



## New Application Checklist Jurisdiction-Specific Requirements



### NEW YORK MORTGAGE LOAN SERVICER REGISTRATION

#### Instructions

1. Applicant for a mortgage loan servicer registration are required to pay the following non-refundable fees: investigation fee - \$3,100, which includes the NMLS processing fee payable through NMLS; fingerprint processing - \$105.00 per individual payable to L-1 Enrollment Services.
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 registration 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 loan servicing activities. Such person must have five years verifiable experience in the business of servicing mortgage loans or similar servicing experience and be actively engage in the operations of the servicer. This person must be designated and entered in the Qualifying Individual field on Form MU1. The person designated must be either 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 registered mortgage loan servicer.
5. Each branch location wherever located, desiring to conduct business under this registration authority must be separately authorized and will require the filing of Form MU3 through NMLS.
6. Each registrant must list the name 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. 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 112231. Sole Proprietors located outside the state of New York can designate the Superintendent of Banks, New York State Department of Financial Services, One State Street, New York, NY 10004.
8. **Financial Statements should 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 audited financial statements for the past three 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. If applicant is a start-up company, only an initial Statement of Condition is required.

9. 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 are collected through the NMLS and ARE NOT REFUNDABLE.
11. The Department of Financial Services pre-screens all applications and jurisdiction specific requirements for completeness. Written communication will be provided to you through NMLS and also via first class mail. To review your status in NMLS, click the Tasks tab and click Work List.
12. 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:

For U.S. Postal Service:

New York State Department of Financial Services  
Mortgage Banking  
One State Street  
New York, NY, 10004-1417

NMLS Unique ID Number: \_\_\_\_\_

Applicant Legal Name: \_\_\_\_\_

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<input type="checkbox"/>	<input type="checkbox"/>	<p><b>SURETY BOND.</b> Provide an original mortgage loan servicer bond in the amount of \$250,000 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 Registered Mortgage Loan Servicer. Applicant must get prior Department of Financial Services approval to use a form other than the Department's standard form</p> <p><a href="#">Click to download bond</a></p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>NET WORTH REQUIREMENT.</b> Each Applicant shall demonstrate the ability to maintain adjusted net worth of at least \$250,000 plus ¼ of 1% of the outstanding principal balance of aggregate mortgages serviced (whether or not in New York), provided, that, if such Person is solely a Third-party servicer, such net worth calculation shall be based upon the amount of the entity's New York mortgage loans serviced, and if such Person is a Third-party servicer with respect to certain mortgage loans and owns other mortgage loans or the servicing rights thereto, it shall maintain net worth of at least \$250,000 plus ¼ of 1% of the outstanding principal balance of the non-Third-party servicer loans and ¼ of 1% of the outstanding principal amount of the New York mortgage loans for which it is a Third-party servicer. Please select and complete the appropriate Mortgage Loan Servicer Financial Responsibility Worksheet which must include a notarized signature of the senior executive officer authorized by the applicant's Board of Directors to file this application.</p> <p>Please select the appropriate worksheet :</p>

		<ul style="list-style-type: none"> <li>- <a href="#">Servicing Only</a></li> <li>- <a href="#">Third Party Servicing Only</a></li> <li>- <a href="#">Third Party Servicer and Owns Other Mortgage Loans or Servicing Rights</a></li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>Fidelity and E&amp;O BOND.</b> Applicants are required to have a minimum Fidelity and E&O bond of \$300,000 (each naming the NY Superintendent of Banks as an additional loss payee). See Part 418.12 of the Superintendent's Regulations.
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>SECRETARY OF STATE DOCUMENTATION.</b></p> <p><b>Domestic Companies</b> (entities incorporated or chartered in the state of New York) provide the following:</p> <ul style="list-style-type: none"> <li>• Certificate of Good Standing, if the applicant has been incorporated for more than six months</li> <li>• Filing receipt</li> </ul> <p><b>And a certified copy of</b></p> <ul style="list-style-type: none"> <li>• The certificate of incorporation (if a corporation); or</li> <li>• The Articles of Organization and Operating Agreement (if a limited liability company); or</li> <li>• Partnership Agreement or Trust Agreement )if a partnership or established pursuant to a trust);</li> </ul> <p><b>Foreign Companies</b> (entities incorporated or chartered outside the state of New York) provide the following:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• Copy of filing receipt</li> <li>• Certified copy of Application for Authority from the New York Secretary of State;</li> <li>• Certified Certificate of Fictitious name from the New York Secretary of State, if applicable;</li> </ul> <p><b>And a certified copy of</b></p> <ul style="list-style-type: none"> <li>• The certificate of incorporation from the Secretary of State in which the entity was incorporated or chartered; or</li> <li>• Partnership Agreement or Trust Agreement; or</li> <li>• Articles of Organization and Operating Agreement</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<b>PERSONAL FINANCIAL STATEMENTS.</b> 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 <a href="http://www.dfs.ny.gov/banking/iambfs.pdf">www.dfs.ny.gov/banking/iambfs.pdf</a>
<input type="checkbox"/>	<input type="checkbox"/>	<b>PERSONAL QUESTIONNAIRE.</b> 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 <a href="http://www.dfs.ny.gov/banking/iambphq.pdf">www.dfs.ny.gov/banking/iambphq.pdf</a>
<input type="checkbox"/>	<input type="checkbox"/>	<b>LITIGATION AFFIDAVIT.</b> 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 a litigation affidavit. Form can be downloaded at <a href="http://www.dfs.ny.gov/banking/iamblitaff.pdf">www.dfs.ny.gov/banking/iamblitaff.pdf</a>

<input type="checkbox"/>	<input type="checkbox"/>	<p><b>OTHER TRADE NAMES.</b> If the 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 New York Secretary of State. Sole proprietors using an assumed name “dba” must provide a copy of the receipt from the county clerk’s office.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>BACKGROUND REPORTS AND BACKGROUND REPORT CERTIFICATION.</b> 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 <b>directly</b> to the Department of Financial Services by the private investigation company. Background Certification Form can be downloaded at <a href="http://www.dfs.ny.gov/banking/iambcertbkr.pdf">www.dfs.ny.gov/banking/iambcertbkr.pdf</a></p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>FINGERPRINT CARDS AND FINGERPRINT CERTIFICATION FORM.</b> 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 background check.</p> <p>Procedures and forms for completing the required criminal background check can be downloaded at <a href="http://www.dfs.ny.gov/banking/iafpplmbb.htm">www.dfs.ny.gov/banking/iafpplmbb.htm</a></p> <p>Applicants can submit request for fingerprint cards via e-mail to <b>fingerprintrequest@dfs.ny.gov</b></p> <p><b>Note:</b> Rolled Fingerprints will only be accepted from law enforcement and government agencies.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>AFFIRMATION.</b> 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 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 <a href="http://www.dfs.ny.gov/banking/mbcert.pdf">www.dfs.ny.gov/banking/mbcert.pdf</a></p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>CORPORATE RESOLUTION.</b> 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><b>DISCLOSURE QUESTIONS.</b> 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><b>CERTIFICATE OF COMPLIANCE.</b> All applicants must certify that it is in compliance with Section 296-a of the Executive Law in carrying out its debt collection and loan modification activities. Download form at <a href="http://www.dfs.ny.gov/banking/iambcertcom.pdf">www.dfs.ny.gov/banking/iambcertcom.pdf</a></p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>WORKERS COMPENSATION.</b> All applicants must submit evidence of workers compensation (workers Compensation Law, Section 57) and insurance disability law (Section 220, Subdivision 8 of the Disability Law). To comply with the</p>

		provisions of the Workers' compensation Law and Disability Benefit Law, business must be (1) legally exempt from obtaining workers' compensation of 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.
<input type="checkbox"/>	<input type="checkbox"/>	<b>LEASES.</b> Provide copies of leases and subleases, if applicable for all locations the applicant seeks to register. 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.
<input type="checkbox"/>	<input type="checkbox"/>	<b>OWNERSHIP STRUCTURE AND ORGANIZATION CHART.</b> Submit organization charts detailing ownership structure and operating management structure. Reporting lines of executive officers and operating committees should be clearly delineated.
<input type="checkbox"/>	<input type="checkbox"/>	<b>RESUME.</b> 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 a resume.
<input type="checkbox"/>	<input type="checkbox"/>	<b>BUSINESS PLAN.</b> Provide a business plan outlining the applicant's proposed servicing plans within the State of New York. The plan must include any anticipated loan modification activities.
<input type="checkbox"/>	<input type="checkbox"/>	<b>AGGREGATE SERVICING VOLUME.</b> On a sheet of paper entitled "Aggregate Servicing Volume," list the aggregate servicing volume by loan type (e.g. FNMA, GNMA, Private Label, etc.). The report must include a total or be provided in an excel format.
<input type="checkbox"/>	<input type="checkbox"/>	<b>SERVICING VOLUME BY STATE.</b> On a sheet of paper entitled "Servicing Volume by State", list servicing volume by state for all states the company currently performs servicing activities. The report must include a total or be provided in an excel format.
<input type="checkbox"/>	<input type="checkbox"/>	<b>WORD APPROVAL (if applicable).</b> 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 Superintendent of Banks to use the following words or any derivative thereof in Business Names, Assumed (d/b/a) or Fictitious Names (Loan, Mortgage, Finance, Investment)
<input type="checkbox"/>	<input type="checkbox"/>	<b>WEBSITE QUESTIONNAIRE.</b> All applicants are required to complete a website questionnaire. The form can be downloaded from our website at <a href="http://www.dfs.ny.gov/banking/iambwebquest.pdf">www.dfs.ny.gov/banking/iambwebquest.pdf</a>

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

“UNLESS EXEMPTED BY LAW, AFTER JUNE 30, 2009 YOU ARE NOT AUTHORIZED TO ENGAGE IN NEW YORK REGULATED MORTGAGE LOAN SERVICING UNTIL YOUR REGISTRATION HAS BEEN APPROVED BY THE SUPERINTENDENT “