

§ 53-244.143. Financial condition.

(a) A covered institution shall maintain capital and liquidity in compliance with this section.

(b) For the purposes of complying with the capital and liquidity requirements of this section, all financial data shall be determined in accordance with Generally Accepted Accounting Principles.

(c) A covered institution that meets the FHFA Eligibility Requirements for Enterprise Single-Family Seller/Servicers for capital, net worth ratio, and liquidity, regardless of whether the mortgage servicer is approved for GSE servicing, meets the requirements of subsections (a) and (b) of this section. Within 15 days of discovering any of the following events, the covered institution shall do the following:

- (1) Notify the Commissioner in writing if the covered institution no longer meets the requirements of this section.
- (2) Provide a copy of any waiver from FHFA to the Commissioner.
- (3) Notify the Commissioner in writing if the FHFA waiver expires or is rescinded, revoked, canceled, or otherwise removed.

(d) Covered institutions shall maintain written policies and procedures implementing the capital and servicing liquidity requirements of this section. These policies and procedures shall include a sustainable written methodology for satisfying the requirements of subsection (c) of this section and shall be available to the Commissioner upon request.

(e) Covered institutions shall maintain sufficient allowable assets for liquidity, in addition to the amounts required for servicing liquidity, to cover normal business operations. Covered institutions shall have in place sound cash management and business operating plans that match the size and sophistication of the institution to ensure normal business operations. Management shall develop, establish, and implement plans, policies, and procedures for maintaining operating liquidity sufficient for the ongoing needs of the institution. These plans, policies, and procedures shall contain sustainable, written methodologies for maintaining sufficient operating liquidity and shall be available to the Commissioner upon request. (2025-43, s. 1.)