



OFFICE OF CONSUMER FINANCE
Frequently Asked Questions for Mortgage Licensees and Registrants
Affected by Coronavirus Disease 2019 (COVID-19)

Can a licensee/registrant allow its employees/agents to work from home during the COVID-19 crisis?

Yes. A licensee/registrant may allow its employees/agents, including mortgage loan originators, to work from home. Licensees/registrants are responsible for maintaining adequate oversight and control over all individuals conducting mortgage business activity under its respective license/registration. This accountability includes compliance with all applicable mortgage statutes and federal regulations.

What type of consumer security obligation does a licensee/registrant have if it allows its employees/agents to work from home?

A licensee/registrant must ensure all of its employees/agents follow its information security program. In addition, individuals representing a licensee/registrant while working remotely must be able to access their company's secure platform(s) (including a cloud-based system) directly from a remote device (laptop, phone, desktop computer, tablet, etc.) using a virtual private network (VPN) or similar system that requires passwords or other forms of authentication to access. All security updates, patches or other secure alterations to devices must be maintained.

Can an employee/agent of a licensee/registrant keep business records at a location other than a licensed mortgage office?

An employee/agent is not prohibited from keeping business records at their home location while working from home. However, all business records must be maintained in accordance with policies and procedures to comply with safeguard rules and requirements. In addition, a licensee/registrant is responsible for ensuring all mortgage records are maintained in accordance with record retention rules and requirements.

Is a licensee/registrant required to have policies and procedures in place to protect its employees/agents from the potential spread of COVID-19?

Yes. A licensee/registrant is required to follow all relevant emergency orders, laws, rules, and regulations issued by federal, state, or local governments pertaining to the COVID-19 crisis including, but not limited to, the Michigan Department of Health and Human Services' [Epidemic Orders](#) and the Michigan Occupational Safety and Health Administration's [Emergency Rules](#).

If a licensee/registrant allows consumers to enter its business office location during the COVID-19 crisis, is the licensee/registrant responsible for consumer safety during the pandemic?

Yes. A licensee/registrant is required to follow all relevant emergency orders, laws, rules, and regulations issued by federal, state, or local governments pertaining to the COVID-19 crisis including, but not limited to, the Michigan Department of Health and Human Services' [Epidemic Orders](#) and the Michigan Occupational Safety and Health Administration's [Emergency Rules](#).

Does DIFS have the authority to hold a licensee/registrant accountable if a licensee/registrant does not comply with the Michigan Department of Health and Human Services' [Epidemic Orders](#) or the Michigan Occupational Safety and Health Administration's [Emergency Rules](#)?

Yes. DIFS will prioritize enforcement of COVID-19-related laws among its regulated entities. [Executive Directive 2020-08](#) requires State of Michigan departments to consider violations of law when determining eligibility for licensing and treat non-compliance as presumptive evidence of a public health hazard. DIFS issued a [press release](#) on August 17, 2020 with more information.

What if I encounter a situation that is not addressed within these FAQs?

Email your question to DIFS-OCFInquiriesandInfo@michigan.gov. Please mark your message "High Importance" and include MORTGAGE/MLO COVID-19 QUESTION in your subject line and you will receive a direct response.