Supporting Statement for
Registration of Mortgage Loan Originators
OMB Control No. 1557-0243

A. Justification.

1. <u>Circumstances that make the collection necessary:</u>

The Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act) (12 U.S.C. 5101-5116) requires an employee of a bank, savings association, or credit union and their subsidiaries regulated by a federal banking agency or an employee of an institution regulated by the Farm Credit Administration (FCA) (collectively, institutions) who engages in the business of a residential mortgage loan originator (MLO) to register with the Nationwide Mortgage Licensing System and Registry (Registry) and obtain a unique identifier. Institutions must require their employees who act as residential MLOs to comply with the Act's requirements to register and obtain a unique identifier and also to adopt and follow written policies and procedures to assure compliance with these requirements.

Among other things, the Registry is intended to aggregate and improve the flow of information to and between regulators; provide increased accountability and tracking of mortgage loan originators; enhance consumer protections; reduce fraud in the residential mortgage loan origination process; and provide consumers with easily accessible information at no charge regarding the employment history of, and the publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators.

Along with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Farm Credit Administration, the OCC issued a final rule implementing the SAFE Act.[1] The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Pub. Law 111-203, later transferred this rule to the Consumer Financial Protection Bureau (CFPB) and the CFPB republished this rule as 12 CFR Part 1007.[2] However, the OCC retains enforcement authority for this rule for national banks, federal savings associations and federal branches and agencies of foreign banks with total assets of $10 billion or less (collectively, banks).[3]

2. <u>Use of the information:</u>

<u>MLO Reporting Requirements</u>

Except in situations where the de minimis exception applies, 12 CFR 1007.103 requires

1 75 FR 44656 (July 28, 2010), as corrected in 75 FR 51623 (Aug. 23, 2010).
2 76 FR 78487 (Dec. 19, 2011).
3 <u>See</u> section 1025 of the Dodd Frank Act, codified at 12 U.S.C. 5515.

an employee of an institution who is engaged in the business of a MLO to register with the Registry, maintain and update such registration, and obtain a unique identifier. This section also requires an institution to require its MLO employees to comply with these requirements. Section 1007.103(d) sets forth the categories of information that an institution must require its employees to submit to the Registry or to submit on the employee's behalf. This section also requires the employee to submit to the Registry an attestation as to the correctness of the information submitted and an authorization for the Registry to obtain further information.

MLO Disclosure Requirement

Section 1007.105(b) requires the MLO to provide the unique identifier to a consumer upon request, before acting as a mortgage loan originator, and through the originator's initial written communication with a consumer, if any, whether on paper or electronically.

Financial Institution Reporting Requirements

Section 1007.103(e) specifies the institution and employee information that an institution must submit to the Registry in connection with the registration of one or more MLOs and annually thereafter. The institution also must update this information within 30 days of it becoming inaccurate. Employees of the institution who submit information to the Registry on behalf of the institution also must verify their identity and attest to the accuracy of the information submitted.

Financial Institution Disclosure Requirements

Section 1007.105(a) requires the institution to make the unique identifier of MLO employees available to consumers in a manner and method practicable to the institution.

Financial Institution Recordkeeping Requirements

Section 1007.104 requires an institution that employs MLOs to adopt and follow written policies and procedures, at a minimum addressing certain specified areas, but otherwise appropriate to the nature, size and complexity of their mortgage lending activities.

3. Consideration of the use of improved information technology:

The federal registration is completed through the Nationwide Mortgage Licensing System and Registry; a web-based system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage regulators jointly through the State Regulatory Registry LLC. The electronic form is stored in a secured, centralized repository.

4. Efforts to identify duplication:

There is no duplication. The information is not available from any other source.

5. *Methods used to minimize burden if the collection impacts small businesses:*

There are no alternatives that would result in lowering the burden on small institutions, while still accomplishing the purpose of the rule.

6. *Consequences to the Federal program if the collection were conducted less frequently:*

Less frequent collection would be in violation of the requirements of the statute.

7. *Special Circumstances that would cause an information collection to be conducted in a manner inconsistent with 5 CFR part 1320:*

Not applicable.

8. *Efforts to consult with persons outside the agency:*

The OCC issued a notice for 60 days of comment regarding this collection on February 6, 2018, 83 FR 5293. No comments were received.

9. *Payment or gift to respondents:*

None.

10. *Any assurance of confidentiality:*

The information will be kept private to the extent permitted by law.

11. *Justification for questions of a sensitive nature:*

Not applicable.

12. *Burden estimate:*

Policies and Procedures; Tracking and Compliance Systems:

New Banks Chartered Annually: 5 x 351 hours (300 recordkeeping; 51 reporting) = 1,755 hours.

MLO Initial Set up:

Number of New MLOs Annually: 8,705 x 3.5 hours (2.5 reporting; 1 disclosure) = 30,468 hours.

Mortgage Loan Originator Update:

76,643 MLOs x 0.25 hours = 19,160.75 hours rounded to 19,161.

Annual Burden: 51,384 hours.

Cost of Hour Burden

51,384 hours x $ 114 per hour = $ 5,857,776.

To estimate average hourly wages we reviewed data from May 2016 (released in March 2017) for wages (by industry and occupation) from the U.S. Bureau of Labor Statistics (BLS) for depository credit intermediation (NAICS 522100). To estimate compensation costs associated with the rule, we use $114 per hour, which is based on the average of the 90th percentile for seven occupations adjusted for inflation (2 percent), plus an additional 30 percent to cover private sector benefits. Thirty percent represents the average private sector costs of employee benefits.

13. Estimate of total annual costs to respondents (excluding cost of hour burden in Item #12):

Not applicable.

14. Estimates of annualized cost to the Federal government:

Not applicable.

15. Change in burden:

Former Burden: 44,899 hours
Current Burden: 51,384 hours.
Increase in Burden: 6,485 hours.

The increase in burden is due to the increase in the number of new charters and MLO's per year.

16. Information regarding collections whose results are to be published for statistical use:

The OCC has no plans to publish the data for statistical purposes.

17. Display of expiration date:

Not applicable.

18. Exceptions to certification statement:

None.

B. Collections of Information Employing Statistical Methods

Not applicable.