

**TITLE 12 TRADE, COMMERCE AND BANKING**  
**CHAPTER 17 CREDIT UNIONS**  
**PART 13 APPLICABILITY OF HOME LOAN PROTECTION ACT**

**12.17.13.1 ISSUING AGENCY:** Financial Institutions Division of the Regulation and Licensing Department.  
[12.17.13.1 NMAC - N, 3/31/2004]

**12.17.13.2 SCOPE:** All state chartered credit unions otherwise subject to the Home Loan Protection Act, Sections 58-21A-1 to -14 NMSA 1978 (2004) (“Act”).  
[12.17.13.2 NMAC - N, 3/31/2004]

**12.17.13.3 STATUTORY AUTHORITY:** Section 58-11-20 NMSA 1978.  
[12.17.13.3 NMAC - N, 3/31/2004]

**12.17.13.4 DURATION:** Permanent.  
[12.17.13.4 NMAC - N, 3/31/2004]

**12.17.13.5 EFFECTIVE DATE:** March 31, 2004, unless a later date is cited at the end of a section.  
[12.17.13.5 NMAC - N, 3/31/2004]

**12.17.13.6 OBJECTIVE:** The objective of this part is to grant state chartered credit unions the same powers and authority that federally chartered credit unions are authorized, empowered, permitted or otherwise allowed to exercise.  
[12.17.13.6 NMAC - N, 3/31/2004]

**12.17.13.7 DEFINITIONS:**  
**A. “Director”** means the director of the financial institutions division of the regulation and licensing department.  
**B. “Division”** means the financial institutions division of the regulation and licensing department.  
[12.17.13.7 NMAC - N, 3/31/2004]

**12.17.13.8 FINDINGS:**  
**A.** Section 58-11-20 NMSA 1978, authorizes the director to grant by regulation the powers and authority that federal credit unions are authorized, empowered, permitted or otherwise allowed to exercise under federal statutes, rules or regulations.  
**B.** The national credit union administration (“NCUA”) is authorized by federal legislation to regulate and supervise federally chartered credit unions throughout the United States.  
**C.** By regulation, the NCUA has determined that federal law preempts any state law that regulates the rates, terms of repayment and other conditions of federally chartered credit union loans and lines of credit to members. (Code of Federal Regulations Section 701.21(b)).  
**D.** On February 10, 2004, the NCUA issued a letter ruling regarding "preemption of the New Mexico Home Loan Protection Act" (“NCUA Preemption”) clarifying the fact that the New Mexico Home Loan Protection Act is preempted by federal law from applying to federally chartered credit unions operating in New Mexico.  
[12.17.13.8 NMAC - N, 3/31/2004]

**12.17.13.9 AUTHORITY:** State chartered credit unions are provided the same powers and authority granted to federally chartered credit unions as a result of the NCUA Preemption.  
[12.17.13.9 NMAC - N, 3/31/2004]

**HISTORY OF 12.17.13 NMAC: [RESERVED]**