



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF BANKING AND SECURITIES
Consumer Finance Section

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Dear Alaska Mortgage Broker/Lender and Mortgage Loan Originator,

Over the past few months the Alaska Legislature passed House Bill 12 (HB12) which made changes to the Alaska Secure and Fair Enforcement for Mortgage Licensing Act of 2010. The Division of Banking and Securities (DBS) was then tasked with creating regulations to enact HB12. While the Division wrote the regulations, staff included some housekeeping issues to update and clarify various sections of 3 AAC 14.

The updated statutes and regulations will take effect on January 1, 2017.

Please take some time to visit the DBS website at <https://www.commerce.alaska.gov/web/dbs/Home.aspx> to review the mortgage regulations in the second yellow box in the middle of the website.

Some highlights to note for HB12:

- Creates a new license type called Registered Depository Institution. This license type allows a currently exempt financial institution the option (is not required) to register with the Department and sponsor mortgage loan originators (MLO).
- Allows an exemption for a federal, state, or local government agency, including an agency that arranges or provides financing for mortgage loans.

Some highlights to note for the new mortgage lending regulations:

- An MLO may, after January 1, 2017, use an "other name" (nickname) listed in NMLS in their advertising without using their legal name. An example would be the MLO's legal name is Robert Smith, but he goes by Bob. The MLO may use Bob in his advertising as long as Bob is listed in the NMLS under "Other Names". The MLO would not be required to use Robert anywhere on the advertising.
3 AAC 510(2)
- Fee changes effective January 1, 2017.
- An MLO conducting the majority of activities from home or other location shall have that location registered as a branch office. 3 AAC 14.415(c), 14.425(k), 14.415(9) and 14.990(a)(10)

- Change of control must be submitted 30 days before the change in control is effective. 3 AAC 14.434(a)
- A mortgage licensee shall maintain at least two control persons. 3 AAC 14.434(d)
- Only a mortgage servicer with servicing rights may do a loan modification.
3 AAC 14.515
- A license is required to conduct foreclosure relief services for a fee. 3 AAC 14.515

If you have any questions, please feel to email me at mortgagelending@alaska.gov.

Sincerely,

Tracy Reno

Tracy Reno
Financial Examiner III