



February 28, 2022

The Honorable Asa Hutchinson  
State Capitol Room 250  
500 Woodlane Ave.  
Little Rock, AR 72201

Dear Governor Hutchinson,

On behalf of the Mortgage Bankers Association of Arkansas (MBAA)<sup>1</sup>, I would like to commend you and Arkansas policymakers for your leadership during the global Coronavirus pandemic by issuing guidance that permits a mortgage loan originator (MLO) to work away from a licensed branch location. This authorization had to be provided by all states whose laws contain this requirement to work from a licensed branch. Thus, the flexibility was essential in protecting the health of real estate finance professionals as well as the consumers they serve seeking to buy, sell or refinance a home in the state. Most importantly, without putting themselves or family members at greater risk, this policy allowed state licensed staff to help Arkansans and consumers throughout the country who suffered pandemic-related job or income loss to stay in their homes through a mortgage forbearance and ultimately a sustainable post-forbearance option.

Moreover, your actions put our state at the forefront of this issue by being the first state to enact legislation ([SB 149](#)) that permanently allows an MLO to work remotely. In the past 12 months, 10 other states have emulated your leadership and passed laws or promulgated rules that permit MLOs to work away from a licensed branch location.

However, a number of states have not enacted these regulatory flexibilities, nor made them permanent. Our member companies do business in these states. The result has been a lack of

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<sup>1</sup> Mortgage Bankers Association of Arkansas was formed more than forty years ago to encourage sound and ethical business practices among its members; to acquire and disseminate correct and current information on pending legislation, rules and regulations affecting the real estate and mortgage business; to provide a platform from which the members can express their views. There are four area chapters within the state: Central, Northwest, Northeast, and Western. Each hold monthly membership meetings and special programs designed to fulfill our purpose.

legal certainty for MLOs and their employers and greater health risks for industry staff and borrowers. Therefore, in your role as the Chairman of the National Governors Association (NGA), MBAA is requesting that you urge your state counterparts to adopt remote work provisions that are consistent with SB149 or the national Mortgage Banker Association's (MBA) model state law and regulations (see attached).

Of course, there is uncertainty that continues with this pandemic. The emergence of new coronavirus strains and the reluctance of many of our neighbors to get vaccinated, will continue to challenge our public infrastructure as we struggle to keep our loved ones, friends, customers, and colleagues safe.

However, this is also an opportunity to apply lessons learned from the pandemic to a post-pandemic economy and help prepare all stakeholders for any future national emergencies or regional natural disasters. One would only need to review recent headlines to see evidence of how natural disasters can, and often do, shut down entire regions of the country for short durations or prolonged periods of time.

In addition, permitting MLOs to work remote location would allow mortgage lenders to better serve those in rural communities and communities of color by providing the flexibility for an MLO to meet with a borrower away from a licensed branch that may have been difficult for a borrower to travel to and complete their requested financial transaction.

We look forward to working with you and your staff to promote the nationwide expansion of remote work flexibilities that are consistent with Arkansas' law and the MBA state model law and regulations.

Should you or your staff have questions, please feel free to contact me or Kobie Pruitt at the MBA ([kpruitt@mba.org](mailto:kpruitt@mba.org)).

Sincerely,



Greg Ramer  
Area Manager, Gateway Mortgage  
Legislative Chair and Immediate Past President, Mortgage Bankers Assoc. of Arkansas

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