

MIKE BEEBE
GOVERNOR

A. HEATH ABSHURE
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

June 29, 2009

Deana Powell
President, Board of Directors
Habitat for Humanity of White County
P.O. Box 1004
Searcy, AR 72145

RE: Habitat for Humanity of White County
No Action Letter No. 09-43325-CS

Dear Ms. Powell:

The Arkansas Securities Department ("Department") is in receipt of your letter dated June 18, 2009, requesting that the Department issue a no action letter concerning the claim of exemption from the licensing requirements contained in the Arkansas Fair Mortgage Lending Act ("FMLA") for the Garland County Habitat for Humanity. A copy of your request letter is attached for your reference.

Based on the specific facts contained in your request letter, at the present time the Staff of the Department will recommend that the Arkansas Securities Commissioner take no enforcement action against the Garland County Habitat for Humanity, 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 applies only to the facts as set out therein. Different facts or circumstances might and often would require a different response from the Staff of the Department. The position of the Staff of the Department expressed in this letter only dealt 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,

A handwritten signature in black ink that reads "Scott S. Freydl".

Scott S. Freydl
Staff Attorney

Attachment



P.O. Box 1004 • Searcy, AR 72145-1004 • (501) 268-5589
habitatwhiteco@yahoo.com

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ARKANSAS SECURITIES DEPT.

June 18, 2009

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 White County Habitat for Humanity is exempt from the licensing requirement under the Fair Mortgage Lending Act.

The recent House Bill 1881 passed by the General Assembly of the State of Arkansas amending the Fair Mortgage Lending Act, 23-39-501, 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.

White County Habitat for Humanity was incorporated on July 28, 2005 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 White County to help them build and own their own homes. Upon completion, the homes are financed for 20-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 exemptions 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,

Deana Powell
President, Board of Directors
Habitat for Humanity of White County, AR