

ASA HUTCHINSON
GOVERNOR

B. EDMOND WATERS
COMMISSIONER



HERITAGE WEST BUILDING, SUITE 300
201 EAST MARKHAM STREET
LITTLE ROCK, ARKANSAS 72201-1692
TELEPHONE: (501) 324-9260
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ARKANSAS SECURITIES DEPARTMENT

VIA REGULAR U.S. MAIL

June 22, 2018

Debby Wieneke
Habitat for Humanity of
Benton County
1212 N. Walton
Bentonville, AR 72712

Karyn H. Tierney
Arkansas Bar No. 2003120
ktierney@securities.arkansas.gov

RE: Habitat for Humanity of Benton County
No Action No. 18-NA-0004

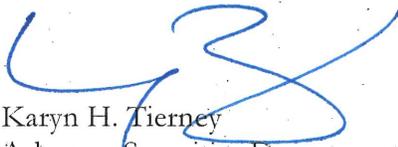
Dear Ms. Wieneke:

The Arkansas Securities Department ("Department") is in receipt of your letter dated June 13, 2018, requesting that the Department issue a no-action letter concerning Habitat for Humanity of Benton County's claim of exemption from the licensing requirements of the Arkansas Fair Mortgage Lending Act ("AFMLA") as codified at Ark. Code Ann. § 23-39-501 through 518 due to Habitat for Humanity of Benton County status as a 501(c)3 nonprofit entity. A copy of the request letter is attached for reference.

Based upon the specific facts contained in your request the Staff will not recommend that the Arkansas Securities Commissioner take an enforcement against Habitat for Humanity of Benton County if it does not obtain a license from the Department prior to engaging in the activities detailed in your request letter.

Please note that the position of the Staff of the Department is based solely upon the representations made in your request letter and information provided and applies only to the facts as set out therein. Different facts or circumstances might and often would require a different response or opinion from the Staff of the Department. The position of the Staff of the Department expressed in this letter only deals with anticipated enforcement action by the Department. Further, the position of the Staff of the Department does not purport to be and should not be interpreted to be a legal opinion.

Sincerely,



Karyn H. Tierney
Arkansas Securities Department



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18 JUN 19 AM 11:27
ARKANSAS SECURITIES DEPT.

June 13, 2018

Scott Freydl
Arkansas Securities Department
201 E. Markham Street
Heritage West Building, Suite 300
Little Rock, AR 72201-1692

Dear Scott:

My purpose in writing is to request a letter from your office specifically stating that Habitat for Humanity of Benton County is exempt from the licensing requirement under the Fair Mortgage Lending Act.

The House bill 1881 passed by the General Assembly of the State of Arkansas amending the Fair Mortgage Lending Act, AR Code 23-39-502(9)(B)(viii), provides for an exemption of a nonprofit corporation that:

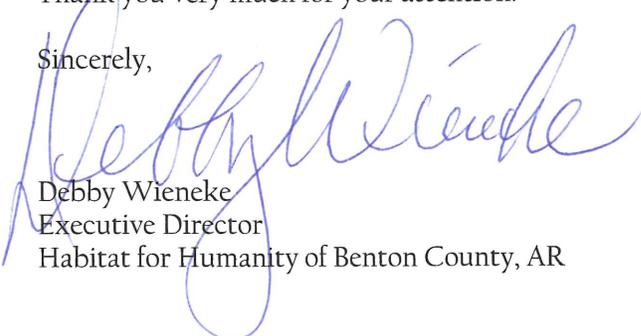
1. Qualifies as a nonprofit entity under 501 (c) 3 of the Internal Revenue Code
2. Is not primarily in the business of soliciting or brokering mortgage loans, and
3. Makes or services mortgage loans to promote home ownership for the disadvantaged.

Habitat for Humanity of Benton County was incorporated on July 17, 2015, as a 501 (c) 3 organization, and our registration with the AR Attorney General's office is current. The mission of Habitat for Humanity is to approve and partner with low-income families (as defined by HUD income guidelines) in Benton County to help them build and own their own homes. Upon completion, the homes are financed for 20 - 30 years, with no profit added, no closing costs and no interest charged. The affiliate does not solicit or broker mortgages.

While I am most grateful that our legislators have made provisions for exemption in Section 1 (B) (viii) of HB 1881, I would appreciate a letter specifically identifying our Habitat affiliate.

Thank you very much for your attention.

Sincerely,



Debby Wieneke
Executive Director

Habitat for Humanity of Benton County, AR