires passwords or other forms of authentication to access. If MLOs work from an unlicensed location, they must not allow customers to come to the location.

All other provisions of the NRMLA shall remain in place. This includes all state and federal data security requirements. This Updated Guidance is effective through December 31, 2021, but is subject to change or withdrawal by the Director at any time.

Contact Will Lawrence at dob.mortgage@nebraska.gov with any questions.

Approved and effective as of the above date.

Kelly Lammers
Director, Nebraska Department of Banking and Finance