

## State Corporation Commission 2008 Fiscal Impact Statement

1. **Bill Number:** HB1487

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:**    Suit

3. **Committee:** Passed Both Houses

4. **Title:**    **Mortgage Lender and Broker Act; home ownership protection.**

5. **Summary:** Mortgage Lender and Broker Act; home ownership protection. Authorizes the State Corporation Commission (SCC) to impose a fine not exceeding \$2,500 upon a mortgage lender or mortgage broker that is required to be licensed under the Mortgage Lender and Broker Act for violating any other law or regulation applicable to the conduct of the lender's or broker's business. The Housing Commission is directed to review newly enacted federal legislation pertaining to mortgage lending and brokering, and to determine if they require changes to Virginia law. The measure authorizes the SCC to suspend or revoke a mortgage lender's or broker's license upon its failure promptly to pay when due reasonable fees to a licensed appraiser for appraisal services performed in connection with the origination or closing of a mortgage loan for a customer of the mortgage broker or lender. Other amendments to the Mortgage Lender and Broker Act (i) remove the element of the definition of a mortgage loan that has required the property securing the loan to be owner-occupied; (ii) require the SCC to conduct background checks on every member, senior officer, director, and principal of an applicant; (iii) require licensees to conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public; and (iv) require licensees to ensure that employees are properly trained in applicable state and federal mortgage lending laws and regulations. If the SCC determines that a licensed mortgage lender or broker has violated certain provisions of Title 6.1 of the Code of Virginia, the SCC may refer the information to the Attorney General for an investigation of the violations. In addition the Attorney General is authorized to bring actions to enforce specific provisions of the federal RESPA (Real Estate Settlement Procedures Act of 1974).

6. **Fiscal Impact Estimates:** Not available. See Item 8.

7. **Budget Amendment Necessary:** No.

8. **Fiscal Implications:** Estimates are preliminary since it is difficult to ascertain the number of entities that will require licensing as a result of amending the definition of "mortgage loan." The Bureau of Financial Institutions examination processes and procedures will be adapted to incorporate new requirements under the proposed legislation. The Bureau estimates that at a minimum, an additional three examiner positions will be required at a total cost of \$195,000 (salary, benefits and travel costs) and an additional two clerical positions will be required at a total cost of \$80,000 (salary and benefits). Pursuant to § 6.1-420 of the

Code of Virginia, mortgage licensees pay an annual fee to the State Corporation Commission to defray all costs of examination, supervision and regulation.

**9. Specific Agency or Political Subdivisions Affected:** State Corporation Commission and its Bureau of Financial Institutions, the Virginia Housing Commission and the Office of the Attorney General

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** 3/7/2008 ejf

cc: Secretary of Commerce and Trade