

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

Informational Statement

LCB FILE NO. R070-23

The following statement is submitted for adopted amendments to Nevada Administrative Codes (“NAC”) Chapters 645A, 645B and 645F.

1. A clear and concise explanation of the need for the adopted regulation.

To conform with the Governor’s Executive Order 2023-003 to streamline, clarify, reduce, or improve the existing regulations.

To comply with the Governor’s Executive Order 2023-003 the Division made changes to streamline, clarify, reduce, or improve the existing regulations. With respect to the Division’s regulatory revisions to the *existing* language of NAC 645A, NAC 645B, and NAC 645F to remove the requirement to return the original license to the Division as the process has gone to electronic licenses and clarify the process. With respect to the Division’s regulatory revisions to the *existing* language of NAC 645B to allow electronic email channel in addition to regular mail in paper format; to add the “s” that is missing from the website URL and remove the Northern Nevada phone number; and the removal of the Yellow page listing and to add without limitation, media platforms. The Division seeks to amend NAC 645A, NAC 645B and NAC 645F to reflect the changes listed above.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the text of the proposed regulation, notice of workshop (as combined with the workshop noticed for NRS 645A NRS 645B and NRS 645F (governing escrow agency, escrow agent, mortgage company, mortgage loan originator, loan modification /foreclosure consultants, covered service provider, mortgage servicer, supplemental mortgage servicer as subject of LCB File No. R070-23), notice of intent to act upon the regulation were e-mailed to Division licensees and other interested parties on the Division’s mailing list as well as any persons who had specifically requested such notice. These documents were also made available at the Division of Mortgage Lending’s Website at <http://www.mld.nv.gov> and the Nevada Public Notice Website at <http://notice.nv.gov>. Further, in addition to the Nevada Legislature’s website at <https://www.leg.state.nv.us/App/Notice/A/>, such documents were posted at prominent Nevada offices which included the Nevada State Business Center in Las Vegas, the Division’s office in Las Vegas, the Office of the Department of Business and Industry in Carson City, and the Nevada State Library and Archives in Carson City.

On April 26, 2023, in anticipation of the Division's workshop to be held in this matter, the Division e-mailed approximately 19,949 of its licensees under NRS 645A, NRS 645B and NRS 645F as well as other interested parties concerning the proposed regulation amendments, in which it solicited comments concerning whether these would impose a direct and significant economic burden upon a small business, or directly restrict the formation operation, or expansion of a small business. In response to these solicitations of input, the Division received no comments by May 23, 2023.

As reflected in the Division's issued and publicly noticed workshop scheduled for May 30, 2023 (to be held in the identified Las Vegas, Nevada, location, video-conferenced to the identified Carson City, Nevada location and via WebEx), the Division subsequently solicited additional receipt of written comments, testimony, or documentary evidence, and advised that oral comments on the proposed regulations may be made at the meeting. No public response was received.

The duly-noticed workshop was held on May 30, 2023, in Las Vegas, video-conferenced to Carson City and via WebEx. Minutes of the workshop is attached hereto as "Exhibit A." In conformance with its noticed public workshop and agenda, the Commissioner conducted a 9:04 a.m. proceeding on this date to describe an introduction of the regulatory amendments to both NAC 645A, NAC 645B and NAC 645F. None of the attendees at these proceedings provided any written or verbal comments.

On August 18, 2023, the Division posted its proposed regulations on its website and made email notification to its licensees (a total of approximately 19,949 recipients), requesting comments and input concerning whether or not its regulatory proposals were likely to impose a direct and significant economic burden upon a small business subject of NAC 645A, 645B and NAC 645F. The Division repeated its request for public comments concerning the proposed regulatory changes to NAC 645A, NAC 645B and NAC 645F. The Division received a total of no written responses by September 8, 2023.

Thereafter, on October 25, 2023, with respect to NRS 645A, NRS 645B and NRS 645F, the Commissioner issued and posted a Notice of Intent to Act Upon a Regulation, Notice of Hearing for the Adoption and Amendment of Regulations of the Division based upon the LCB Draft of Proposed Regulation LCB File No. R070-23, as stated above, again soliciting comments. Notification was made by email to its licensees (a total of approximately 12,864 recipients), requesting comments and input concerning whether or not its regulatory proposals were likely to impose a direct and significant economic burden upon a small business subject of NAC 645A, NAC 645B and NAC 645F. The Division repeated its request for public comments concerning the proposed regulatory changes to NAC 645A, NAC 645B and NAC 645F. The Division received a total of no written responses by November 30, 2023. The adoption hearing was scheduled for December 21, 2023 (to be held in the identified Las Vegas, Nevada, location, video-conferenced to the identified Carson City, Nevada location and via WebEx).

The duly-noticed adoption hearing was held on December 21, 2023, in Las Vegas, video-conferenced to Carson City and via WebEx. Minutes of the adoption hearing is attached hereto as "Exhibit B." In conformance with its noticed public workshop and agenda, the Commissioner conducted at 10:01 a.m. proceeding on this date to describe an introduction of the regulatory amendments to both NAC 645A, NAC 645B and NAC 645F. None of the attendees at these proceedings provided any written or verbal comments.

3. The number of persons from the public who:

	<u>Carson City</u>	<u>Las Vegas</u>	<u>WebEx</u>
Attended May 30, 2023, workshop - 9:00 a.m. proceeding:	0	0	0
Testified at the May 30,2023, workshop:	0	0	0
Attended December 21, 2023, adoption hearing-10:00 a.m. proceeding:	0	1	1
Testified at the December 21, 2023:	0	0	0
Submitted written comments:	No emails were received.		

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

No member of the public who appeared at the workshops and/or adoption hearing, at either the noticed Las Vegas or Carson City locations nor on WebEx for such, either testified or submitted written statements to the Division.

Testified at workshop: 0 Testified at adoption hearing: 0

5. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public as provided in response to Item #2, above. No public response was received.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

At the conclusion of the noticed public hearing on December 21, 2023, the *LCB Draft of Proposed Regulation R070-23*, dated October 23, 2023, was adopted.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately, and each case must include:
a. Both adverse and beneficial effects; and
b. Both immediate and long-term effects.

(a) Both adverse and beneficial effects.

The Division does not foresee any major adverse effects of the adopted regulation to either the business of a mortgage broker, mortgage agent, mortgage banker or to the public.

The Division anticipates that the beneficial effects of the adopted regulation may result in cost savings as provided in the adopted regulation without unnecessarily burdening business activity.

(b) Both immediate and long-term effects.

The Division anticipates that both the immediate and long-term beneficial effects of the adopted regulation will protect the health and welfare of Nevadans without unnecessarily burdening business activity.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The Division does not anticipate incurring additional costs for the implementation and enforcement of the proposed regulation. The agency will receive less fees by adopting these new regulations.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agencies regulations known by the Division that the adopted regulation overlaps or duplicates.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The adopted regulation does not include provisions which are known to be more stringent than a federal regulation which regulates the same activity.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The proposed regulations do not otherwise provide a new fee, and do not provide for any increase to an existing fee.