



State of New Jersey
DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF THE COMMISSIONER
PO BOX 325
TRENTON, NJ 08625-0325

PHIL MURPHY
Governor

MARLENE CARIDE
Commissioner

SHEILA OLIVER
Lt. Governor

TEL (609) 292-7272

BULLETIN NO. 20-06

TO: ALL NEW JERSEY LICENSED RESIDENTIAL MORTGAGE LENDERS, CORRESPONDENT RESIDENTIAL MORTGAGE LENDERS, RESIDENTIAL MORTGAGE BROKERS, MORTGAGE LOAN ORIGINATORS, LOAN PROCESSORS OR UNDERWRITERS, DEBT ADJUSTERS, CONSUMER LENDERS, SALES FINANCE COMPANIES, MORTGAGE SERVICERS AND STUDENT LOAN SERVICERS AUTHORIZED TO TRANSACT BUSINESS IN NEW JERSEY, AND OTHER INTERESTED PARTIES

FROM: MARLENE CARIDE, COMMISSIONER

RE: NO ACTION POSITION REGARDING TEMPORARILY WORKING FROM HOME DUE TO COVID-19

On March 9, 2020, Governor Phil Murphy declared a state of emergency and public health emergency to contain the spread of COVID-19. As Governor Murphy has stated, "The State of New Jersey is committed to deploying every available resource, across all levels of government, to help respond to the spread of COVID-19 and keep our residents informed."

Due to the heightened concern regarding the outbreak of the respiratory disease COVID-19, the Department of Banking and Insurance ("Department") encourages you to meet the financial needs of customers and members affected by COVID-19. We recognize the potential impact of COVID-19 on the employees and operations of many financial institutions and will provide appropriate regulatory assistance to affected institutions subject to our supervision. We also recognize the importance of safeguarding confidential and personal information of consumers. This memorandum sets forth the Department's no-action position regarding licensure of certain branch office locations as a result of individuals who temporarily work from home during the COVID-19 outbreak.

Branch Office Licensure Requirement

The Department, through the Office of Consumer Finance ("OCF"), regulates and licenses numerous businesses which are required to have a branch office location license in order to perform licensable activity in the state of New Jersey at a location other than the licensed main office.

No Action Position

The Department recognizes that due to concerns regarding the current COVID-19 outbreak, individuals who work for OCF licensees currently licensed, or authorized to operate, in New Jersey may wish to temporarily work from home to avoid the further spread of the outbreak even though the home location is not currently licensed by this Department as a branch office. Accordingly, this Department is taking a no action position concerning the requirement that activity by an OCF licensee must be conducted from a licensed branch office location. This no action position is effective immediately through April 30, 2020, but is effective only with a submission that includes the following materials:

- 1) A list of all individuals, working on behalf of the OCF licensee, who will be seeking no-action dispensation. The list must include the full name, home address, telephone number, email address, and, if applicable, NMLS Unique Identifier of the individual;
- 2) A certification, by the OCF licensee, that these individuals are working from home due to a reason relating to the COVID-19 outbreak and have informed the OCF licensee of the reason in writing or by email (see form attached as Annex A); and
- 3) A certification, by the OCF licensee, that the location(s) shall ensure the maintenance of a consumer's right to privacy with respect to conversations and documents involving personal and financial information, including data privacy and cyber security, together with a description of the steps being taken and controls being implemented to ensure that consumer information and privacy are protected. Please see this link for [NJCCIC best practices](#) and the [Statewide Information Security Manual](#).

This no action position may be subject to pre-conditions and operating, reporting and other requirements as established by the Department on a case-by-case basis. Any no action position may be revoked by the Department at any time.

Please note that this position may be revised or extended at any time in the discretion of the Commissioner and does not constitute a statutory or regulatory exemption from licensure.

Also, please be reminded that prompt notice should be provided to the Department regarding changes to the operating hours of your branch locations.

All submissions and inquiries should be directed to:

For licensing questions and/or submission of requests:

Patricia Fleming, Supervisor of Licensing, Patricia.Fleming@dobi.nj.gov, 609-940-7423

Howard Wegener, Investigator 2, Howard.Wegener@dobi.nj.gov, 609-940-7460

Daniel Schuster, Investigator 2, Daniel.Schuster@dobi.nj.gov, 609-940-7459

New Jersey Department of Banking & Insurance

PO Box 473

8th Floor

20 West State Street

Trenton, NJ 08625-0040

Fax 609-292-5461

For examination questions:

Christopher Lopes, Chief Examiner, Christopher.Lopes@dobi.nj.gov, 609-940-7311
New Jersey Department of Banking & Insurance
PO Box 040
8th Floor
20 West State Street
Trenton, NJ 08625-0040
Fax 609-292-3144

For other inquiries:

Richard Mumford, Acting Director, Rich.Mumford@dobi.nj.gov, 609-940-7312
Raghu Kakumanu, Assistant Division Director, Raghu.Kakumanu@dobi.nj.gov, 609-940-7533
New Jersey Department of Banking & Insurance
PO Box 040
5th Floor
20 West State Street
Trenton, NJ 08625-0040
Fax 609-292-5461

3/19/20
Date

MCaride
Marlene Caride
Commissioner

ANNEX A

**NEW JERSEY EMERGENCY PREPAREDNESS:
CERTIFICATION OF LOCATION SUITABILITY**

Certification:

1. The location shall be structured in such a way as to ensure the maintenance of a consumer's right to privacy with respect to conversations and documents involving personal and financial information, including data protection and cyber security;
2. The individual maintains all necessary licenses to conduct such New Jersey licensable activity;
3. None of the New Jersey licensable activity will be conducted in person with members of the public from the home location, and no licensable activity will be conducted at a location other than a licensed location or the home location;
4. The OCF licensee shall at all times exercise reasonable supervision of the New Jersey licensable activity being performed at the home location and ensure that appropriate safeguards and controls are established concerning consumer information and data security; and
5. All physical business records are returned to the licensed branch office immediately upon the employee's return to the office or, if earlier, the revocation of the period of no action.

This is to certify that we have reviewed the Department of Banking and Insurance location requirements stated above. We further certify that the proposed residential addresses conform to all the location requirements identified above and the description in in Annex A is accurate in all respects.

LOCATIONS LISTED ON ATTACHED SHEET

(Business)

(Print Name of Corp Pres/Member/Sole Proprietor)

(Date)

(Signature of Corp Pres/Member/Sole Proprietor)

Subscribed and sworn to before me
at this ____ day of _____ 20__

(Signature)

(Official Title)

Certificate of Location Suitability for Multiple Locations

We certify that the locations below conform to the
New Jersey Department of Banking and Insurance location suitability requirements:

Individual's Name (NMLS ID, if applicable)	Residential Address (street, city, state, zip code)	Individual's Business Email Address	Individual's Phone Number

Describe the steps being taken and controls being implemented to ensure that consumer information and privacy are protected. You may attach or otherwise submit supplemental information:

Jd COVID No Action Bulletin/COVID-19

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE
NOTICE OF RULE SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY

Temporary Rule Suspension adopted by Marlene Caride, Commissioner, Department of Banking and Insurance

Date: March 19, 2020

Authority: N.J.S.A. App.A.9-45 & App. A:9-47; Executive Order No. 103 (Murphy)("EO 103")

Effective Date: March 19, 2020

Expiration Date: Concurrent with expiration of EO 103

This is an emergency adoption of a temporary rule suspension of the Department's Division of Banking rules at N.J.A.C. 3:15-1.3. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Banking and Insurance is suspending certain rules as follows:

In order to (1) facilitate social distancing and other virus mitigation strategies in residential mortgage lenders, correspondent mortgage lenders, residential mortgage brokers, qualified individual licensees and mortgage loan originators licensed under the New Jersey Residential Mortgage Lending Act, N.J.S.A. 17:11C-51 et seq., and (2) create flexibility to add or realign staff to address virus related personnel shortages, the Department is taking the following action:

N.J.A.C. 3:15-1.3(a)(1)(iii) requiring that the Commissioner consider whether a location is reasonably accessible to the public, among other factors in determining whether a location in New Jersey at which there is direct contact with New Jersey consumers is suitable, is suspended, but this suspension is effective only with a submission that includes the following materials:

- 1) A list of all individuals, working on behalf of the licensee, who will be seeking to work from home. The list must include the full name, home address, telephone number, email address, and, if applicable, NMLS Unique Identifier of the individual;

- 2) A certification, by the licensee, that these individuals are working from home due to a reason relating to the COVID-19 outbreak and have informed the licensee of the reason in writing or by email (see form attached as Annex A); and
- 3) A certification, by the licensee, that the location(s) shall ensure the maintenance of a consumer's right to privacy with respect to conversations and documents involving personal and financial information, including data privacy and cyber security, together with a description of the steps being taken and controls being implemented to ensure that consumer information and privacy are protected. Please see this link for NJCCIC best practices and the Statewide Information Security Manual.

This suspension is subject to pre-conditions and operating, reporting and other requirements as established by the Department in this Notice and on a case-by-case basis. Any suspension may be revoked by the Department at any time.

Please note that this Notice may be revised or extended at any time in the discretion of the Commissioner and does not constitute a statutory or regulatory exemption from licensure.

Also, please be reminded that prompt notice should be provided to the Department regarding changes to the operating hours of your branch locations.

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I find that suspension of the rule N.J.A.C. 3:15-1.3(a)(1)(iii) above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

3/19/20
Date


Marlene Caride,
Commissioner of Banking and Insurance

ANNEX A

**NEW JERSEY EMERGENCY PREPAREDNESS:
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3. None of the New Jersey licensable activity will be conducted in person with members of the public from the home location, and no licensable activity will be conducted at a location other than a licensed location or the home location;
4. The OCF licensee shall at all times exercise reasonable supervision of the New Jersey licensable activity being performed at the home location and ensure that appropriate safeguards and controls are established concerning consumer information and data security; and
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(Date)

(Signature of Corp Pres/Member/Sole Proprietor)

Subscribed and sworn to before me
at this ____ day of _____ 20__

(Signature)

(Official Title)

Describe the steps being taken and controls being implemented to ensure that consumer information and privacy are protected. You may attach or otherwise submit supplemental information:

COVID rule suspension notice/COVID-19