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Arizona

GMCC's Arizona mortgage license number and NMLS number need to be included on all your advertisements. This includes all websites and social media as well.

We suggest that you put your Arizona Mortgage License number on the footer of the website together with the NMLS number for easier visibility. As per your social media, if you have any, make sure to include your Arizona mortgage license number and NMLS number to the about section of all platforms.

Colorado

Follow State Regulation 5.1 and 5.2

<https://drive.google.com/file/d/1DzrnQTVmpTYA0H62V5u7QmQ1q2vIMVOr/view>

Any Advertisement of a residential mortgage loan product or Rate offered by a Mortgage Loan Originator, or Mortgage Company must conform to the following requirements:

A. An Advertisement must be made only for such products and terms as are actually available at the time they are offered and if their availability is subject to any material requirements or limitations, the Advertisement must specify those requirements or limitations;

B. The Advertisement must contain the following, each of which must be clearly and conspicuously included in the Advertisement;

1. At least one (1) responsible party. The responsible party must be a Mortgage Loan Originator or a Mortgage Company. The responsible party must include their registration number that is approved on the NMLS;
2. The name of the Mortgage Company; and
3. The business phone number of the responsible party.

C. The Advertisement must not appear to be offered by a government agency, a quasi-government agency or the perspective borrower's current lender and/or loan servicer;

D. An Advertisement must not make or omit any statement the result of which would be to present a misleading or deceptive impression to consumers;

E. An Advertisement shall must otherwise comply with all applicable state and federal disclosure requirements;

F. Advertisements must incorporate applicable provisions of the final Interagency Guidance on Nontraditional Mortgage Product Risks ("Interagency Guidance") released on September 29, 2006, incorporated by reference in compliance with section 24-4-103(12.5), C.R.S., and does not include any later amendments or editions of the final guidance. A certified copy of the Interagency Guidance is readily available for public inspection at the Office of the Board of Mortgage Loan Originators at 1560 Broadway, Suite 925, Denver, Colorado. The Interagency Guidance released by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift supervision, and the National Credit Union Administration can be examined at the internet website of the federal register (volume 71, number 192, page 58609-58618) at www.federalregister.gov. Reference copies of the federal register publications may also be found at the Colorado Supreme Court, located at 101 w. Colfax, Denver, Colorado 80202 or by telephone at

(303) 837-3720; and

G. The responsible party must retain copies of all Advertisements for a period of four (4) years, and provide said copies for inspection by an authorized representative of the Board upon request.

5.2. The Requirements Set Forth in Subsection B. of Rule 5.1. will Not Apply to:

A. Any Advertisement which indirectly promotes a Consumer Credit transaction and which contains only the name of the Mortgage Company, the name and title of the Mortgage Loan Originator, the contact information for the Mortgage Company or the Mortgage Loan Originator, a Mortgage Company's logo, or any license or registration numbers, such as the inscription on a coffee mug, pen, pencil, youth league jersey, sign, business card, or another promotional item; or

B. Any rate sheet, pricing sheet, or similar proprietary information provided to real estate brokers, builders, and other commercial entities that is not intended for distribution to consumers.

Connecticut

Follows Federal Guidelines and Limited State Guidelines: 36a-485 through 36a-534c, 36a-675 through 36a-760j, and 49-6a through 49-6d.

Advertisements. (a) No mortgage lender licensee, mortgage correspondent lender licensee or mortgage broker licensee shall:

(1) Advertise or cause to be advertised in this state, any residential mortgage loan in which such person intends to act only as a mortgage broker unless the advertisement includes the following statement, clearly and conspicuously expressed: "MORTGAGE BROKER ONLY, NOT A MORTGAGE LENDER OR MORTGAGE CORRESPONDENT LENDER"; or

(2) In connection with an advertisement in this state, use (A) a simulated check; (B) a comparison between the loan payments under the residential mortgage loan offered and the loan payments under a hypothetical loan or extension of credit, unless the advertisement includes, with respect to both the hypothetical loan or extension of credit and the residential mortgage loan being offered the interest rate, the loan balance, the total amount of finance charges, the total number of payments and the monthly payment amount that would be required to pay off the outstanding loan balance shown; (C) representations such as "verified as eligible", "eligible", "preapproved" "prequalified" or similar words or phrases, without also disclosing, in immediate proximity to and in similar size print, language which sets forth prerequisites to qualify for the residential mortgage loan, including, but not limited to, income verification, credit check, and property appraisal or evaluation; or (D) any words or symbols in the advertisement or on the envelope containing the advertisement that give the appearance that the mailing was sent by a government agency.

(b) (1) Each lead generator licensee shall include the following statement in all advertisements of residential mortgage loans and solicitations of leads by mail, electronic mail or through such licensee's Internet web site, clearly and conspicuously expressed: "LEAD GENERATOR ONLY, NOT ACTING IN THE CAPACITY OF A MORTGAGE LOAN ORIGINATOR , MORTGAGE BROKER, MORTGAGE CORRESPONDENT LENDER OR MORTGAGE LENDER. INFORMATION RECEIVED WILL BE SHARED WITH ONE OR MORE THIRD PARTIES IN CONNECTION WITH YOUR RESIDENTIAL MORTGAGE LOAN INQUIRY.".

(2) No person required to be licensed as a lead generator shall: (A) Accept payment of any advance fee, as defined in section 36a-485, in connection with a residential mortgage loan, or (B) use, sell, lease, exchange or otherwise transfer or release information received from a consumer in

connection with a residential mortgage loan inquiry for purposes other than as necessary to facilitate a residential mortgage loan transaction.

(P.A. 91-306, S. 3; P.A. 94-122, S. 238, 340; P.A. 99-63, S. 3; P.A. 02-111, S. 13; P.A. 08-176, S. 52; P.A. 09-209, S. 16; P.A. 17-38, S. 11; P.A. 18-173, S. 94.)

(a)(1) The unique identifier of any mortgage loan originator or loan processor or underwriter licensed under section 36a-489 shall be clearly shown on all residential mortgage loan application forms.

(2) The unique identifier of any mortgage lender, mortgage correspondent lender, mortgage broker or lead generator licensed under section 36a-489 shall be clearly shown on all solicitations or advertisements including business cards or Internet web sites, and any other documents as established by rule, regulation or order of the commissioner and shall be clearly stated in all audio solicitations or advertisements.

(3) The unique identifier of a mortgage loan originator or loan processor or underwriter licensed under section 36a-489 shall be clearly shown on all solicitations and advertisements, including business cards and Internet web sites, and any other documents as established by rule, regulation, or order of the commissioner, and shall be clearly stated in all audio solicitations and advertisements when disseminated by: (A) A mortgage loan originator or loan processor or underwriter regarding such individual's own services, or

(B) the sponsor of such mortgage loan originator or loan processor or underwriter if such solicitation or advertisement identifies the services of a particular mortgage loan originator or loan processor or underwriter.

(b) The advertising of any person licensed under section 36a-489: (1) Shall not include any statement that such person is endorsed in any way by this state except that such advertising may include a statement that such person is licensed in this state; (2) shall not include any statement or claim that is false, deceptive, or misleading; (3) shall otherwise conform to the requirements of sections 36a-485 to 36a-498e, inclusive, 36a-498h, 36a-534a and 36a-534b, any regulations issued thereunder and any other applicable law; and (4) shall be retained for two years from the date of its use.

Delaware - Follow Federal Guidelines

Florida

2018 Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS

Chapter 494

LOAN ORIGINATORS AND MORTGAGE BROKERS

Entire Chapter

SECTION 00165

Prohibited advertising; record requirements.

494.00165 Prohibited advertising; record requirements.—

(1) It is a violation of this chapter for any person to:

(a) Advertise that an applicant shall have unqualified access to credit without disclosing the material limitations on the availability of such credit. Material limitations include, but are not limited to, the percentage of down payment required, that a higher rate or points could be required, or that restrictions on the maximum principal amount of the loan offered could apply.

(b) Advertise a mortgage loan at an expressed interest rate unless the advertisement specifically states that the expressed rate could change or not be available at commitment or closing.

(c) Advertise mortgage loans, including rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on such loans, unless the person is able to make such mortgage loans available to a reasonable number of qualified applicants.

(d) Falsely advertise or misuse names indicating a federal agency pursuant to 18 U.S.C. s. 709.

(e) Engage in unfair, deceptive, or misleading advertising regarding mortgage loans, brokering services, or lending services.

(2) Each person required to be licensed under this chapter must maintain a record of samples of each of its advertisements, including commercial scripts of each radio or television broadcast, for examination by the office for 2 years after the date of publication or broadcast.

History.—s. 6, ch. 99-213; s. 520, ch. 2003-261; s. 7, ch. 2009-241.

Georgia

Follows Federal Guidelines and Georgia rules and regulations Subject 80-11-1

Any advertisement of a mortgage loan that is subject to regulation under O.C.G.A. Title 7, Chapter 1, Article 13 and that is made, published, disseminated or circulated in this state shall comply with the requirements set forth below.

Advertisements for mortgage loans shall not be false, misleading, or deceptive.

Advertisements for mortgage loans shall not indicate in any manner that the interest rates or charges for loans are in any way recommended, approved, set or established by the state or by any law of the state.

All solicitations or advertisements, including business cards and websites, for mortgage loans disseminated in this state by persons required to be licensed or registered under O.C.G.A. Title 7, Chapter 1, Article 13 shall contain the name and unique identifier of the licensee or registrant advertising the mortgage loan, which name and unique identifier shall conform with the name and unique identifier on record with the Department of Banking and Finance.

Reserved.

All advertisements for mortgage loans shall comply with all applicable federal and state laws.

For purposes of this Rule, "advertisement" means material used or intended to be used to induce the public to apply for a mortgage loan. Such term shall include any printed or published material, audio or visual material, website, or descriptive literature concerning a mortgage loan subject to regulation under O.C.G.A. Title 7, Chapter 1, Article 13 whether disseminated by direct mail, newspaper, magazine, radio or television broadcast, electronic, billboard or similar display. The term advertisement shall not include promotional materials containing fifteen words or fewer relating to the mortgage business of the entity which material does not contain references to a specific rate or product, such as balloons, hats, pencils or pens, and calendars.

Every mortgage broker or mortgage lender required to be licensed or registered shall maintain a record of samples of its advertisements (including commercial scripts of all radio and television broadcasts) for examination by the Department of Banking and Finance.

An advertisement shall not include an individual's loan number, loan amount, or other publicly available information unless it is clearly and conspicuously stated in bold-faced type at the beginning of the advertisement that the person disseminating it is not authorized by, acting on behalf of, or otherwise affiliated with the individual's lender, which shall be identified by name. Such an advertisement shall also

state that the loan information contained therein was not provided by the recipient's lender.

In the event that a mortgage broker or lender sponsors a mortgage loan originator purporting to operate under the temporary authority requirements set forth in 12 U.S.C. § 5117, any advertisement by the mortgage broker or lender that mentions such mortgage loan originator's ability to act as mortgage loan originator in Georgia shall clearly and conspicuously indicate that the individual has temporary authority to operate in Georgia. Any such advertisement must also clearly and conspicuously indicate that the individual is unlicensed, has submitted a license application to the Department, and the Department may grant or deny the license application.

Hawaii

Follows Federal Guidelines and One State Guideline: 454F-17 Prohibited Practices

Solicit, advertise, or enter a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting

Deliver a misleading or deceptive communication or advertisement, whether written, electronic, or oral, when marketing or soliciting a residential mortgage loan; provided that:

A communication or advertisement that uses the name or trademark of a financial institution as defined in section 412:1-109 or its affiliates or subsidiaries, or infers that the communication or advertisement is from, endorsed by, is related to, or is the responsibility of the financial institution is a misleading or deceptive communication;

Advertising that a specific interest rate, points, or financial terms are available when the rates, points, or financial terms are not actually available is a misleading or deceptive communication;

Advertise terms of a residential mortgage loan in violation of section 226.16 or 226.24 of Regulation Z of the Board of Governors of the Federal Reserve System.

Idaho

Follows Federal Guidelines and the Idaho Residential Mortgage Practices Act 26-31-211(5), and 26-31-206

040.DECEPTIVE ADVERTISING (RULE 40)

01. Advertising. Advertising means making or permitting to be made any oral, written, graphic or pictorial statements, in any manner, in the course of the solicitation of business authorized under the Act. Deceptive advertising is defined to include the following practices by a licensee, or a person required to be licensed under the

Act:

a. Advertising without clearly and conspicuously disclosing the business name and unique identifier assigned by the Nationwide Mortgage Licensing System and Registry (NMLSR) to the licensee or person required to be licensed under the Act.

b. Engaging in bait and switch advertising or misrepresenting, directly or indirectly, the terms, conditions or charges incident to services authorized under the Act. Bait and switch advertising, for the purposes of these rules, means advertising services without the intent to provide them but, rather, to lure a person into making an application for services and then switch the person from obtaining the advertised services to other or different services on a basis more advantageous to the licensee or person required to be licensed under the Act.

c. Using an address in advertising at which the licensee or person required to be licensed under the Act conducts no mortgage brokering, mortgage lending, or mortgage loan origination activities or for which the

licensee or person required to be licensed does not hold a license.

d. Advertising or soliciting in a manner that has the effect of misleading a person to believe that the advertisement or solicitation is from a person's current mortgage holder, a government agency, or that an offer is a limited opportunity when such is not the case.

(5) Engage in any misrepresentation or omission of a material fact in connection with a residential mortgage loan.

Illinois

Follows Federal Guidelines and Limited State Guidelines: Administrative Code Subpart H:
Advertising

No person, partnership, association, corporation or other, entity except a licensee or an entity exempt from licensing pursuant to Section 1-4(d) of the Act, shall cause to be circulated or use any advertising appearing in the State of Illinois or make any representation or give any information to any person that indicates or reasonably implies activity involving the making, servicing or brokering of loans secured by residential real estate located in Illinois.

An advertisement is any message, except as provided in subsection (b) of this Section, conveyed in any format, including, but not limited to, the Internet, and attempting *to induce*, directly or indirectly, any person to enter into a residential mortgage loan or residential mortgage loan brokerage agreement as defined in Section 1-4(w) of the Act.

Small items bearing only the name, address and telephone number of the distributing entity shall not be considered messages intended to induce any person to enter into a residential mortgage loan agreement or residential loan brokerage agreement as defined in the Act and shall not be considered advertisements. Examples of these items are pencils, pens, buttons, pins, pocket calendars, and balloons. Business cards shall be considered an advertisement.

Every advertisement shall comply with Sections 1-3(b) and 3-3 of the Act, as well as applicable Federal and State statutes and regulations, including, but not limited, to the Consumer Credit Protection Act (15 USC 1601, et seq.) including Title VII (Equal Credit Opportunity Act) and Title I (Truth in Lending Act) of that Act and the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505].

Any advertisement appearing in Illinois by a licensee regarding residential mortgage loans, whether via electronic or print media, including mailings to individual potential residential mortgage loan customers, shall include, in a manner that is clear and conspicuous to the consumer: The NMLS Consumer Access homepage (www.nmlsconsumeraccess.org). For electronic media, the licensee shall use the phrase "For licensing information, go to: www.nmlsconsumeraccess.org."

The NMLS Unique Identifier of the licensee. If a Mortgage Loan Originator (MLO) is advertised, the licensee must include its MLO employee's individual NMLS Unique Identifier, in addition to the licensee's NMLS Unique Identifier.

Advertisements by licensees shall not be false, misleading or deceptive. Examples of prohibited advertising include but are not limited to the following
No advertisement regarding residential mortgage lending or brokering may indicate or imply that interest rates or charges for loans are in any way "recommended", "approved", "set" or "established" by the State or the Act;

The NMLS Unique Identifier of the licensee shall not appear in any advertisement relating to activities other than residential mortgage lending or brokering, unless wording relating to the licensee's residential mortgage services also appears in such advertisements and in prominence equal to or greater than the language regarding its other activities.

Indiana

Follow Federal Guidelines

Iowa Follows Federal Guidelines

Kansas

Follows Federal Guidelines

Kentucky

Follows Federal Guidelines and State Guideline: KRS286.8-030

Kentucky requires the use of a unique Identifier (NMLS number) on all solicitations, advertising, marketing etc. All advertising must not be deceptive in any way

Louisiana

Follows Federal Guidelines

Maryland

Follows Federal Guidelines and Limited State Guidelines: 11-505, COMAR 09.03.06.06, COMAR 09.03.06.20, and Financial Institutions 2-113.1

Maryland prohibits a licensee from conducting business (including advertising) "under any name different from the address and name that appears on the person's license."

A. A person may not publish, or cause to be published, any advertisement, or make or cause to be made any representation, that:

- (1) Contains any false, misleading, or deceptive statements regarding the making, brokering, or servicing of mortgage loans; or
- (2) Misrepresents terms, availability, rates, or charges incident to a mortgage loan.

B. Licensee Name and Address.

(1) A licensee may not advertise under any name or address other than a name or address that:

- (a) Appears on its license; or
- (b) Has been approved by the Commissioner pursuant to Regulation .04L of this chapter and is listed as a trade name on the licensee's NMLS record.

(2) Notwithstanding §B(1) of this regulation, an advertisement:

- (a) Need not disclose any address of the advertiser; and
 - (b) May use the trade name of a parent corporation.
- (3) Notwithstanding §B(1) of this regulation, a licensee may use an e-mail address or website address that is different from the name or address that appears on the licensee's license, provided that the content of any e-mail correspondence, or of the website itself, uses only a name that appears on the licensee's license or has been approved by the

Commissioner pursuant to Regulation .04L of this chapter and is listed as a trade name on the licensee's NMLS record.

(4) A licensee shall disclose its NMLS unique identifier in every advertisement.

(5) Notwithstanding §B(4) of this regulation, a licensee who utilizes social media for advertising purposes need not disclose the licensee's NMLS unique identifier in each statement published through a social media platform, provided that the NMLS unique identifier is displayed prominently on the licensee's profile page within the social media platform.

(6) A licensee is responsible for a violation of §A of this regulation even if a parent corporation's trade name is used as permitted in §B(2)(b) of this regulation.

(7) A licensee is responsible for any advertisement disseminated by an employee of the licensee if such advertisement relates to activities performed by the licensee or by the employee in the employee's capacity as an employee of the licensee.

A licensee is considered to have conducted a reasonable inquiry of whether a refinance of a mortgage loan provides a net tangible benefit to a borrower if the mortgage lender has the borrower complete and sign a net tangible benefit worksheet on the form prescribed by the Commissioner, or a form that is substantially like the form prescribed by the Commissioner.

An MLO MAY NOT ISSUE AN ADVERTISEMENT OR MAKE A REPRESENTATION THAT IS FALSE, MISLEADING, OR DECEPTIVE.

Massachusetts

Follows Federal Guideline and State Codes 209 CMR 32, 209 CMR 42.00, 209 CMR 41.00, and 940 CMR 8.00.

<https://www.mass.gov/doc/940-cmr-8-mortgage-brokers-and-mortgage-lenders/download>

These codes follow the CFPB and state:

32.24: Advertising

Compliance with 12 CFR 1026.24 constitutes compliance with 209 CMR 32.24.

Along with that here are the extra guidelines

(4) Every mortgage broker or mortgage lender shall maintain a copy of each separate advertisement (including commercial scripts of all radio broadcasts, television broadcasts and electronic media) for examination by the Commissioner for a period of three years from the date of publication. If the exact same advertisement is used multiple times and in different media, only one copy need be retained.

(4) It is a prohibited act or practice for a mortgage broker to advertise any interest rate or loan term described in *12 CFR 1026.24(c)* in any media without the following statement:
We arrange but do not make loans. No advertisement by a mortgage broker in any media shall contain language which indicates or suggests that the mortgage broker will fund or approve a mortgage loan or guarantee any rate.

(12) It is a prohibited act or practice for a mortgage broker or mortgage lender to fail to disclose the type and number of its license in an advertisement.

(13) It is a prohibited act or practice for a mortgage broker or mortgage lender or an employee or a person associated with and acting under the direction of a mortgage broker or a mortgage lender to advertise residential mortgage loan services without naming the licensee and disclosing the license number of the mortgage broker or mortgage lender under whose license the individual is acting.

A Licensee shall disclose the type and number of its license(s) to all clients and/or residential mortgage loan applicants in writing at the time a fee is paid or a mortgage loan application is accepted. A Licensee shall also disclose the type and number of its license(s) in all advertisements.

(12) It is a prohibited act or practice for a Mortgage Loan Originator to solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting;

(14) It is a prohibited act or practice for a Mortgage Loan Originator to make, in any manner, any false or deceptive statement or representation including, regarding the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising.

A Licensee's Mortgage Loan Originator license number shall be clearly shown on all residential mortgage loan application forms, solicitations, or advertisements, including, without limitation, business cards and websites.

Michigan

Follows Federal Guidelines and State Rules Michigan 445.1672a

445.1672a Mortgage loans; prohibited advertising. Sec. 22a.

(1) A licensee or registrant shall not, directly or indirectly, make a false, misleading, or deceptive advertisement regarding mortgage loans or the availability of mortgage loans.

(2) A licensee or registrant shall not advertise any size of loan, security required for a loan, rate of charge, or other condition of lending except with the full intent of making loans at those rates, or lower rates, and under those conditions
, to mortgage loan applicants who meet the standards or qualifications prescribed by the licensee or registrant.

Mississippi

Follows Federal Guidelines and State Rules Miss. Code Ann. Section 81-18-27, 81-18-33 and Rule 1.7

(h) Engage in any fraudulent residential mortgage underwriting practices, which include, but are not limited to, making in any manner, any false or deceptive statement or representation including, with regard to the rates,

points or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising.

(t) Solicit, advertise or enter into a contract for specific interest rates, points or other financing terms unless the terms are actually available at the time of soliciting, advertising or contracting.

(4) No person shall use the name or logo of any banking entity in connection with the sale, offering for sale, or advertising of any financial product or service without the express written consent of the banking entity.

(5) No unlicensed Mississippi location of a Mississippi licensed mortgage broker or mortgage lender may advertise mortgage services if the unlicensed location is more than fifty (50) miles from a licensed Mississippi location

Missouri

Follow State Regulation 443.855

<https://revisor.mo.gov/main/OneSection.aspx?section=443.855&bid=48659&hl=>

Advertising of mortgage loans, rulemaking authority. — The director may prescribe rules governing the advertising of mortgage loans, including, without limitation, rules that advertising pursuant to sections 443.701 to 443.893 may not be false, misleading or deceptive. No person whose activities are regulated pursuant to the provisions of sections 443.701 to 443.893 may advertise in any manner so as to indicate or imply that the person's interest rates or charges for loans are in any way recommended, approved, set or established by the state or federal government or by the provisions of sections 443.701 to 443.893.

Missouri law also requires you to have your licensed Company name, Company NMLS number, and MLO NMLS number (if an MLO is advertised) on all advertisements.

Montana

Follow the Following State Regulations: 32-9-149 MCA, ARM 2.59.1758, and ARM 2.59.1759

https://leg.mt.gov/bills/mca/title_0320/chapter_0090/part_0010/section_0490/0320-0090-0010-0490.html

<https://rules.mt.gov/gateway/RuleNo.asp?RN=2%2E59%2E1758>

<https://rules.mt.gov/gateway/RuleNo.asp?RN=2%2E59%2E1759>

Use of name -- advertising. (1) A licensee engaged in a business regulated by this part may not operate under a name other than the name licensed by the department.

(2) A licensee may not:

(a) advertise that an applicant has unqualified access to credit without disclosing that material limitations on the availability of credit may exist, such as the percentage required as a down payment, that a higher interest rate or points could be required, or that restrictions as to the maximum principal amount of the mortgage loan offered could apply;

(b) advertise a mortgage loan with a prevailing interest rate indicated in the advertisement unless the advertisement specifically states that the interest rate could change or not be available at the time of commitment or closing;

(c) advertise mortgage loans, including interest rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on the mortgage loans, unless the licensee is able to make or broker the offered mortgage loans to a reasonable number of qualified applicants;

(d) engage in false, deceptive, or misleading advertising; or

(e) falsely advertise or misuse names in violation of 18 U.S.C. 709.

(3) The department may adopt rules to define false, deceptive, or misleading advertising.

(4) In any printed, published, e-mail, or internet advertisement for the provision of services, the following information must be included:

(a) a name and unique identifier for a mortgage loan originator advertising as an individual; or

(b) the name and unique identifier only of the licensed entity when the licensed entity is advertising on its own behalf or as an entity with one or more mortgage loan originators listed.

(5) The department may adopt rules to establish requirements for licensee advertising using the internet or any electronic format.

INTERNET OR ELECTRONIC ADVERTISING

(1) For the purpose of this rule, "Internet" means the Internet, the World Wide Web, or Internet-based electronic information distribution networks, and any derivative delivery systems or evolutions of such delivery systems that may be connected to individual computers, terminals, and other consumer electronic interface devices through which information is delivered via computer servers connected via phone lines or other cable, wire, fiber, wireless, or other analogous linkages to a computer, computer network or networks including, but not limited to, websites, e-mail, text messaging, multimedia advertising, social media, and/or banner advertisements.

(2) Licensees who engage in any form of Internet or electronic advertising shall comply with the requirements of this rule. This rule does not apply to traditional forms of advertising or promotion, such as newspaper, television, or radio advertisements, or direct mailings.

(3) A licensee must provide the following in any Internet or electronic advertising:

- (a) the licensee's name as entered into NMLS and NMLS unique identifier; and
- (b) if loan originators are named, their NMLS unique identifier must closely follow the names.

(4) A licensee must provide a link to their own NMLS Consumer Access webpage on any of its websites.

(5) If a loan originator maintains a separate website used in any way for or related to mortgage origination activity, the sponsoring licensee's name and NMLS unique identifier must appear on the website.

(6) All web addresses used by licensees must be disclosed by the entity in their NMLS record.

(7) Internet or electronic advertising content used to solicit Montana consumers must comply with all relevant Montana state and federal statutes for specific services and products advertised.

2.59.1758 FALSE, DECEPTIVE, OR MISLEADING ADVERTISING

(1) False, deceptive, or misleading advertising includes but is not limited to advertising or marketing that:

- (a) is defined by this rule as false, deceptive, or misleading;
- (b) violates 32-9-149, MCA, or this rule;
- (c) violates any applicable state or federal unfair, deceptive, or abusive acts or practices laws or other laws applicable to advertising services authorized by or conducted under the Montana Mortgage Act.

(2) An advertisement is false, deceptive, or misleading, if it:

- (a) describes rates or fees as "lowest," "best," or other similar words unless the statement is objectively true;
- (b) uses the term "free," or any other similar term or phrase that implies there is no cost to the applicant;
- (c) offers to procure, arrange, or otherwise assist a borrower to obtain a mortgage loan on terms which the person cannot, does not intend, or does not want to provide, or which the person knows or should know cannot be reasonably provided;
- (d) suggests or represents that all or most borrowers may or will qualify for a loan or that persons with bad credit histories or no credit histories may or will qualify for this loan unless the person can demonstrate that borrowers with bad credit or no credit have been routinely and successfully qualified for loans by that licensee; or
- (e) fails to disclose that a loan has the potential for negative amortization. If a loan has the potential for negative amortization, the advertisement shall clearly identify that potential and shall prominently disclose the:
 - (i) market or fully indexed rate;
 - (ii) term of the reduced payments;
 - (iii) term of the entire loan; and
 - (iv) annual percentage rate (APR).

(3) A licensee shall not use advertising materials for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by a federal, state, or local government agency or in a manner that suggests any affiliation that does not exist. Such advertising is considered false, deceptive, or misleading.

Prohibited advertising materials include but are not limited to advertisements that include:

- (a) an official-looking emblem, logo, crest, or seal that resembles one used by any state or federal government agency. Such emblems may include an eagle, flag, the Statue of Liberty, or a crest or seal used by any state or the United States or used by any government agency or political subdivision;
- (b) images, including those in electronic format, designed to resemble official government communications, such as communications from the Internal Revenue Service or U.S. Treasury, a state taxing authority, or other government agencies;
- (c) warnings or notices citing government codes or form numbers not required by the United States Postal Service to be shown on the mailing;
- (d) the term "official business," or similar language implying official or government business, without also including the name of the sender;
- (e) any suggestion or representation that the solicitor is affiliated with any state or federal agency, municipality, federally insured financial institution, trust company, building and loan association, or other entity that it does not actually represent;
- (f) any suggestion or representation that the solicitor is any entity other than the sender itself; or
- (g) any other materials that violate state or federal laws pertaining to advertising or unfair, deceptive, or abusive acts or practices.

(4) When an advertisement includes information about a borrower's current loan that the licensee did not obtain from a solicitation, application, or loan, a licensee must provide the borrower with the following information, in the same size

type font as the rest of the information in the advertisement:

- (a) the name of the source of the information; and

(b) a statement that:

(i) this is an advertisement;

(ii) this is an offer for a new loan;

(iii) the licensee is not affiliated with the borrower's lender; and

(iv) this offer is not related to the consumer's existing mortgage lender or holder of the loan.

(5) A licensee shall not advertise an interest rate unless that rate is available at the time of the advertisement.

Whenever a specific interest rate is advertised, the mortgage broker must retain a copy of the lender's rate sheet, or

other supporting rate information, and the APR calculation for the advertised interest rate.

(6) Licensees are responsible for the legality, accuracy, and reliability of their advertising.

Nevada

Companies that have been licensed for less than 12 months must submit all of their marketing/advertising material, using the Advertisement Submission Form. The form can be found on our website known as MLD Form 200 under Industry Info. Here is the link, copy and paste:

https://mld.nv.gov/uploadedFiles/mldnvgov/content/Industry/Mortgage_Brokers_and_Mortgage_Agents_-_NRS_645B/MLDForm200AdvertisementSubmissionForm.pdf

Additionally, please see the following for the statutes that concern advertisements and disclosures required.

DISCLOSURES AND ADVERTISING

- NRS 645B.185 Use of disclosure forms required; release of financial statements; duties of mortgage company and loan originators; prohibitions; powers of Commissioner; regulations.
- NRS 645B.186 Disclosure of certain business and personal relationships required.
- NRS 645B.187 Prohibition on making certain guarantees in advertisements and solicitations; limitations on payment of premium interest; penalty.
- NRS 645B.189 Statements of disclosure required in certain advertisements; review of advertisements by Commissioner; advertisements must comply with state and federal laws concerning deceptive trade practices and deceptive advertising; regulations.
- NRS 645B.196 Liability of advertising spokesperson for mortgage company for certain damages.

New Hampshire

Follow Federal Guidelines

New Jersey

(a) The advertising of maximum interest rates and yield on time and savings deposits shall comply with the requirements of the Federal Truth in Savings Law, 12 U.S.C. §§ 4301 et seq., and Federal Reserve Regulation DD, 12 CFR 230.

(b) All advertisements of loan products shall comply with the requirements of the Federal Truth-in-Lending Law and Regulation Z, 15 U.S.C. 1601 et seq. and 12 CFR 226 et seq., respectively, where applicable.

N.J. Admin. Code § 3:2-1.3

Amended by R.1988 d.524, effective 11/7/1988.

See: 20 New Jersey Register 1025(a), 20 New Jersey Register 2750(b).

Added (c).

Amended by R.1990 d.236, effective 5/7/1990.

See: 22 New Jersey Register 1353(c).

"Federal Home Loan Bank Board" changed to "Office of Thrift Supervision".

Amended by R.1995 d.244, effective 8/7/1995.

See: 27 New Jersey Register 793(a), 27 New Jersey Register 2883(b).

In (a) substituted the Federal Truth in Savings Law and Federal Reserve Regulation DD for other rules as the advertising standards to be met, deleted former (b), and recodified (c) as (b).

Amended by R.2006 d.73, effective 2/21/2006.

See: 37 New Jersey Register 3101(a), 38 New Jersey Register 1181(a).

Section heading was "Disclosure of interest rates"; in (a), substituted "shall" for "must."

New Mexico

Follow the Following State Regulations: New Mexico Mortgage Loan Originator Licensing Act § 58-21B-24 NMSA 1978 and 12.19.8.8 B NMAC

The unique identifier of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan application forms, solicitations, or advertisements , including business cards or web sites, and on any other documents as established by rule or order of the director.

The unique identifier number of any person originating a residential mortgage loan shall be clearly shown on all residential mortgage loan applications, solicitations, advertisements, including business cards and web sites.

North Carolina

Follows Federal Guideline and State Codes • NC SAFE Act § 53-244.107, • NC SAFE Act § 53-244.109 , • NC SAFE Act § 53-244.111 , • Title 12: Part 1026; Part C – 1026.24, • Title 12: Chapter X; Part 1014, • CFPB RESPA Section 8/Marketing Agreements Information

The unique identifier of any mortgage loan originator, transitional mortgage loan originator, or other person engaged in the mortgage business as defined in G.S. 53-244.030(11) shall be clearly shown on all residential mortgage loan application forms, solicitations, advertisements, including business cards or Web sites, and any other documents as established by rule or order of the Commissioner. (2009-374, s. 2; 2013-327, s. 10.)

§ 53-244.109. Mortgage broker duties. Any mortgage broker engaged in the mortgage business as defined by G.S. 53-244.030(11) a., in addition to duties imposed by other statutes or at common law, shall do all of the following:

- (1) Safeguard and account for any money handled for the borrower.
- (2) Follow reasonable and lawful instructions from the borrower.
- (3) Act with reasonable skill, care, and diligence.
- (4) Make reasonable efforts to secure a loan that is reasonably advantageous to the borrower considering all the circumstances, including the rates, charges, and repayment terms of the loan.
- (5) Timely and clearly disclose to the borrower material information that may be expected to influence the borrower's decision and is reasonably accessible to the mortgage broker, including the total compensation the mortgage broker expects to receive from any and all sources in connection with each loan option presented to the borrower.
- (6) Notify before closing each lender of the particulars of each of the other lender's loans if the mortgage broker knows that more than one mortgage loan will be made by different lenders contemporaneously to a borrower.
- (7) Ensure that any services offered to any applicant shall be available and offered to all similarly situated applicants on an equal basis.
- (8) In transactions where the mortgage broker has the ability to make credit decisions, use reasonable means to provide the borrower with prompt credit decisions on its loan applications and, where the credit is denied, to comply fully with the notification requirements of applicable State and federal law.
- (9) Ensure that advertising materials are designed to make customers and potential customers aware that the mortgage broker does not discriminate on any prohibited basis.
- (10) Represent the borrower's best interest while brokering a mortgage loan.
- (11) Have a duty of loyalty to the borrower, which shall include a duty not to compromise a borrower's right or interest in favor of another's right or interest, including a right or interest of the mortgage broker. (2009-374, s. 2.)

§ 53-244.111. Prohibited acts. In addition to the activities prohibited under other provisions of this Article, it shall be unlawful for any person during any residential mortgage loan transaction:

- (1) To misrepresent or conceal the material facts or make false promises likely to influence, persuade, or induce an applicant for a mortgage loan or a mortgagor to take a mortgage loan, or to pursue a course of misrepresentation through agents or otherwise.
- (2) To improperly refuse to issue a satisfaction of a mortgage.

- (3) To fail to account for or to deliver to any person any funds, documents, or other thing of value obtained in connection with a mortgage loan, including money provided by a borrower for a real estate appraisal or a credit report, which the mortgage lender, mortgage broker, mortgage servicer, mortgage loan originator, or transitional mortgage loan originator is not entitled to retain under the circumstances.
- (4) To pay, receive, or collect in whole or in part any commission, fee, or other compensation for brokering or servicing a mortgage loan in violation of this Article, including a mortgage loan brokered or serviced by any unlicensed person other than an exempt person
- (5) To charge or collect any fee or rate of interest or to make or broker or service any mortgage loan with terms or conditions or in a manner contrary to the provisions of Chapter 24, 45, or 54 of the General Statutes.
- (6) To advertise mortgage loans, including rates, margins, discounts, points, fees, commissions, or other material information, including material limitations on the loans, unless the person is able to make the mortgage loans available to a reasonable number of qualified applicants.
- (7) To fail to disburse funds in accordance with a written commitment or agreement to make a mortgage loan.
- (8) To engage in any transaction, practice, or course of business that is not in good faith or fair dealing or that constitutes a fraud upon any person in connection with the brokering or making or servicing of, or purchase or sale of, any mortgage loan.
- (9) To fail to pay promptly when due reasonable fees to a licensed appraiser for appraisal services that are:

- a. Requested from the appraiser in writing by the mortgage broker or mortgage lender or an employee of the mortgage broker or mortgage lender; and
- b. Performed by the appraiser in connection with the origination or closing of a mortgage loan for a customer or the mortgage broker or mortgage lender.

(10) To broker a mortgage loan that contains a prepayment penalty if the principal amount of the loan is one hundred fifty thousand dollars (\$150,000) or less or if the loan is a rate spread home loan as defined in G.S. 24-1.1F.

(11) To improperly influence or attempt to improperly influence the development, reporting, result, or review of a real estate appraisal sought in connection with a mortgage loan. Nothing in this subdivision shall be construed to prohibit a mortgage lender, mortgage broker, or mortgage servicer from asking the appraiser to do one or more of the following:

- a. Consider additional appropriate property information. G.S. 53-244.111 Page 2
- b. Provide further detail, substantiation, or explanation for the appraiser's value conclusion.
- c. Correct errors in the appraisal report.

(12) To fail to comply with the mortgage loan servicing transfer, escrow account administration, or borrower inquiry response requirements imposed by sections 6 and 10 of RESPA and regulations adopted thereunder.

(13) To broker a rate spread adjustable-rate mortgage loan without disclosing to the borrower the terms and costs associated with a fixed rate loan from the same lender at the lowest annual percentage rate for which the borrower qualifies.

(14) To fail to comply with applicable State and federal laws and regulations related to mortgage lending or mortgage servicing.

(15) To engage in unfair, misleading, or deceptive advertising related to a solicitation for a mortgage loan.

(16) In connection with the brokering or making of a rate spread home loan as defined under G.S. 24-1.1F, no lender shall provide, nor shall any broker receive any compensation that changes based on the terms of the loan.

This subdivision shall not prohibit compensation based on the principal balance of the loan. (17) For a mortgage servicer to fail to comply with the mortgage servicer's obligations under Article 10 of Chapter 45 of the General Statutes.

(18) For a mortgage servicer to fail to provide written notice to a borrower upon taking action to place hazard, homeowners, or flood insurance on the mortgaged property or to place such insurance when the mortgage servicer knows or has reason to know that the insurance is in effect.

(19) For a mortgage servicer to place hazard, homeowners, or flood insurance on a mortgaged property for an amount that exceeds either the value of the insurable improvements or the last known coverage amounts of insurance.

(20) For a mortgage servicer to fail to provide to the borrower a refund of unearned premiums paid by a borrower or charged to the borrower for hazard, homeowners, or flood insurance placed by a mortgage lender or mortgage servicer if the borrower provides reasonable proof that the borrower has obtained coverage such that the forced placement is no longer necessary, and the property is insured.

If the borrower provides reasonable proof within 12 months of the placement that no lapse in coverage occurred such that the forced placement was not necessary, the mortgage servicer shall refund the entire premium.

(21) For a mortgage servicer to refuse to reinstate a delinquent loan upon a tender of payment made timely under the contract, which is sufficient in amount, based upon the last written statement received by the borrower,

to pay all past due amounts, outstanding or overdue charges, and restore the loan to a nondelinquent status, but this reinstatement shall be available to a borrower no more than twice in any 24-month period.

(22) For a person acting as a mortgage servicer to fail to mail, at least 45 days before foreclosure is initiated, a notice addressed to the borrower at the borrower's last known address with the following information:

- a. An itemization of all past due amounts causing the loan to be in default. G.S. 53-244.111 Page 3
- b. An itemization of any other charges that must be paid to bring the loan current.
- c. A statement that the borrower may have options available other than foreclosure and that the borrower may discuss the options with the mortgage lender, the mortgage servicer, or a counselor approved by the U.S. Department of Housing and Urban Development (HUD).
- d. The address, telephone number, and other contact information for the mortgage lender, the mortgage servicer, or the agent for either of them who is authorized to attempt to work with the borrower to avoid foreclosure.
- e. The name, address, telephone number, and other contact information for one or more HUD-approved counseling agencies operating to assist borrowers in North Carolina to avoid foreclosure.

f. The address, telephone number, and other contact information for the State Home Foreclosure Prevention Project of the Housing Finance Agency.

(23) To fail to make all payments from any escrow account held for the borrower for insurance, taxes, and other charges with respect to the property in a timely manner to ensure that no late penalties are assessed, or other negative consequences result regardless of whether the loan is delinquent, unless there are not sufficient funds in the account to cover the payments and the mortgage servicer has a reasonable basis to believe that recovery of the funds will not be possible.

(2009-374, s. 2; 2013-327, s. 11; 2014-115, s. 4.)

Ohio

Every advertisement placed, or caused to be placed, by a registrant or licensee shall:

- (1) State the name of the registrant as printed on its certificate of registration. If a registrant has been approved by the superintendent to conduct business using a trade name or fictitious name, the registrant may use its name, trade name, or fictitious name, or any combination of them, as they appear on its certificate of registration;
- (2) State the registrant's certificate of registration number and NMLS unique identifier;
- (3) State the full name or other names of the licensee as listed on the NMLS consumer access website, the licensee's license number, and NMLS unique identifier whenever a licensee's name is placed in an advertisement; and
- (4) State the registrant's office address as listed on the registrant's certificate of registration.

For purposes of paragraph (A)(2) of this rule, a registrant may opt to state only its NMLS unique identifier in lieu of stating both its certificate of registration number and NMLS unique identifier.

For purposes of paragraph (A)(3) of this rule, a licensee may opt to state only his or her NMLS unique identifier in lieu of stating both the licensee's license number and NMLS unique identifier.

When the information required by paragraphs (A) to (C) of this rule appears in a written advertisement, it shall be clearly legible to a reasonable borrower.

Paragraphs (A) to (D) of this rule shall not apply to advertising done on pens, pencils, pocket calendars, balloons, coffee mugs, and similar promotional items.

A registrant shall keep its website advertising current. A registrant shall update or have updated its website advertising no later than thirty calendar days after any information becomes outdated or expired.

It is a violation for a registrant or licensee to place or cause to be placed any advertisement that contains any material misrepresentation regarding any term of a residential mortgage loan, including, but not limited to: Guaranteeing or implying that residential mortgage loans will be approved or closed in an unreasonably short period of time given market conditions at the time of the advertisement.

- (2) Indicating that special terms, reduced rates, guaranteed rates, particular rates or any other special feature of residential mortgage loans are available unless the advertisement clearly states any limitations that apply.
- (3) Using unqualified superlatives including, but not limited to, "lowest rates," "lowest costs," "lowest payment plan," or "cheapest loans," or that makes offers that cannot be reasonably fulfilled or substantiated.
- (4) Using the words "new" or "reduced" or similar words in connection with costs for more than ninety days after the costs become effective.
- (5) Indicating that residential mortgage loans are available to borrowers with "previous bankruptcy," "no credit," "bad credit," or the like unless the advertisement clearly explains any limitations that apply, or states that "certain limitations apply, call for details." In any written advertisement, the actual limitations or the warning that "certain limitations apply, call for details" shall be clearly legible.
- (6) Using an official government design, format, symbol, logo, or seal unless its use is required or allowed by the governmental entity.
- (7) Using the name of a person or entity that confuses or misleads a borrower as to the true identity of the registrant placing or sending the advertisement regardless of any statement elsewhere in the advertisement identifying the true identity of the registrant or licensee.

Oklahoma

Follows Federal Guidelines

Oregon

Follows Federal Guidelines and Limited State Guidelines: 441-865-0030, 441-870-0020, 441-870-0030, 441-870-0080

All mortgage bankers and mortgage brokers shall maintain copies of:

- (1) All printed advertising published in newspapers, magazines, newsletters or other media designed for mass distribution;
- (2) Scripts, or audio and video tapes, for advertising broadcast on radio or television; and
- (3) Recorded telephone messages or voice mail messages which contain rate information.
- (4) All published editions of Internet webpages accessible by borrowers; and
- (5) All versions of software applications designed to be downloaded and run on a mobile device's operating system by a borrower.

"Manipulative, Deceptive, or Fraudulent Device or Contrivance" and "Fraudulent, Deceptive, or Manipulative Act or Practice" are defined to include:

- (1) Any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;
- (2) The making of any untrue statement of a material fact and any omission to state a material fact necessary to make the statements made, in the light of the circumstances under which they are made, not misleading; or
- (3) Any representation by a licensee or a person acting on behalf of a licensee, that the licensing of any person with the Director or the failure of the Director to deny or revoke such license, indicates, in any way, that the Director has passed upon or approved the financial standing, business, or conduct of any person, or the merits of any transaction.

A dishonest, fraudulent or illegal practice or conduct under ORS 86A.115 includes, but is not limited to, the following conduct by a person in connection with a mortgage loan:

- (2) Entering into a lock agreement for a specific interest rate or advertising the availability of a lock agreement for a specific interest rate unless:
 - (a) The agreement or advertisement also specifies the terms of the lock agreement including the length of the lock period and the costs to the borrower associated with the lock agreement; and
 - (b) The mortgage banker or mortgage broker can demonstrate that they have successfully closed loans under lock agreements, which provided for similar interest rates within similar time frames;

(1) Advertising containing any of the following is false, misleading or deceptive:

- (a) A statement or representation of a specific installment amount in repayment of a loan without as least as prominently disclosing the following information about the loan:

- (A) Principal amount;
- (B) Annual percentage rate;
- (C) Whether the interest rate is fixed or variable, and if variable, the loan terms;
- (D) Number, amount, and period of payments scheduled to the date of maturity; and
- (E) Balance due at maturity (balloon payment) if not fully amortized;
- (b) An interest rate without as least as prominently disclosing the annual percentage rate of the note;
- (c) A statement or representation that the person can make or negotiate "low doc/no doc," "no income/no asset," "alt doc," "stated income," "stated asset," "no ratio," or similar loan products without at least as prominently disclosing that these products may have a higher interest rate, more points, or more fees than other products that require income documentation;
- (d) An interest rate or annual percentage rate expressed in less than three decimal places, provided that ending zeros following the decimal point may be omitted:
- (e) An offer to procure, arrange, or otherwise assist a borrower to obtain a mortgage loan on terms which the person cannot, does not intend, or does not want to provide, or which the person knows or should know cannot be reasonably provided;
- (f) A statement or representation that all or most borrowers may or will qualify for a loan or that persons with bad credit histories or no credit histories may or will qualify for this loan unless the person can demonstrate that borrowers with bad credit or no credit have been routinely and successfully qualified for loans by that lender;
- (g) Any statement or representation that would be in violation of Regulation X, 12 C.F.R. Part 1024, regarding kickbacks and unearned fees, including soliciting referrals with a promise to pay the advertising costs of any settlement provider;
- (h) Any statement or representation that would be in violation of Regulation Z, 12 C.F.R. Part 1026, regarding advertising;
- (i) The phrase "wholesale rates" when the advertising is directed to or accessible by the public;
- (j) Any statement or representation about a loan that carries the potential for negative amortization without clearly identifying that potential and without at least as prominently disclosing:

- (A) The market or fully indexed rate;
- (B) The term of the reduced payments;
- (C) The term of the entire loan; and
- (D) The annual percentage rate;
- (k) Official looking emblems or logos, such as eagles, crests, or flags, which resemble a format like that used by any governmental agency;
- (l) Envelopes which resemble an official government mailing, from entities such as the Internal Revenue Service, U.S. Treasury, a state taxing authority, or other governmental mailer;
- (m) Slogans such as "Buy U.S. Savings Bonds" without at least as prominently disclosing that the mailing is an advertisement and not from a government agency;
- (n) The name or logo of a financial institution or the holder of an existing loan when the person responsible for the advertisement or named in the advertisement has no association, affiliation, or cooperative agreement with the financial institution or holder of the loan, without at least as prominently disclosing that person's name and the following statements:

- (A) "This is an advertisement";
- (B) "This is an offer for a new loan"; and
- (C) "This offer is not related to your existing mortgage lender or holder of your loan".

(o) Terms such as “verified as eligible”, “preapproved”, “prequalified” or similar words or phrases, without at least as prominently disclosing language that describes prerequisites to qualify for the loan, including, but not limited to, income

verification, credit check, and property appraisal or evaluation;

(p) Solicitations from a particular mortgage loan originator or a group of mortgage loan originators without the unique identifier of each mortgage loan originator;

(q) Advertisements pertaining to a particular mortgage loan originator or a group of mortgage loan originators without the unique identifier of each mortgage loan originator;

(r) Promotional materials pertaining to a particular mortgage loan originator or a group of mortgage loan originators without the unique identifier of each mortgage loan originator; and

(s) Websites if the website lists the mortgage loan originator’s name in relation to residential mortgage lending without the unique identifier of the particular mortgage loan originator.

(2) All advertisements a mortgage banker or mortgage broker disseminates by any means must contain the mortgage banker or mortgage broker’s unique identifier or Oregon-issued license number, the mortgage banker or mortgage broker’s name, or the mortgage banker or mortgage broker’s assumed business name that conforms to a name on file with the director.

Pennsylvania

Follows Federal Guidelines and One State Guideline

The only state specific requirement we have is to provide your NMLS number on advertisements.

Rhode Island

§ 19-14-21. Advertising and misrepresentations.

(a) No licensee or other person shall advertise, print, display, publish, distribute, telecast, or broadcast, or cause or permit to be advertised, printed, displayed, published, distributed, telecast, or broadcast, in any manner whatsoever any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for licensed activities. The director, or the director's designee, may order any licensee or other person to desist from any conduct that he or she shall find to be a violation of the foregoing provisions.

(b) The director, or the director's designee, may require that rates of interest or charges, if stated by a licensee, be stated fully and clearly in any manner the director, or the director's designee, may deem necessary to prevent misunderstanding of the rates or charges by prospective customers.

(c) The licensee shall disclose in any written or oral advertisements or representation disseminated primarily in this state, the type of license held.

History of Section.

P.L. 1995, ch. 82, § 52.

South Carolina

Follows Federal Guidelines and State Rules under S.C. the Department of Consumer Affairs

(5) Advertisements —All advertisements by a lessor must contain the name and an office address of the entity, which must conform to a name and address on record with the Department of Consumer Affairs

(1) “Advertisement” means an oral, written, graphic, or pictorial statement made in the course of soliciting for the sale or lease of a renewable energy facility, including in a newspaper, magazine, on radio, television, or the Internet, or in the form of a mailer or other direct solicitation.

(b) Copies of all solicitation materials used in its business, regardless of medium, including business cards, telephone scripts, mailers, electronic mail, and radio, television, and Internet advertisements;

Tennessee

Follows Federal Guidelines and the Tennessee Residential Lending, Brokerage and Servicing Act: Acts 1953, ch. 201, § 5 (Williams, § 3496.5); T.C.A. (orig. ed.), § 6-720. Acts 1997, ch. 311, § 1; 1999, ch. 69, § 1., Acts 1989, ch. 496, § 1., Acts 1999, ch. 475, § 2; 2003, ch. 15,

§ 2-7, Acts 2009, ch. 499, § 8., Acts 2006, ch. 801, § 11.

(a) All **advertisements** or **advertising** and the language contained therein shall be in accordance with the purpose of the sale as stated in the application pursuant to which a license was issued and the wording of such advertisements shall not vary from the wording as indicated in the application.

(b) Such **advertising** shall contain a statement in these words and no others: "Sale held pursuant to permit No. of department of licenses granted the day of and in such blank spaces shall be indicated the permit number and the requisite dates.

(a) Whenever a packaged commodity is **advertised** in any manner with the retail price stated, there shall be closely and conspicuously associated with the retail price a declaration of quantity as is required by law or regulation to appear on the package. There shall not be included as part of the declaration required under this section such qualifying terms as "when packed," "minimum," "not less than," or any other terms of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in the package.

(1) Weights and measures or weighing and measuring equipment shall not be **advertised** in any manner using the terms "certified," "state certified," "approved," "state approved," "inspected," "state inspected," or terms of similar import.

(2) Notwithstanding subdivision (b)(1), a company that was doing business in Tennessee and using the word "certified" as part of its company name, advertising and signage prior to July 1, 1997, may continue to use the word "certified" in advertising and signage for its weights and measures and weighing and measuring equipment; provided, that the company's use of the word "certified":

(A) Does not intentionally defraud, deceive or mislead the consumer;

(B) Does not give the false impression that the weighing or measuring equipment has met specific criteria and has been officially approved by the weights and measures division of the department of agriculture or any other federal

, state or local governmental agency or weights and measures organization; and

(C) The company uses in conjunction with its **advertising** and signage a disclaimer that states in general terms that the use of the word “certified” does not signify that the weighing or measuring equipment has met specific criteria and has been officially approved by a governmental agency or weights and measures organization.

It is unlawful for any person to place or cause to be placed any false or misleading **advertising** matter pertaining to **mortgage** loans or the availability of **mortgage** loans; provided, that this section shall not apply to the owner, publisher, operator or employees of any publication or radio or television station that disseminates the **advertising** matter.

radio or television station that disseminates the **advertising** matter.

(a) It is unlawful for any entity to make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster or over the internet or any radio or television, or in any other way, an **advertisement**, announcement or statement containing any assertion, representation, or statement with respect to the sale, distribution, offering for sale or **advertising** of any loan, refinance, insurance or any other product or service that is untrue, deceptive, misleading, or that uses the name or logo of any other lender without the express written consent of the lender whose name is used. For purposes of this section, “lender” means any bank, savings and loan association, savings bank, trust company, credit union, industrial loan and thrift company, **mortgage** company, **mortgage** broker, or any subsidiary or affiliate thereof.

(b) Each solicitation to an individual in violation of this section shall be considered a separate act. The commissioner of financial institutions, the commissioner of commerce and insurance, and the attorney general and reporter are entitled to enforce this section against any regulated entity within their jurisdiction or against any other person. The commissioners shall have authority to issue a cease and desist order and to impose a civil penalty of up to one thousand dollars (\$1,000) per violation.

(c) Any lender whose name or logo is used in violation of this section is entitled to sue for damages, which shall include any actual damages, statutory penalties of one thousand dollars (\$1,000) per violation, and court costs and attorney's fees.

67-6-344 Cooperative direct mail advertising

(a) The tax imposed by this chapter does not apply to the sale or use of direct mail **advertising** materials that are distributed in Tennessee from outside the state by a person engaged solely and exclusively in the business of providing cooperative direct mail **advertising**.

(b) For the purpose of this section:

(1) “Cooperative direct mail **advertising**” means the business of providing **advertising** in the form of discount coupons or **advertising** leaflets for more than one (1) business that are delivered by mail in a single package to potential customers of businesses subscribing to the cooperative direct mail **advertising**; and

(2) “Direct mail **advertising** materials” means discount coupons and **advertising** leaflets, including accompanying envelopes and labels.

47-18-2501

(a) No person or entity conducting business in this state shall send by e-mail or cause to be e-mailed, documents consisting of unsolicited **advertising** material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit unless that person or entity shall establish a toll-free telephone number or return e-mail address that a recipient of the unsolicited e-mailed documents may call to notify the sender not to e-mail the recipient any further unsolicited documents.

(b) Upon notification by a recipient of the recipient's request not to receive any further unsolicited e-mailed documents, no person or entity conducting business in this state shall e-mail or cause to be e-mailed, any unsolicited documents to that recipient.

(c) A person or entity sending an unsolicited email shall establish a toll-free telephone number or valid sender operated return e-mail address that the recipient of the unsolicited documents may call or e-mail to notify the sender not to e-mail any further unsolicited documents.

(d) If e-mail that consists of unsolicited **advertising** material for the lease, sale, rental, gift offer or other disposition of any realty, goods, services or extension of credit, the subject line of each and every message shall include “ADV:” as the first four (4) characters. If these messages contain information that consists of unsolicited **advertising** material for the lease, sale, rental, gift offer, or other disposition of any realty, goods, services, or extension of credit, that may only be viewed, purchased, rented, leased, or held in possession by an individual

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(e) In the case of unsolicited bulk e-mail, this section shall apply when the unsolicited e-mailed documents are delivered to a Tennessee resident via an electronic mail service provider's service or equipment located in this state. For these purposes, "electronic mail service provider" means any business or organization qualified to do business in this state that provides individuals, corporations, or other entities the ability to send or receive electronic mail through equipment located in this state and that is an intermediary in sending or receiving electronic mail.

(f) It is unlawful for any person to sell, give or otherwise distribute or possess with the intent to sell, give or distribute software which:

(1) Is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information;

(2) Has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or

(3) Is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(3) Is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.
carries that transmission over its network.

(1) Any person whose property or person is injured by reason of a violation of any provision of this section may sue therefor and recover for any damages sustained, and the costs of such suit. Without limiting the generality of the term, "damages" includes loss of profits.

(2) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the lesser of ten dollars (\$10.00) for each and every unsolicited bulk electronic mail message transmitted in violation of this section, or five thousand dollars (\$5,000) per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmitted the unsolicited

bulk electronic mail over its computer network.

(3) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorneys' fees and costs, and may elect, in lieu of actual damages, to recover the greater of ten dollars (\$10.00) for each and every unsolicited bulk electronic mail message transmitted in violation of this section, or five thousand dollars (\$5,000) per day.

(4) At the request of any party to an action brought pursuant to this section, the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any party.

(5) This subsection (h) shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

Texas

Follows Federal Guidelines and Texas Administration Code

7 Texas Administrative Code § 81.203 (advertising by or through a mortgage banker or originator)

7 Texas Administrative Code § 81.200 (required Notice on mortgage banker or originator websites and social media sites, disclosures in correspondence)

7 Texas Administrative Code § 80.203 (advertising by or through a mortgage company or originator)

7 Texas Administrative Code § 80.200 (required Notice on mortgage company or originator websites and social media sites, disclosures in correspondence)

Texas Finance Code § 157.024 (provision for disciplinary action for misleading or deceptive advertising – originators)

Texas Finance Code § 156.303 (provision for disciplinary action for misleading or deceptive advertising – mortgage companies)

Texas Finance Code § 180.151 (state SAFE Act requirement for display of unique identifier)

Texas Finance Code § 341.301 (applicable to secondary mortgage loans – disclosure in advertisements)

Texas Finance Code § 341.403 (applicable to secondary mortgage loans – false, misleading or deceptive advertising)

(a) A mortgage banker or originator that advertises rates, terms, or conditions must comply with the disclosure requirements of Regulation Z.

(b) Any advertisement of residential mortgage loans or for residential mortgage loan origination services which is offered by or through a mortgage banker or originator must conform to the following requirements:

(1) A mortgage banker or originator may only advertise for such products and terms as are actually available and, if availability is subject to any material requirements or limitations, the advertisement must specify those requirements or limitations.

(2) Except as provided in subsections (c) and (d) of this section, the advertisement must contain:

(A) the name of the mortgage banker or mortgage company followed by its NMLS identification number; and

(B) the name of the sponsored originator followed by the sponsored originator's NMLS identification number.

(3) An advertisement must not make any statement or omit relevant information the result of which is to present a misleading or deceptive representation to consumers.

(4) An advertisement must comply with applicable state and federal disclosure requirements.

(c) For purposes of this section, an advertisement means a commercial message in any medium that promotes directly or indirectly, a residential mortgage loan transaction or is otherwise designed to solicit residential mortgage loan business for the mortgage banker or originator. This includes "flyers," business cards, or other handouts, and commercial messages delivered by and through a social media site. However, the requirements of subsection (b)(2) of this section do not apply to:

(1) any advertisement which indirectly promotes a residential mortgage loan transaction and which contains only the name of the mortgage banker or originator and not any contact information

with the exception of a website address, such as on cups, pens or pencils, shirts or other clothing (including company uniforms and sponsored youth league jerseys), or other promotional items of nominal value;

(2) any rate sheet, pricing sheet, or similar proprietary information provided to realtors, builders, and other commercial entities that is not intended for distribution to consumers; or

(3) signs located on or adjacent to the mortgage banker's registered office as provided by § 81.206 of this title (relating to Office Locations; Remote Work).

(d) Advertising Directly by a Mortgage Banker. The provisions of subsection (b) notwithstanding, a mortgage banker may advertise directly to the public and not by and through a sponsored originator,

and the requirements of subsection (b)(2)(B) of this section do not apply to such advertisements. An advertisement posted, promoted, disseminated, distributed, delivered, or otherwise made by an originator sponsored by the mortgage banker will not be considered an advertisement made directly by a mortgage banker for the purposes of this subsection.

(a) A mortgage company or sponsored originator that advertises rates, terms, or conditions must comply with the disclosure requirements of Regulation Z.

(1) a mortgage company or sponsored originator may only advertise for such products and terms as are actually available and, if availability is subject to any material requirements or limitations,

the advertisement must specify those requirements or limitations;

(2) except as provided in subsections (c) and (d) of this section the advertisement must contain:

(A) the name of the mortgage company followed by the mortgage company's NMLS identification number; and

(B) the name of the sponsored originator followed by the sponsored originator's NMLS identification number;

(3) an advertisement must not make any statement or omit relevant information, the result of which is to present a misleading or deceptive representation to consumers; and

(4) an advertisement must comply with applicable state and federal disclosure requirements.

(c) For purposes of this section, an advertisement means a commercial message in any medium that promotes directly or indirectly, a residential mortgage loan transaction or is otherwise designed to solicit residential mortgage loan business for the mortgage company or sponsored

originator. This includes "flyers," business cards, or other handouts, and commercial messages delivered by and through a social media site. However, the requirements of subsection (b)(2) of this section do not apply to:

(1) any advertisement which indirectly promotes a residential mortgage loan transaction and which contains only the name of the mortgage company or sponsored originator and not any contact information with the

exception of a website address, such as on cups, pens or pencils, shirts or other clothing (including company uniforms and sponsored youth league jerseys), or other promotional items of nominal value;

(2) any rate sheet, pricing sheet, or similar proprietary information provided to realtors, builders, and other commercial entities that is not intended for distribution to consumers; or

(3) signs located on or adjacent to the mortgage company's licensed office as provided by § 80.206 of this title (relating to Office Locations; Remote Work).

(d) Advertising Directly by a Mortgage Company. The provisions of subsection (b) of this section notwithstanding, a mortgage company may advertise directly to the public and not by and through a sponsored originator, and the requirements of subsection (b)(2)(B) of this section do not apply to such advertisements. An advertisement posted, promoted, disseminated, distributed, delivered, or otherwise made by an originator sponsored by the mortgage company will not be considered an advertisement made directly by a mortgage company for purposes of this subsection.

(a) Specific Notice to Applicant. A mortgage company or its sponsored originator must provide the following notice to a residential mortgage loan applicant with an initial application for a residential mortgage loan and the mortgage company must maintain in its records evidence of the timely delivery of such disclosure:

(b) Posted Notice on Mortgage Company Websites and Social Media Sites. A mortgage company or its sponsored originator must post in conspicuous fashion the following notice on each website and social media site of the mortgage company or sponsored originator that is accessible by a mortgage applicant or prospective mortgage applicant and either used to conduct residential mortgage loan origination business by the mortgage company or sponsored originator or from which the mortgage company or sponsored originator advertises to solicit such business, as provided by §80.203 of this title (relating to Advertising):

(c) Disclosures in Correspondence. A mortgage company must provide the following information on all correspondence sent to a mortgage applicant:

(1) the name of the mortgage company, followed by the mortgage company's NMLS identification number; and

(2) if the correspondence is from a sponsored originator, the name of the sponsored originator, followed by the sponsored originator's NMLS identification number.

(d) The determination of what constitutes a mortgage application for purposes of triggering the notice required by subsection (a) of this section will be made in accordance with applicable federal law determining what constitutes an application for purposes of the Truth in Lending Act, as implemented and defined by the Consumer Financial Protection Bureau in Regulation Z (12 C.F.R. §1026.2).

(e) The notice required by subsection (b) of this section is deemed to be conspicuously posted on a website when it is displayed on the initial or home page of the website (typically the base-level domain name) or is otherwise contained in a linked page with the link to such page prominently displayed on such initial or home page. The notice required by subsection (b) of this section is deemed to be conspicuously posted on a social media site when it is readily apparent or easily accessible to the mortgage applicant or prospective mortgage applicant upon visiting the home page, profile page, account page, or similar, on such social media site, without the necessity to review various historical content posted by the mortgage company or sponsored originator in order to derive the information required by the notice, which may include an interactive link to the information with such link prominently displayed on such home page, profile page, account page, or similar.

Utah

Follow Federal Guidelines and State Statute 61-2c-209 (4) (a), which requires you to also include your brokerage information on the marketing material.

Virginia

Follow State Regulation §§ 6.2-1613 and 12.1-13 of the Code of Virginia

<https://law.lis.virginia.gov/admincode/title10/agency5/chapter160/section60/>

A. Every advertisement used by, or published on behalf of, a licensed mortgage lender or mortgage broker shall clearly and conspicuously disclose the following information:

1. The name of the mortgage lender or mortgage broker as set forth in the license issued by the commission.

2. The abbreviation "NMLS ID #" followed immediately by the unique identifier assigned by the Registry to the mortgage lender or mortgage broker along with the address for the NMLS Consumer Access website.

For example: NMLS ID # 999999

(www.nmlsconsumeraccess.org). In a radio or television advertisement, this disclosure shall be provided after the name of the mortgage lender or mortgage broker.

3. If an advertisement contains a rate of interest, a statement that the stated rate may change or not be available at the time of loan commitment or lock-in.

4. If an advertisement contains specific information about a consumer's existing mortgage loan and such information was not obtained from the consumer, a statement identifying the source of such information (e.g., public court records, credit reporting agency, etc.).

B. No mortgage lender or mortgage broker shall deceptively advertise a mortgage loan, make false or misleading statements or representations, or misrepresent the conditions, or charges incident to obtaining a mortgage loan.

C. No mortgage lender or mortgage broker shall use or cause to be published an advertisement that states or implies the following:

1. The mortgage lender or mortgage broker is affiliated with, or an agent or division of, a governmental agency, depository institution, or other entity with which no such relationship exists; or

2. A consumer has been or will be "preapproved" or "pre-approved" for a mortgage loan, unless the mortgage lender or mortgage broker (i) discloses on the face of the advertisement in at least 14-point bold type that

THIS IS NOT A LOAN APPROVAL and (ii) clearly and conspicuously discloses the conditions and/or qualifications associated with such preapproval. This provision is intended to supplement the requirements of the

Fair Credit Reporting Act (15 USC § 1681 et seq.) relating to firm offers of credit.

D. A mortgage lender or mortgage broker shall not use or cause to be published any advertisement that gives a consumer the false impression that the advertisement is being sent by the consumer's current noteholder or lienholder

If an advertisement contains the name of the consumer's current noteholder or lienholder, it shall not be more conspicuous than the name of the mortgage lender or mortgage broker using the advertisement.

E. A mortgage lender or mortgage broker shall not deliver or cause to be delivered to a consumer any envelope or other written material that gives the false impression that the mailing or written material is an official communication from a governmental entity, unless required by the United States Postal Service.

F. If an advertisement states or implies that a consumer can reduce his monthly payment by refinancing his current mortgage loan, a mortgage lender or mortgage broker shall clearly and conspicuously disclose to the consumer that by refinancing the consumer's existing loan, the consumer's total finance charges may be higher over the life of the loan.

G. Every advertisement used by, or published on behalf of, a mortgage lender or mortgage broker shall comply with 12 CFR Part 1014 (Regulation N) and the disclosure requirements for advertisements contained in 12 CFR Part 1026 (Regulation Z).

H. For purposes of this section, the term "clearly and conspicuously" means that a required disclosure is reasonably understandable, prominently located, and readily noticeable by a potential borrower.

I. Every mortgage lender and mortgage broker shall retain for at least three years after it is last published, delivered, transmitted, or made available, an example of every advertisement used, including but not limited to solicitation letters, commercial scripts, and recordings of all radio and television broadcasts, but excluding copies of Internet web pages.