



Government of the District of Columbia Department of Insurance, Securities and Banking

Karima Woods
Acting Commissioner

Commissioner's Order 02-2020

ORDER IN RESPONSE TO COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, on March 11, 2020, Mayor Muriel Bowser declared a Public Emergency and Public Health Emergency pursuant to Mayor's Orders 2020-045 and 2020-046, as supplemented by the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020 (D.C. Act 23-0247; 67 DCR 3093) ("Act"), because of the impact of COVID-19 in the District;

WHEREAS, pursuant to D.C. Official Code §§ 7-2304(b) and 7-2304.01(d), Mayor Bowser has authorized and directed the Commissioner of Insurance, Securities and Banking to exercise the emergency powers conferred by § 302 of the Act as are necessary to ensure that depository services, non-depository services, and securities transactions can continue to be provided for the duration of the declared public health emergency;

THEREFORE, pursuant to § 302 of the Act, it is hereby ORDERED, effective immediately, that the following emergency measures shall be implemented and remain in effect through the duration of the public health emergency, including any extensions, and shall apply as follows:

For all mortgage lenders, mortgage brokers and mortgage loan originators offering mortgage loan services or engaging in the business of servicing mortgage loans for others in the District as defined in D.C. Official Code § 26-1101(10-12B):

Change of Place of Business

1. Due to the outbreak of COVID-19 (Coronavirus), the Department is making an exception to allow mortgage lenders, mortgage brokers and mortgage loan originators (MLOs) to work from home, whether located in the Washington, DC metropolitan area or in other states, even if the home is a non-licensed branch location. All activities conducted from a non-licensed branch location remain subject to the Department's regulation and supervision.
2. Further, mortgage loan originators working from a non-licensed branch location shall not conduct any regulated activities with the public, in person.
3. All mortgage lenders, mortgage brokers and mortgage loan originators shall maintain appropriate safeguards and controls, including but not limited to those related to data protection and cybersecurity, to ensure continued safety and soundness of such regulated entities and persons.

4. Licensed mortgage loan originators working from home must be able to access the company's secure origination system (including a cloud-based system) directly from any out of-office device the mortgage loan originator uses (laptop, phone, desktop computer, tablet) using a virtual private network (VPN) or similar system that requires passwords or other forms of authentication to access. All security updates, patches, or other alterations to the devices' security must be maintained. The licensed mortgage loan originator shall not keep any physical business records at any location other than the licensed main office.

Submission of Annual Report

1. Notwithstanding any other District law or regulation, the deadline for filing annual reports with the Commissioner is hereby extended by sixty-two (62) days from the original due date, March 31.
2. All mortgage lenders, mortgage brokers and mortgage loan originators offering mortgage loan services or engaging in the business of servicing mortgage loans for others, regulated by the District of Columbia, shall submit their annual reports on or before June 1, 2020.
3. All aforementioned regulated entities must file a written annual report with the Commissioner no later than June 1, 2020 and each annual report shall be accompanied by a sworn affidavit and provide any and all information required regarding a licensee's operations.

For all residential mortgage lenders in the District as defined in D.C. Official Code § 42-815.02(a)(3):

The Department takes notice that pursuant to the March 15, 2020 Order of the Chief Judge of the Superior Court of the District of Columbia, all evictions of tenants and foreclosed homeowners on or before May 1, 2020 are stayed.

Foreclosure Mediation

1. Notwithstanding any other District law or regulation, upon the timely delivery of the Mediation Election Form (Form FM-2) submitted by a borrower against which a Notice of Default has been issued, the time period wherein the Mediation Administrator shall schedule a mediation between the borrower(s) and lender is extended from ninety (90) days to one hundred and twenty (120) days after the date of mailing of the Notice of Default on Residential Mortgage.
2. The mediation shall be completed within two hundred and ten (210) days of the date of mailing of the Notice of Default on Residential Mortgage.

3. The Mediation Administrator, or the Mediator with the consent of the Mediation Administrator, may reschedule a scheduled mediation with less than two (2) business days' notice to each party if the Mediation Administrator determines it is in the public's best interest to do so.

Date: March 27, 2020

A handwritten signature in black ink, appearing to read 'KW' followed by a flourish.

Karima Woods
Acting Commissioner
Department of Insurance, Securities and Banking