



Company Amendments Agency Requirements



NEW YORK EXEMPT MORTGAGE BANKER LICENSE-NP

Instructions:

This document includes instructions on how to complete the requirements for amending a nonprofit organization's Exempt Mortgage Banker License with the New York State Department of Financial Services (the "Department").

See the [Amendments & Advance Change Notice quick guides](#) for instructions on making any changes to your Company (MU1) Form.

Nonprofit organizations are not required to provide the Department with advance notification. However, such organizations must provide notification within 10 days of the following changes:

- Change in Legal Name
- Change in Main Address
- Change in Ownership
- Change in Executive Officers, Program Director and Qualifier
- Addition or deletion of Other Trade Names
- Addition of Subsidiary – Single Purpose LLC

The checklist below provides instructions and requirements for which information must be filed in the NMLS as well as those documents must be mailed to the Department.

Fees

1. New York does not charge not-for-profit organizations amendment fees.

How to submit Agency specific documents

1. If you are required to upload documents for an amendment that doesn't require Advance Change Notice:
 - a. In the NMLS document upload section, select the applicable document type. If there isn't a document type available you must mail the document(s) directly to the **New York State Department of Financial Services**.
 - b. See the [Document Upload Quick Guide](#) for formatting instructions, upload instructions and document descriptions and examples.
2. Documents notarized outside New York State must be accompanied by a certification from the Secretary of State or county clerk authenticating the notary's signature.
3. Please note, the organization's NMLS Identification Number must be included on every document submitted to the Department.
 - a. If you are required to provide document(s) outside of NMLS, you must mail the document(s) within Five business days to the following address:

New York Department of Financial Services
 Attention: Mortgage Banking – Exempt
 Banker Processing Unit
 One State Street
 New York, NY 10004

DO NOT SEND THIS CHECKLIST TO THE DEPARTMENT

FILED IN NMLS	SENT TO NY DEPT. OF FINANCIAL SERVICES	NOT APPLICABLE	REQUIRED ADVANCE CHANGE NOTICE ITEM
<p>The Department does not require not-for-profit organizations to process Advance Change Notice (ACN) through the NMLS in order to amend the organization’s NMLS records. However, not-for-profit organizations are required to notify the Superintendent within 10 days after a change in any information previously provided to the Department.</p>			
CHANGE OF LEGAL NAME			
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p>CHANGE OF LEGAL NAME. Submit the Change of Legal Name through the Company (MU1) Form through NMLS.</p> <p>Request to change the legal corporate name or the fictitious name of a registrant is subject to availability of such name in the State of New York. Pursuant to New York Business Corporation Law, the prior approval of the Superintendent is required if the amended corporate or fictitious name includes the following restricted words: Loan, Mortgage, Finance Investment and Banker. Click here to consult the Department’s website for information on obtaining word approval.</p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p>SECRETARY OF STATE/MUNICIPALITY DOCUMENTATION. Upload copies of the following documents:</p> <ul style="list-style-type: none"> • Filing receipt from the Secretary of State evidencing approval of the name change • Recorded or certified copy of the Certificate of Amendment filed with the Secretary of State. • Foreign Corporations must also provide a certified copy of the certificate of amendment from its home state. • General partnership must provide a certificate evidencing name change from the appropriate county clerk’s office. <p>Note: The certificate must have the county clerk’s receipt affixed to the document.</p>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<p>COVER LETTER. Submit a cover letter on the organization letterhead signed by an executive officer, program director or designated contact on file with the Department. The letter must address the requested change of legal name, the effective date of such change and the authority of the individual submitting such request</p>

N/A	<input type="checkbox"/>	N/A	INTERNAL REVENUE 501(C)(3) LETTER: Submit a copy of Internal Revenue Service's (IRS) letter acknowledging the organization's name change and that 501(c)(3) tax exempt status continues to apply to the organization.
CHANGE OF MAIN ADDRESS			
<input type="checkbox"/>	N/A	<input type="checkbox"/>	CHANGE OF MAIN ADDRESS. Submit the Change of Main (Corporate) Address through the Company (MU1) Form through NMLS.
N/A	<input type="checkbox"/>	N/A	COVER LETTER. Submit a cover letter on the organization's letterhead signed by an executive officer, program director or designated contact on file with the Department. The letter must include a statement that the organization is relocating the corporate office and the date such move is expected to become effective. Both the existing and proposed addresses must be clearly stated in the cover letter, including suite number, if any.
N/A	<input type="checkbox"/>	<input type="checkbox"/>	RELOCATIONS OUTSIDE NEW YORK STATE. If you are moving the organization's corporate office from a location within the State of New York to a location outside the State of New York you must also provide a brief statement summarizing the reason for relocating the office outside the State of New York. The summary should include discussion of business plan and primary means of conducting business with New York State consumers (e.g. internet, telephone etc.). This information can be incorporated into the cover letter.
CHANGE OF OWNERSHIP			
N/A	<input type="checkbox"/>	N/A	COVER LETTER. Submit a cover letter on the organization's letterhead signed by an executive officer, program director or designated contact on file with the Department. The letter must address the change in ownership, including the name of the new owner and the impact, if any, on changes in officers, program directors, loan program or organization structure.
N/A	<input type="checkbox"/>	<input type="checkbox"/>	CHANGE IN OWNERSHIP LEGAL DOCUMENTS - Provide certified copies of all legal documents executed and associated with the change in ownership, including any applicable purchase and sales agreements, merger agreements, or consent to change in ownership agreements.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MANAGEMENT AND ORGANIZATIONAL CHARTS: Mail or upload an organizational chart showing the structure of the organization after change of ownership took effect.

CHANGE OF EXECUTIVE OFFICERS, DIRECTORS OR QUALIFIER

N/A	<input type="checkbox"/>	N/A	<p>COVER LETTER. Submit a cover letter on the organization’s letterhead signed by an executive officer, program director or designated contact on file with the Department. The letter must provide the names of the new executive officer, program director or qualifier, the effective date(s) of such change and the proposed role within the organization.</p>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<p>PERSONAL QUESTIONNAIRE. Provide a personal questionnaire for any newly appointed qualifier. Click here to download the form.</p>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<p>RESUME. Submit a resume of the individual designated to serve as the Qualifying Individual (the “Qualifier”) in charge of the organization’s loan origination activities or having oversight of the organization’s mortgage license originators. Also submit a reference letter from a third-party lender or attorney familiar with the organization’s loan origination activities verifying the Qualifier’s experience.</p> <p>NOTE: The nonprofit organization must employ a Qualifying Individual (the “Qualifier”) who has at least five years of experience in making residential mortgage loans or similar lending or credit evaluation experience.</p>

OTHER TRADE NAME (DBA)

<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p>SECRETARY OF STATE/MUNICIPALITY DOCUMENTATION.</p> <p>ADDITION OR MODIFICATION OF OTHER TRADE NAME. (A) Upload copies of the following documents:</p> <ul style="list-style-type: none"> • Filing receipt from the Secretary of State evidencing approval of the assumed name. • Recorded or certified copy of the Certificate of Assumed Name filed with the Secretary of State. You must provide the coversheet identifying counties you are authorized to use the assumed name. <p>Note: If you intend to conduct business in multiple counties, please provide an approved certificate from each county in which you intend to conduct business.</p> <p>DELETION (DISCONTINUANCE) OF OTHER TRADE NAME. (A) Upload copies of the following</p> <ul style="list-style-type: none"> • Corporations, limited liability companies, and limited partnerships seeking to discontinue the use of an assumed name (d/b/a) must provide a recorded or certified certificate of discontinuance from the Secretary of State.
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<input type="checkbox"/>	N/A	N/A	<p>ADDITION, MODIFICATION OR DELETION OF OTHER TRADE NAMES. Submit the Addition, Change or Deletion of an Other Trade Name(s) through the Company (MU1) Form through NMLS.</p> <p>Request to add an assumed name is subject to availability of such name in the State of New York. Pursuant to New York Business Corporation Law, the prior approval of the Superintendent is required if the name includes the following restricted words: Loan, Mortgage, Finance Investment and Banker.</p> <p>Click here to consult the Department's website for information on obtaining word approval.</p>
N/A	<input type="checkbox"/>	N/A	<p>COVER LETTER. Submit a cover letter on the organization's letterhead signed by an executive officer, program director or designated contact on file with the Department. The letter must clearly state the proposed trade name and address the following:</p> <ul style="list-style-type: none"> (1) The ownership of the proposed trade name (i.e. owned by requesting entity or individual, affiliate relationship, joint venture, or separately incorporated entity) (2) Whether the trade name is similar to names currently utilized by other mortgage companies, an existing corporate entity or internet domain; and
ADDITION OF SUBSIDIARIES			
<p>Not-for-profit organizations operating single purpose limited liability subsidiaries must submit a separate Exempt Mortgage Banker License-NP application in order for such subsidiary to conduct mortgage origination activities. The parent organization MU1 Form can be amended to reflect the addition of the subsidiary but no origination activity can occur without Department approval.</p>			
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p>ADDITION OF SUBSIDIARIES. Submit a Company (MU1) Form through NMLS reflecting the addition of the subsidiary.</p>

WHO TO CONTACT – For questions concerning jurisdiction-specific requirements or to review your status, please contact the Department at Mortgage.Banker@dfs.ny.gov.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE AMENDING AND FOR ENSURING COMPLIANCE WITH NEW YORK LICENSING LAWS AND REGULATIONS. ENGAGING IN ACTIVITIES WITHOUT APPROPRIATE APPROVAL CAN RESULT IN REGULATORY ACTION. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.