



June 9, 2022

Kirsten Anderson
Deputy Administrator
Oregon Division of Financial Regulation
P.O. Box 14480
Salem, OR 97309-0405

Subject: MBA Comments on Potential Oregon Changes to Rule 441-860-0030, Branch Office Licensing and OAR 441-860-0040, Supervision of Branch Offices, Home Locations, and Mortgage Loan Originators to Permit Mortgage Loan Originators to Work Remotely

Dear Ms. Anderson,

The Mortgage Bankers Association (MBA)¹ would like to share our support for the Oregon Division of Financial Regulation's (DFR) proposal to amend state regulations and permanently allow Mortgage Loan Originators (MLOs) to work away from a licensed branch location.

MBA commends DFR for their leadership during the global Coronavirus pandemic by issuing Bulletin No. DFR 2020-6 (and extending its application), which set forth the Department's position on remote work that allowed licensees to work away from a licensed branch during the pandemic. This authorization to work remotely was essential to protect the health of real estate finance professionals in Oregon and throughout the country. Importantly, this policy allowed state licensed staff to help Oregon residents take advantage of record low interest rates to purchase or refinance their homes and

¹ The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 330,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation's residential and commercial real estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of more than 1,900 companies includes all elements of real estate finance: independent mortgage banks, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies, credit unions, and others in the mortgage lending field. For additional information, visit MBA's website: www.mba.org.

allowed servicers to assist homeowners experiencing Covid hardships to stay in their homes through a mortgage forbearance and home retention plans.

MBA is therefore supportive of the Department's announcement to move forward with providing more permanent flexibilities for MLOs.

However, MBA wishes to share our concern related to the DFR's expressed interest in limiting an MLO's in-person communication with a borrower to a licensed location. MBA believes this approach would be to detriment of borrowers in the state.

Issuing guidance in-line with MBA's state model regulations (attached) and permitting MLOs to meet with borrowers away from a licensed branch but not in their home will allow MLOs to discuss mortgage options with potential borrowers almost anywhere within the DFR's jurisdiction and in accordance with their company's policies and procedures. Moreover, it will create competition in underserved communities and allow lenders to better serve those in rural areas and communities of color without compromising important consumer data protections.

In addition, MBA urges DFR to adopt data privacy and cybersecurity provisions that are consistent with federal standards (i.e., NIST) and the Gramm-Leach-Bliley Act (GLBA).

This approach has been adopted by policymakers and state mortgage regulators throughout the country. In the past 12 months, 19 states have already adopted language aligned with MBA's model to permanently allow for MLOs to work away from a licensed branch. MBA believes these states have taken appropriate steps to prepare for potential national emergencies or more likely natural disasters that will require meeting a borrower's urgent needs outside of a licensed location.

MBA looks forward to working with you and your staff to promote remote work flexibilities that will benefit Oregon consumers and the mortgage financial services industry.

Should you or your staff have questions, please feel free to contact Kobie Pruitt (kpruitt@mba.org).

Respectfully,

Mortgage Bankers Association

Attachment: MBA Model State Legislation and Regulation (Licensing Flexibility)