



New Application Checklist Jurisdiction-Specific Requirements



NEW YORK MORTGAGE BANKER LICENSE

Instructions

1. Applicants for a mortgage banker license are required to pay the following non-refundable fees: investigation fee - \$3,000; fingerprint processing - \$105.00; branch office - \$500 for each additional branch requested.
2. Individuals in a position of control are required to authorize a credit report through NMLS. Individuals will be required to complete an Identity Verification Process (IDV) along with an individual attestation before the license request for your company can be filed through NMLS.
3. Each applicant must designate a person or persons to serve as the Qualified Person (“qualifier”) in charge of the mortgage origination activities. Such person must have five years verifiable experience in the business of making or underwriting of residential mortgage loans or similar lending and credit evaluation experience and be actively engaged in the operations of the lender. This person must be designated and entered in the Qualifying Individual field in Form MU1. The person designated must either be an owner, general partner, trustee or executive officer of the applicant. A Form MU2 must be completed for the qualifier.
4. Foreign corporations must obtain authority from the Secretary of State to conduct business in the State of New York prior to submitting an application, through NMLS, to become a New York State licensed mortgage banker.
5. Companies must complete and submit a branch office application Form MU3 for each additional branch office requested as part of this application.
6. Pursuant to Section 594-b(4) each licensee must list the names of each control person that directly or indirectly owns 10% or more of the voting stock of the registrant, or possesses the power to direct or cause the direction of the management and policies of the registrant. Form MU2 must be completed for each control person, three most senior executive officers and directors.
7. Applicants are reminded that each employee or independent contractor originating mortgage loans on behalf of the company must obtain authorization from the Superintendent of Bank to engage in mortgage loan origination activities. See Mortgage Loan Originator authorization requirements.
8. **Registered Agent** - The New York State Department of Financial Services does not require you to have a Registered Agent physically located in the State of New York. If you have not engaged an agent for services of process in the State of New York you can use the following address to complete the Registered Agent section of Form MU1. New York Department of State - Division of Corporation, 99 Washington Avenue, Albany, NY 12231.
9. **Financial Statements must be submitted through the Filing Tab in NMLS prior to the submission of your Form MU1 filing.** For additional help, see the [Financial Statement Information Page](#) on the NMLS website.

Provide an audited financial statement for the past three fiscal years prepared by a Certified Public Accountant in accordance with Generally Accepted Accounting Principles. Also provide an unaudited financial statement for the most recent quarter signed and affirmed by an executive officer of the company. Financial statements should include a Balance Sheet, Income Statement and Statement of Cash Flows and all relevant notes thereto.

Personal Financial statements for officers, directors and control persons must be forwarded to the Department of Financial Services along with other jurisdiction specific requirement.

- 10. All fees, except fingerprinting fees, are collected through the NMLS and ARE NOT REFUNDABLE
- 11. Jurisdiction-specific requirements as identified on the checklist below must be received with this checklist within 5 business days of the electronic submission of your application through the NMLS at the following:

*New York State Department of Financial Services
Mortgage Banking
One State Street
New York, NY 10004*

NMLS Unique ID Number: _____

Applicant Legal Name: _____

ATTACHED	NOT APPLICABLE	ITEM
<input type="checkbox"/>	<input type="checkbox"/>	<p>SURETY BOND. Provide an original mortgage banker bond in the amount of \$50,000 furnished by a surety company authorized to conduct business in New York. The name of the principal insured on the bond must match exactly the Full Legal Name of applicant as authorized by the Secretary of State of New York. Use the surety bond form Licensed Mortgage Banker Bond found here: www.dfs.ny.gov/banking/bnkbond.pdf Applicants that cannot obtain a surety bond can execute a Deposit Agreement approved by the Superintendent of Banks of the State of New York. The Deposit Agreement requires a pledge of securities or funds of \$50,000 valued at the lower of principal amount or market value</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>LINE OF CREDIT. Submit written documentation evidencing a line of credit of not less than \$1,000,000 provided by an unaffiliated banking institution, insurance company or similar credit facility approved by the Superintendent. A list of approved credit line providers is located on our website at www.dfs.ny.gov/banking/iambcredln.htm</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>SECRETARY OF STATE DOCUMENTATION. Domestic Companies (entities incorporated or chartered in the State of New York) provide the following:</p> <ul style="list-style-type: none"> • Certificate of Good Standing, if the applicant has been incorporated for more than six months. <p>And one of the following:</p> <ul style="list-style-type: none"> • Certified copy certificate of incorporation and filing receipt (if a corporation); or • The Articles of Organization and Operating Agreement (if a Limited Liability Company); or • Partnership Agreement or Trust Agreement (if a partnership or established pursuant to a trust); or <p>Foreign Companies (entities incorporated or chartered outside the State of New York)</p>

		<p>York) provide the following:</p> <ul style="list-style-type: none"> • Certificate of Good Standing from the New York Secretary of State if the authority to conduct business in New York is more than six months old; • Copy of filing receipt and certified copy of Application for Authority from the New York Secretary of State; • Copy of filing receipt and certified Certificate of Fictitious name from the New York Secretary of State if you file for a Fictitious name; <p>And one of the following:</p> <ul style="list-style-type: none"> • Certified copy certificate of incorporation and filing receipt from the Secretary of State in which the entity was incorporated or chartered; or • Partnership Agreement or Trust Agreement or • The Articles of Organization and Operating Agreement, if a limited liability company.
<input type="checkbox"/>	<input type="checkbox"/>	<p>PERSONAL FINANCIAL STATEMENTS. All direct and indirect owners, owning 10% or more of the voting stock of the applicant, three most senior executive officers, directors and qualifiers must submit personal financial statement for the most recent quarter and year end. Download form at www.dfs.ny.gov/banking/iambfs.pdf</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>PERSONAL QUESTIONNAIRE. All direct and indirect owners, owning 10% or more of the voting stock of the applicant, three most senior executive officers, directors and qualifiers must submit personal questionnaire. Download form at www.dfs.ny.gov/banking/iambphq.pdf</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>RESUME. All direct and indirect owners, owning 10% or more of the voting stock of the applicant, three most senior executive officers, directors and qualifiers directors must submit a resume.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>LITIGATION AFFIDAVIT. All direct and indirect owners, owning 10% or more of the voting stock of the applicant, three most senior executive officers, directors and qualifiers directors must submit a litigation affidavit. Form can be downloaded at www.dfs.ny.gov/banking/iamblitaff.pdf</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>OTHER TRADE NAMES. If applicant will be operating under a name other than its legal name, such as a “dba” or “fictitious” name, provide a file-stamped copy of the Certificate of Assumed Name from the Secretary of State of New York. Sole proprietors using an assumed name “dba” must provide a copy of the filing receipt from the county clerk’s office.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>BACKGROUND REPORTS AND BACKGROUND REPORT CERTIFICATION. In connection with the application to organize a financial services entity supervised by the Department of Financial Services, an investigative background report is required. Reports are required for control persons directly or indirectly owning 10% or more of the voting stock of the entity, three senior most executive officers, directors and qualifiers.</p> <p>Background investigation reports must be provided directly to the Department of Financial Services by the private investigation company. For detail instructions regarding the specific components of New York State required background report visit our website at www.dfs.ny.gov/banking/iambinstsh.htm. Background Certification Form can be downloaded at www.dfs.ny.gov/banking/iambcertbkr.pdf</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>FINGERPRINT CARDS AND FINGERPRINT CERTIFICATION FORM. Each control person, three most senior executive officers, directors and qualifiers must submit fingerprints to L-1 Identity Services for a federal and state criminal</p>

		<p>background check.</p> <p>Procedures and forms for completing the required criminal background check can be downloaded at www.dfs.ny.gov/banking/iafpplmbb.htm</p> <p>Applicants can submit request for fingerprint cards via e-mail to fingerprintrequest@dfs.ny.gov</p> <p>Note: Rolled Fingerprints will only be accepted from law enforcement and government agencies.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>AFFIRMATION. Provide an affirmation stating that the applicant will immediately notify the superintendent of any changes to the information furnished in the application and that designated officer has reviewed the application and certifies that the application does not contain any untrue statement or omission of material facts. Form can be downloaded at www.dfs.ny.gov/banking/mbcert.pdf</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>CORPORATE RESOLUTION. Provide a corporate resolution authorizing officer to execute application on behalf of entity. Resolution must be signed by the corporate secretary and bear the seal of the corporation.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>DISCLOSURE QUESTIONS. Provide complete details of all events or proceedings for any "Yes" answer to any of the Disclosure questions for the company or any Control Person, three senior most executive officer or directors.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>BUSINESS PLAN. Provide a business plan outlining marketing strategy, products, target markets and operating structure the applicant intends to employ in its mortgage origination activities within the State of New York.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>FAIR LENDING PLAN. Submit a fair lending plan addressing how the applicant ensures that loans are made in conformance with fair lending laws. Details on the minimum requirements of a fair lending plan can be reviewed at www.dfs.ny.gov/banking/mb990611.htm</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>CERTIFICATE OF COMPLIANCE. All applicants must certify that it is in compliance with Section 296-a of the Executive Law. Download form at www.dfs.ny.gov/banking/iambcertcom.pdf.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>WORKERS COMPENSATION. All applicants must submit evidence of workers compensation (workers Compensation Law, Section 57) and insurance disability law (Section 220, Subd. 8 of the Disability Law). To comply with the provisions of the Workers' compensation Law and Disability Benefit Law, business must be (1) legally exempt from obtaining workers' compensation or disability benefit insurance coverage; (2) obtain workers compensation and disability coverage from insurance carrier (3) be self insured or participate in an authorized group self-insurance plan.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>LEASES. Provide copies of leases and subleases, if applicable for all locations the applicant seeks to license. Leases must be fully executed in the name of the applicant by an officer of the applicant. If the applicant intends to conduct business at a residential address, a copy of the property deed must be submitted along with zoning permissions.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>OWNERSHIP STRUCTURE AND ORGANIZATION CHART. Submit organization charts detailing ownership structure and operating management structure. Reporting lines of executive officers and operating committees should be clearly delineated.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>WEBSITE QUESTIONNAIRE. All applicants are required to complete a website questionnaire. The form can be downloaded from our website at</p>

		www.dfs.ny.gov/banking/iambwebquest.pdf
<input type="checkbox"/>	<input type="checkbox"/>	DUAL AGENCY AFFIDAVIT. If the mortgage broker, mortgage banker, branch manager, or other person having a relationship with your company holds a real estate broker or sales person license or functions as an attorney on residential mortgage transactions, or if the branch office is physically located on the premises of a real estate agency, a Dual Agency form must be submitted. Download form at www.dfs.ny.gov/banking/iambdaa.pdf
<input type="checkbox"/>	<input type="checkbox"/>	LETTER OF ASSURANCE. Provide a letter on the company letter head stating that the applicant will maintain a Net Worth not less than \$250M and a committed Line of Credit not less than \$1MM at all times. The letter must be signed by the designated officer
<input type="checkbox"/>	<input type="checkbox"/>	COPY OF NYS DEPARTMENT OF FINANCIAL SERVICES WORD APPROVAL (if Applicable). Entities that wish to engage in business involving residential mortgages on owner-occupied one-to-four family residential properties must secure the prior approval of the Superintendents of Banks to use the following words or any derivative thereof in Business Names, Assumed (d/b/a) or Fictitious Names. <ul style="list-style-type: none"> • Loan • Mortgage • Finance • Investment
<input type="checkbox"/>	<input type="checkbox"/>	HIGHEST LOAN ACTIVITY STATES. List <u>three</u> states with the highest volume of banking/lending activities of the company.

WHO TO CONTACT – Contact Joseph Barreiro by phone at (212) 709-5596 or send your questions via e-mail to mbbdenovo@dfs.ny.gov for additional assistance.

YOU ARE NOT AUTHORIZED TO ENGAGE IN NEW YORK REGULATED MORTGAGE ORIGINATION ACTIVITIES UNTIL YOU HAVE RECEIVED A LICENSE ISSUED BY THE SUPERINTENDENT.