



Description



NEW YORK MORTGAGE LOAN ORIGINATOR LICENSE

Who is required to have this license?

Pursuant to Section 599-b(7) of Article 12-E, “Mortgage Loan Originator” (“MLO”) means an individual who for compensation or gain or in the expectation of compensation or gain:

- Takes a residential mortgage loan application; **or**
- Offers or negotiates terms of a residential mortgage loan.

Section 599-b(8) of Article 12-E defines “Residential Mortgage Loan” as a loan to a natural person made primarily for personal, family or household use, secured by either a mortgage, deed of trust or other equivalent consensual security interest on a dwelling (as defined in section 1203(v) of the Truth in Lending Act) or residential real property or any certificate of stock or other evidence of ownership in, and proprietary lease from, a corporation or partnership formed for the purpose of cooperative ownership of residential real property and shall include any refinance or modification of any such existing loan.

Pursuant to the provisions of the federal banking agencies final rule issued on July 28, 2010, implementing the SAFE Act, employees of Credit Union Service Organizations (CUSOs) that engage in mortgage loan origination activities must submit an application for licensing under Article 12-E. Also, MLOs of non-federally insured credit unions, whose states have not executed a supervisory agreement with the NCUA, must submit an application for licensing under Article 12-E.

Who does not need this license?

- MLOs who are employees of a depository institution; a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency; an institution regulated by the Farm Credit Administration and is registered with and maintains a unique identifier through the NMLSR (NMLS);
- Any individual who offers or negotiate the terms of a residential mortgage loan with or on behalf of an immediate family member of the individual;
- Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling or residential property that served as the individual’s own residence;
- A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney’s representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or a mortgage loan originator or bay and agent of such lender, mortgage broker or other mortgage loan originator;
- Any individual employed by a mortgage loan servicer registered under Article 12-D, who negotiates any modification of an existing residential mortgage loan on behalf of such servicer, and does not otherwise act as a mortgage loan originator,, unless licensing is required by the U.S. Department of Housing and Urban Development; and

- Any individual involved in the sale of manufactured homes if exempted from licensing by U.S. Department of Housing and Urban Development.

Who to contact

For questions relating to the Nationwide Mortgage Licensing System, please contact the NMLS Call Center at (855) 665-7123.

For questions concerning a mortgage loan originator license, please contact the Department at MLO@dfs.ny.gov.

MLO applicants may not engage in mortgage loan originating activities until their application has been approved and published in the Department's Weekly Bulletin.
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