

SUPPORTING STATEMENT FOR:

(2900-0144)

VA Form 26-1802a	HUD/VA Addendum to Uniform Residential Loan Application
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A. JUSTIFICATION

1. VA Form 26-1802a, Department of Housing and Urban Development (HUD)/Department of Veterans Affairs (VA) Addendum to Uniform Residential Loan Application, serve as the lender's and veteran's application for home loans authorized by 38 U.S.C.
2. VA Form 26-1802a, is completed by employees of lending institutions based on information supplied by potential veteran-homebuyers. This form is completed in conjunction with the standard Uniform Residential Loan Application (URLA) as it captures information unique to VA-guaranteed home loans. The major categories of information solicited and the related citations are as follows:

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| a. Purpose of Loan | 38 U.S.C. 3710(a)(1) through (10) |
| b. Amount of Loan, Terms, and Veteran's Income and Asset Information | 38 U.S.C. 3703(c) (1) and (3), (d)(1) and (2), and 3710(b)(1) and (2) |
| c. Credit Worthiness of Veteran | 38 U.S.C. 3710(b)(2) and (3) |
| d. Occupancy Certification | 38 U.S.C. 3704(c) |
| e. Lien Information | 38 U.S.C. 3703(d)(3) |

Without the collection of this information, VA would not be able to determine compliance with the eligibility requirements governing the loan purpose and terms, type of lien, and the veteran's credit worthiness, all of which are requirements of law and are imposed to assure protection of the VA's interest as future guarantor of the loan.

3. Use of information technology does not apply because participating lenders use a variety of methods for completion and processing of the form. Lenders processing VA loans have the option of submitting loans electronically for guaranty. In those cases they do not have to send a "hard copy" of VA Form 26-1802a to VA unless the case is identified for audit. The form is located on the VA Forms website in a fillable electronic format.

4. No duplication of information is involved as the application concerns an individual loan and income and credit information which would not be available on a current basis by other means.
5. Participating lending institutions are seldom in the small business category. However, the information collected is typical of mortgage loan applications and should present no unusual burden for any small firms. VA Form 26-1802a is a joint form also used by lenders applying for HUD/FHA insured loans. Firms participating in these guaranty or insurance programs have the benefit of a common form and, therefore, a lesser burden than would be required were they to use separate Agency forms.
6. This information collection is not a recurring or repetitive report. It is generally used once per home loan application.
7. There are no special circumstances that require the collection to be conducted in a manner inconsistent with the guidelines in 5 CFR 1320.6.
8. The Department notice was published in the Federal Register on (Insert Date) (Volume __, No. __) (page/pages) (Insert Page Number(s)). (No or number) comments were received in response to this notice.
9. No payments or gifts to respondents have been made under this collection of information.
10. "Loan Guaranty Home, Condominium, and Manufactured Home Loan Applicant Records, Specially Adapted Housing Applicant Records, and Vendee Loan Applicant Records - VA (55VA26) are contained in the Privacy Act Issuances, 2001 Compilation.
11. While personal information is solicited, it is typical of credit data and is not considered sensitive.

12. Estimate of Information Collection Burden

- a. Number of Respondents: 200,000
- b. Frequency of response is one time.
- c. Annual Burden Hours: 20,000
- d. Estimated Completion Time: 6 minutes.
- e. According to the U.S. Bureau of Labor Statistics Average Hourly Earnings, the cost to the respondent is \$24, making the total cost to the respondents an estimated \$480,000 (20,000 burden hours x \$24 per hour).

13. This submission does not involve any recordkeeping costs.

14. Estimated Cost to the Federal Government

\$4,358,400 Estimated Loan Guaranty processing cost for FY 2013
(200,000 cases x 48 minutes per case x \$27.24 per hour
(average Loan Guaranty field salary))

\$4,358,400 Total estimated cost to Government

15. Supplemental Statement regarding non-substantive changes made to VA Form 26-1802a:

On June 26, 2013, the Supreme Court held, in *United States v. Windsor*, that section 3 of the Defense of Marriage Act (DOMA) violates the Fifth Amendment by discriminating against same-sex couples who are lawfully married under state law.

VBA administers benefits and programs that depend on the definition of the terms “spouse” and “surviving spouse.” For purposes of VA benefits, 38 U.S.C. § 101(3) and § 101(31) define “surviving spouse” and “spouse” as persons “of the opposite sex.” These definitions (codified separately from DOMA) were not specifically addressed in the Supreme Court’s decision. On September 4, 2013, the United States Attorney General announced that the President had directed the Executive Branch to cease enforcement of 38 U.S.C. §§ 101(3) and 101(31), to the extent they preclude provision of Veterans’ benefits to same-sex married couples. Accordingly, VA will no longer enforce the above-mentioned statutory provisions or VBA’s implementing regulation (38 C.F.R. § 3.50), to the extent that they preclude provision of Veterans’ benefits to same-sex married couples. This announcement allows VA to administer spousal and survivors’ benefits to same-sex married couples, provided their marriages meet the requirements of 38 U.S.C. § 103(c).

Therefore, VA is revising VA Form 26-1802a, to add the following statute language approved by the White House and Department of Justice, in the instructions section of the form:

IMPORTANT: If you are certifying that you are married for the purpose of VA benefits, your marriage must be recognized by the place where you and/or your spouse resided at the time of marriage, or where you and/or your spouse resided when you filed your claim (or a later date when you became eligible for benefits) (38 U.S.C. § 103(c)). Additional guidance on when VA recognizes marriages is available at <http://www.va.gov/opa/marriage/>.

No change in burden hours.

16. Information collection is not for tabulation or publication use.
17. We are not seeking approval to omit the expiration date for OMB approval.
18. There is no exception to the certification statement identified in item 19,
19. "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-1.

B. STATISTICAL METHODS

This collection of information does not employ statistical methods.