



State of New Jersey

DEPARTMENT OF BANKING AND INSURANCE

OFFICE OF THE COMMISSIONER

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PHIL MURPHY
Governor

MARLENE CARIDE
Commissioner

SHEILA OLIVER
Lt. Governor

BULLETIN NO. 20-26

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: EXTENSION OF 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. Exec. Order No. 103 (March 9, 2020) 52 N.J.R. 549(a) (April 6, 2020) (“EO 103”). The public health emergency declared by EO 103 was extended by Exec. Order No. 119 (April 7, 2020), 52 N.J.R. 956(a) (May 4, 2020) (“EO 119”) and was extended again by Exec. Order No. 138 (May 6, 2020), ___ N.J.R. ___. Governor Murphy also directed New Jersey residents to practice social distancing through the issuance of Exec. Order No. 142 (May 13, 2020) ___ N.J.R. ___ (“EO 142”). These Executive Orders were issued to contain the spread of the Coronavirus (“COVID-19”) pandemic.

On March 19, 2020, The Department of Banking and Insurance (“Department”) issued Bulletin No. 20-06, which set 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. This bulletin extends the Department’s no-action position for the duration of the public health emergency declared in EO 103 as currently extended through EO 119 and EO 138, and for any future extensions of the public health emergency declared in EO 103.

Branch Office Licensure Requirement

The Department’s Division of Banking, 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

As discussed in Bulletin No. 20-06, 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 the duration of the public health emergency declared in EO 103 and extended through EO 119 and EO 138, and for any future extensions of the public health emergency declared in EO 103. The no-action position 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. Licensees who have previously submitted these materials to the Department, in response to Bulletin No. 20-06, will not need to resubmit these materials in response to this bulletin.

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

For examination questions:

Christopher Lopes, Chief Examiner, Christopher.Lopes@dobi.nj.gov, 609-940-7311
New Jersey Department of Banking & Insurance

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



May 28, 2020
Date

Marlene Caride
Commissioner

Jd ext no action Bul 20-06/COVID-19

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)

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: