

State of Wisconsin
Department of Financial Institutions
Bona Fide Nonprofit Organization
Requirements to Qualify for Exemption



WISCONSIN BONA FIDE NONPROFIT ORGANIZATION EXEMPTION

Prior to the passage of 2013 Wisconsin Act 360, bona fide nonprofit organizations were required to obtain a Wisconsin mortgage banker and/or mortgage broker license before conducting such business. With the passage of Act 360, bona fide nonprofit organizations, as defined in s. 224.71(1br), Stats., may be exempt from obtaining a Wisconsin mortgage banker and/or mortgage broker license. To qualify for an exemption, the organization must provide the documentation listed below to the Wisconsin Department of Financial Institutions – Division of Banking (“division”). Once the required documentation is reviewed by the division, the organization will be notified whether or not it meets the requirements for exemption. Once granted, an organization that wishes to maintain its exemption must file all documents required by the division by December 31, of each year.

Use the checklist below to identify and submit the documents that need to be sent to the division. A copy of the checklist should be submitted with required documents to one of the addresses indicated below. There is no fee associated with this filing.

For U.S. Postal Service:

For Overnight Delivery:

*Wisconsin Department of Financial Institutions
Division of Banking
PO Box 7876
Madison, WI 53707-7876*

*Wisconsin Department of Financial Institutions
Division of Banking
4822 Madison Yards way, North Tower
Madison, WI 53703*

Organization’s Legal Name: _____

ATTACHED	NOT APPLICABLE	WISCONSIN BONA FIDE NONPROFIT ORGANIZATION EXEMPTION
<input type="checkbox"/>	<input type="checkbox"/>	Articles of Incorporation: Attach full text of the Organization’s nonprofit corporation articles of incorporation as filed with Secretary of State (or equivalent office) in the state of incorporation.
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Good Standing: Attach an original certificate of good standing from the state of incorporation dated no more than 60 days prior to the date it is submitted to the division.
<input type="checkbox"/>	<input type="checkbox"/>	Proof of Qualification to Conduct Business in Wisconsin: For nonprofit corporations formed outside of Wisconsin, attach a copy of the Application for Certificate of Authority to Transact Business as filed with the Wisconsin Department of Financial Institutions.
<input type="checkbox"/>	N/A	Tax Exempt Status 501(c)(3) of the Internal Revenue Code 1986: Attach a copy of the Internal Revenue Service letter confirming the Organization’s charitable nonprofit status.
<input type="checkbox"/>	N/A	Annual Filing with IRS: Attach the latest annual filing to the IRS that is related to the Organization’s nonprofit status. (IRS Form 990, 990-EZ, or 990-PF).
<input type="checkbox"/>	N/A	Promoting Affordable Housing: Attach documentation or an explanation showing how the Organization promotes affordable housing or homeownership education.

<input type="checkbox"/>	N/A	Public Service or Charitable Purposes: Attach documentation or an explanation showing how the Organization conducts its activities in a manner that serves public or charitable purposes.
<input type="checkbox"/>	N/A	Corporation Acting in Best Interests of Clients: Attach documentation or an explanation showing how the Organization receives funding and revenue and charges fees in a manner that promotes the best interests of its clients.
<input type="checkbox"/>	N/A	Employee Compensation Promotes Best Interests of Clients: Attach documentation or an explanation showing how the Organization's employees are compensated in a manner that incentivize them to act in the best interests of their clients.
<input type="checkbox"/>	N/A	Oversight of Employees' Actions to Protect Clients: Attach documentation or an explanation showing how the Organization ensures that the actions of all individual employees in the course of their loan origination duties are consistent with the Organization's mission and practices.
<input type="checkbox"/>	N/A	Provides Clients with Favorable Rates: Attach documentation or an explanation showing how the Organization provides or identifies for the borrower residential mortgage loans and housing assistance comparable to government housing assistance programs.
<input type="checkbox"/>	N/A	<p>Latest Financial Statements: Financial statements must be prepared in accordance with Generally Accepted Accounting Principles and must include a balance sheet (statement of assets and liabilities) and profit and loss statement.</p> <ul style="list-style-type: none"> • Attach a current financial statement as of the most recent quarter end for the Organization. • Attach a copy of the Organization's most recent audited financial statement and, if available, audited financial statements for the prior two years. If audited financial statements are not available, please contact the Department for further instructions. • If a newly formed business, also attach documentation supporting the method and source of capitalization.
<input type="checkbox"/>	N/A	Business Plan: Attach a business plan detailing how services will be provided and funding generated. Also include the specific products and services the Organization intends to offer under this exemption.
<input type="checkbox"/>	N/A	Management Chart: Attach an organizational chart showing the Organization's divisions, officers, and managers.
<input type="checkbox"/>	<input type="checkbox"/>	Organizational Chart/Description: Attach an organizational chart if Organization is related to another entity.
<input type="checkbox"/>	<input type="checkbox"/>	Organization Locations: Attach a list of locations where the Organization intends to operate from in state.
<input type="checkbox"/>	<input type="checkbox"/>	Loan Program Flyers: Attach Organization's product or loan program flyers or handouts, if any.

WHO TO CONTACT – Contact Mortgage Banking licensing staff by phone at 608-261-7578 or send your questions via e-mail to DFIMortgageBanking@wisconsin.gov for additional assistance. This document can be made available in alternate formats upon request to qualifying individuals with disabilities.