

# FAQ

## Frequently Asked Questions

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### ***Single-Family Housing Guaranteed Loan Program Origination***

## Frequently Asked Questions (FAQ)

This document consists of answers to commonly asked questions on the Rural Development Single Family Housing Guaranteed Loan Program Technical Handbook (HB-1-3555). **The policy information contained in this guide is based on the applicable Regulations and Technical Handbook, and all lending decisions should adhere to the guidance contained within.** You can find a complete copy of the Regulation, 7 CFR Part 3555, and the Technical Handbook on the Rural Development Directives Website, located at [www.rd.usda.gov/sites/default/files/hb-1-3555.pdf](http://www.rd.usda.gov/sites/default/files/hb-1-3555.pdf).

General loan scenario or policy questions may be sent to the Guaranteed Policy, Analysis and Communications Branch at [sfhgld.program@usda.gov](mailto:sfhgld.program@usda.gov).

Additional lender resources, including up to date information on file turn times and a full listing of contacts based on topic, can be found on the Guaranteed Lender Website located at <https://www.rd.usda.gov/page/sfh-guaranteed-lender>.

Critical program information such as policy updates, funding status, and automation changes are sent by email through GovDelivery. Lenders are encouraged to sign up for GovDelivery notices at:  
<https://public.govdelivery.com/accounts/USDARD/subscriber/new>.

Thank you for supporting the Single-Family Housing Guaranteed Loan Program!

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## ***Appraisal and Property Requirements***

### Appraisal ([HB-1-3555, Chapter 12](#))

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➤ **Do appraisers need to be on an approved list to complete appraisal reports for Rural Development loans?**

No, Rural Development does not maintain a list of approved appraisers. It is the responsibility of the lender to select qualified appraisers that are properly licensed or certified, as appropriate, in the State in which the property is located.

➤ **How long is an appraisal valid?**

The appraisal must have been completed within 150 days of loan closing. Appraisals that are older than 150 days at loan closing are eligible for an appraisal update to extend the appraisal an additional 90 days.

➤ **The lender has determined there are significant concerns with an appraisal. Can a second appraisal be ordered?**

Rural Development does not require that the first appraisal ordered is the one that must be utilized. The approved lender may seek an alternate appraisal if they determine the initial appraisal report is unacceptable.

➤ **If a lender obtains a second appraisal, can the cost be financed as part of the loan?**

Closing costs that are reasonable and customary can be paid with loan funds. One appraisal is considered customary, therefore the cost associated with only one appraisal can be financed.

➤ **Is Form 1004MC form required?**

No, Form 1004MC is not required.

➤ **Are "as improved" appraisals acceptable?**

Yes, "as is" or "as improved" appraisals may be submitted.

- **The appraised value is lower than the purchase price. An addendum to the Purchase Agreement was executed to reduce the purchase price. Does the addendum need to be sent to the appraiser to update the report?**

Rural Development does not require the appraisal report to be updated, however the amendment to the contract must be retained in the lender's permanent loan file.

- **An appraisal is being transferred from another Lender. The appraisal was completed as-is, however the appraiser noted repairs are needed. Does requiring an Appraisal Update (1004D) to account for the repairs invalidate the appraisal report transfer?**

An appraisal transfer must meet the guidance in HB-1-3555, Chapter 12. If the appraisal calls for repairs or additional inspections, those issues must be addressed. If the lender requires an Appraisal Update (1004D), then the lender is responsible for engaging the original appraiser to provide the 1004D. This does not invalidate the appraisal report transfer.

- **Can an appraisal be transferred between applicants?**

No, appraisal transfers can only be between lenders for the same applicant and purchase transaction.

## Condominiums ([HB-1-3555, Chapter 12](#))

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- **What documentation is required to support a condominium's eligibility?**

HB-1-3555, Chapter 12 states that lenders must retain evidence that they have reviewed condominium documentation that supports the project's approval or acceptance by HUD/FHA, VA, Fannie Mae, or Freddie Mac. The lender must determine the documentation needed to make that determination.

- **Is a condominium that is not on the FHA approved condominium list, but meets Fannie Mae guidelines, eligible for the Guaranteed Loan Program?**

Yes, units in a condominium project may be eligible if the condominium has been approved or accepted by HUD/FHA, VA, Fannie Mae, or Freddie Mac. The lender must document their decision and retain all supporting information in their permanent loan file.

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➤ **Do site condominiums require approval by HUD/FHA, VA, Fannie Mae, or Freddie Mac?**

Project approval may not be required for a site condominium if it consists of a Single Family totally detached dwelling encumbered by a declaration of condominium covenant or condominium form of ownership, the unit has no shared garage or any other attached buildings, and the condominium unit consists of the entire structure, site and air space and is not considered to be common areas or limited common area.

## Insurance ([HB-1-3555, Chapter 12](#))

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➤ **What is the maximum deductible amount?**

For each insurance type (hazard, flood, hurricane, etc.) the deductible should not exceed the greater of \$1,000, 1% of the policy coverage, or the minimum deductible offered by the applicant's chosen insurance carrier.

## Manufactured Homes ([HB-1-3555, Chapter 13](#))

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➤ **Does USDA allow the financing of existing Manufactured homes?**

Existing manufactured homes are ineligible unless it is a purchase of an existing Rural Development Section 502 Direct or Guaranteed financed home. However, select states have been included in an Existing Manufactured Housing Pilot program where existing manufactured homes built after January 1, 2006 may be eligible for financing. Please see the [Unnumbered Letter](#) on this topic for additional information.

➤ **An applicant is purchasing a manufactured home that was constructed 3 years ago, but was never sold by the manufacturer. It is being purchased directly from the manufacturer and will be moved from the manufacturer to the site. Does this constitute a "new" manufactured home?**

New manufactured homes are defined as a new unit in stock that is less than 12 months from manufactured date, which has never been installed or occupied at any other site or location. Since the manufactured date is over 12 months, it does not meet the definition of a "new" manufactured home.

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➤ **Is there a list of approved manufactured dealers?**

No, the Single Family Housing Guaranteed Loan Program does not approve manufactured home dealers.

➤ **How do we complete GUS when using the Existing Manufactured Housing Pilot program?**

GUS does not support loan applications submitted under the pilot program. Lenders should submit applications via an encrypted email, sent to the applicable Production Team based on the location of the property. Visit <https://www.rd.usda.gov/page/sfh-guaranteed-lender> for a list of contacts.

## New Construction and Rehabilitation ([HB-1-3555, Chapter 12](#))

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➤ **Is a purchase transaction where the home was built within the past 12 months considered a New Construction transaction, thus subject to the applicable new construction documents?**

Yes, dwellings less than 1 year old and never occupied are considered new construction and the documentation requirements for new construction are applicable.

➤ **An applicant already owns land and wants to build a home on the property. Is this considered a purchase or a refinance?**

Even though the land is already owned by the applicant, lenders should select "Purchase" in GUS for this type of transaction.

➤ **Are termite inspections required on new construction projects?**

Termite/pest inspections are not required unless the lender, appraiser, inspector, or State law requires the inspection to confirm the property is free of active infestation. Lenders are responsible for determining if a termite inspection is required based on these factors.

➤ **If there is not a building inspector for the local jurisdiction, who can complete the final inspection?**

It is the lender's responsibility to determine who is a qualified inspector when the local jurisdiction does not perform construction inspections.

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- **Based on the location of the property, we are unable to obtain a Certificate of Occupancy. Is there other documentation that can be obtained to satisfy the new construction requirements?**

When a Certificate of Occupancy cannot be obtained, the lender may obtain copies of the three construction phase inspections, as identified in Chapter 12 of HB 1-3555, and a one year builder warranty; or alternatively, a copy of the final inspection and a 10 year insured builder warranty.

- **Are there any options available when the construction documents identified in Chapter 12 are not able to be obtained on a new construction home?**

New home purchase transactions that cannot meet the minimum required plan certification, inspections, and warranty documentation requirements outlined in Chapter 12 of HB-1-3555 are limited to a 90 percent loan to value (LTV).

- **Is there only one Single-Close loan feature available?**

No, there are two options under the Single-Close loan feature.

The first option allows financing of an interest reserve and a contingency reserve, with interest only payments during the construction period. The loan is reamortized at the completion of construction.

The second option allows the financing of a (PITI) payment reserve in addition to a contingency reserve. The loan begins amortizing immediately on a 30-year schedule, eliminating the need for a reamortization, and allowing the lender to sell the loan prior to the completion of construction.

- **What are the benefits of using the Single-Close feature?**

Both options in the single-close feature reduce the cost for the applicant, as there is only one closing. An optional interest reserve, contingency reserve, and PITI reserve can be financed as part of the loan, depending on the type of single-close transaction utilized. In addition, lenders are provided the protection of the Loan Note Guarantee throughout the construction period.

- **What happens to excess reserve funds financed within the Single-Close feature once construction is complete?**

Excess reserve funds are applied to the principal balance of the loan.

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➤ **What is the maximum loan to value for Single-Close transactions when reserves are financed?**

The total loan amount, including any reserves financed, cannot exceed 100% Loan to Value. The loan may exceed the appraised value only by the amount of the upfront Guarantee Fee being financed.

➤ **Does a Single-Close transaction need to be reamortized at the end of the construction period?**

If option one is utilized, only interest payments are made through the construction period. A reamortization would be processed following the completion of construction.

With option two, principal and interest payments are made throughout the construction period, whether through the borrower's personal funds or a PITI reserve. Since the loan begins amortizing immediately, a reamortization is not necessary.

➤ **Is there a minimum repair amount to qualify for the purchase with rehabilitation and repair program?**

No, there is not a minimum repair amount.

## Property Eligibility ([HB-1-3555, Chapter 12](#))

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➤ **When a title commitment reflects an exception for an Oil and Gas Lease, what procedures are to be followed? There is no evidence of any type of production on subject property.**

For purchase transactions, Rural Development does not prohibit mineral, oil, or gas leases. The lender must determine the primary reason for the purchase is a residential residence. Any income earned from these leases must be included in annual income, the lender must confirm the dwelling and site will not be adversely affected, and the property must be properly insured.

➤ **Are applicants able to purchase a duplex?**

One unit of the duplex may be eligible, however they cannot purchase both units as it would be considered an income producing property.

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➤ **Can loan funds be used to purchase a property to flip?**

No, Guaranteed loan funds must be used to acquire a new or existing dwelling to be used as the borrower's permanent residence. Purchasing a property with the intention to flip is not authorized.

➤ **Does Rural Development have restrictions on purchasing a home that may have been flipped by the seller?**

It is the lender's responsibility to ensure any recently sold property's value is strongly supported when a significant increase between sales occur. The lender must perform a thorough review of the appraisal report to validate and support the property's value and protect the applicants from possible predatory real estate lending.

➤ **Is there an acreage limitation?**

There is no specific limitation to the size/acreage of the site. The appraiser must provide an explanation in the addendum of the appraisal to explain adjustments to comparable properties and how the subject compares to other properties in the area. In addition, the site must not have income-producing land that will be used principally for income producing purposes. Vacant land or properties used primarily for agricultural, farming, or commercial enterprise are ineligible.

➤ **Are properties containing a swimming pool (in-ground or above ground) eligible?**

There are no restrictions on in-ground or above ground swimming pools.

➤ **Is a 1-unit home with an accessory dwelling unit eligible for financing?**

The presence of an accessory dwelling unit (ADU), such as an in-law suite, does not automatically render the property ineligible. The appraiser will determine if the ADU represents a second single family housing dwelling unit. Rural Development defers to the appraiser's professional review of the property and expert opinion of the highest and best use of the subject property as a primary residence. Income producing properties are not eligible.

➤ **Is a modular home on a permanent foundation eligible?**

Yes, for property eligibility purposes, modular homes are treated the same as stick-built homes.

➤ **Are there minimum or maximum square footage requirements?**

There are no square footage requirements or limitations, except in the case of manufactured homes, which must have a floor area of at least 400 square feet to qualify.

➤ **Are cisterns acceptable?**

Private well and wastewater systems must meet the minimum property standards of HUD HB 4000.1 or the requirements of the local and/or state health authority to be eligible.

➤ **Are there specific criteria the subject property must meet to be acceptable?**

Rural Development does not publish specific dwelling standards, rather certification needs to be obtained from an appraiser or inspector determined qualified by the lender that the property meets the minimum property standards of HUD Handbook 4000.1.

➤ **An applicant would like to purchase a home which will also be used for an in-home daycare. Is this acceptable?**

Home-based operations such as childcare, product sales, or craft production that do not require specific commercial real estate features are not restricted. Any income earned from home-based operations must be adequately reported for tax purposes.

➤ **A property has a PACE lien for Solar where the solar cost is included in the property tax bill. Is this acceptable?**

Properties with PACE liens are ineligible.

- **We have a property address that returns “unable to determine” for property eligibility. What do we do?**

There are times the mapping system cannot locate a specific property. When that occurs, the lender should accurately identify the exact location of the property and provide copies of the maps showing the correct property location with the application package. Lenders can obtain assistance with determining a property’s eligibility by contacting the Guaranteed Policy, Analysis and Communications Branch at [sfhgld.program@usda.gov](mailto:sfhgld.program@usda.gov).

## Property Inspections ([HB-1-3555, Chapter 12](#))

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- **Can a non-FHA roster appraiser certify the property meets the requirements of HUD HB 4000.1?**

Licensed or certified appraisers who are not FHA roster appraisers may certify the property meets the requirements of HUD Handbook 4000.1 if the lender has determined the appraiser is thoroughly familiar with HUD Handbook 4000.1.

- **An appraisal was completed as is, with certification the property meets the requirements of HUD HB 4000.1. However the attic was sealed, therefore it was not inspected. Does the attic need to be unsealed for the appraiser inspect?**

In accordance with the HUD Handbook 4000.1, if there is no access to the attic, the appraiser must report the lack of accessibility to the area in the appraisal report. There is no requirement to cut open walls, ceilings, or floors. It is the lender’s responsibility to ensure the appraiser is properly licensed or certified to make residential appraisals in accordance with § 3555.103(a). If the lender determines the appraiser is qualified and has certified the property meets the requirements of HUD HB 4000.1, no further evaluation is required.

- **The appraisal completed indicated repairs were necessary. The repairs have been completed, however the original appraiser is unavailable. Is it acceptable for a different appraiser to complete the final inspection?**

A new appraiser may perform the final inspection if they are able to certify the improvements were completed in accordance with the requirements and conditions in the original appraisal report, provide photographs of the completed improvements, and sign the final inspection report.

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➤ **Are termite inspections required for existing dwellings?**

Termite/pest inspections are not required unless the lender, appraiser, inspector, or State law requires the inspection to confirm the property is free of active infestation. Lenders are responsible for determining if a termite inspection is required based on these factors.

➤ **For properties with privately owned wells, is there a need for water testing?**

Yes, water quality tests are required on individual water systems.

➤ **When a water test is required, what elements must be addressed?**

Rural Development does not identify specific elements that must be tested for. The water quality of the well must meet the requirements of the state or local authority. If the state or local authority does not have specific requirements, the maximum contaminant levels established by the Environmental Protection Agency (EPA) will apply.

➤ **If a water test is required, is there a timeframe it must be completed prior to closing?**

A water analysis report must be no greater than 150 days old at loan closing.

➤ **I have a property with a public water source for the home, but also has a well on the property that is only used for watering the lawn. Does that well need to be inspected?**

If the site has public water, it is assumed to meet state and local requirements with no additional documentation or inspections. The additional well, when it is not the primary source of water, does not require an inspection.

➤ **Is a water quality test required on a refinance transaction?**

Water quality tests are not required by Rural Development for refinance transactions, however the lender may require additional inspections at their discretion.

## Repairs ([HB-1-3555, Chapter 12](#))

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➤ **At what amount should we establish an escrow account for repairs?**

The funds to be escrowed may not be less than the repair cost contract. The loan underwriter may determine the escrow amount, which could exceed the repair cost. Any financed escrow funds remaining after repairs are complete must be applied to the loan as a principal payment.

➤ **How many bids are required for escrow repairs?**

Rural Development does not have a requirement for the number of bids to be obtained.

➤ **Will Rural Development issue a Conditional Commitment subject to a final inspection showing required repairs are complete?**

Yes, a Conditional Commitment may be issued subject to the completion of all required repairs. The lender must document the repairs are complete prior to loan closing for the loan to be eligible for the Loan Note Guarantee, or the lender can make the determination to allow for a repair escrow hold back.

## Approval and Closing

### Closing ([HB-1-3555, Chapters 6 and 16](#))

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➤ **Can an individual who is not a borrower be on title?**

Any individual whose signature is required by state law must sign the security instruments to create a valid first lien. Rural Development does not prohibit additional parties from being on title.

➤ **Are deed restrictions allowed?**

Rural Development does not dictate if or when deed restrictions are acceptable. It is the lender's responsibility to ensure they obtain marketable title with a first lien position and have the ability to foreclose and/or conduct loss claim servicing.

➤ **Does Rural Development require Agency specific loan documents?**

Industry standard legal documents may be used.

➤ **Does USDA allow for the applicant to sign documents electronically?**

Yes, e-signatures are accepted. The lender is responsible to ensure the e-signature is eligible and meets all legal requirements.

➤ **Can loan fees that are paid with a credit card be reimbursed at closing?**

No, loan fees paid by the applicant with credit cards or other short-term loans may not be reimbursed at closing.

➤ **Can the applicant get their earnest money back at closing?**

If the source of the funds can be properly documented to show it was initially paid by the applicant, the earnest money can be returned to the applicant from loan funds at closing.

➤ **Can the cost of an inspection and/or an appraisal be refunded to the applicant at closing?**

If the source of the funds can be properly documented to show it was initially paid by the applicant, the fees for an inspection and an appraisal can be returned to the applicant at closing.

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➤ **The applicant paid the Homeowners Insurance in full upfront. Can they receive those funds back at closing?**

If the source of the funds can be properly documented to show it was initially paid by the applicant, the homeowners insurance premium can be returned to the applicant at closing.

➤ **A loan closed at a higher loan amount than what was authorized on the Conditional Commitment. Can a principal reduction for the overage amount be completed?**

No, since the loan has closed, a principal reduction is not acceptable. The lender may perform a loan modification to correct the loan amount to match the issued Conditional Commitment or request Rural Development to release the GUS loan back for correction.

➤ **A loan closed at a higher interest rate than what was authorized on the Conditional Commitment. How can we proceed?**

The lender may perform a loan modification to correct the interest rate to match the issued Conditional Commitment. If that is not an option, the lender must request a release of the GUS loan back for correction. Once the interest rate has been corrected, a new underwriting submission may be performed. Rural Development will review the update submission and, if approved, issue a new Conditional Commitment.

➤ **The loan amount was established to include closing costs and repairs, however the final invoice came in lower than expected. Can we lower the loan amount without having to resubmit the application?**

Yes, if the Conditional Commitment has been issued, the lender may close the loan for a lower amount without having to resubmit the loan for review.

➤ **Property taxes in many States are paid in arrears, which results in a large tax credit at close. Can an applicant receive cash back as a result of this credit?**

The credit may be used to pay for closing costs, but cannot result in cash back to the applicant. Only costs initially paid by the applicant out of pocket can be returned to the applicant at closing.



- **When preparing for loan closing, it was identified that there is excess seller paid costs that are not being used. Is it acceptable to use the extra seller paid costs as a principal reduction?**

Yes, excess seller contributions can be applied as a principal reduction at closing or refunded to the seller. They cannot be disbursed as cash at closing to the applicant.

- **What options are available when the Conditional Commitment will expire prior to loan closing?**

The lender has 90 days from the issuance of the Conditional Commitment to close the loan with an opportunity for one 90-day extension. The extension must be requested prior to the expiration of the Conditional Commitment. The lender is responsible for ensuring documentation of credit, income, assets, etc. are updated, as needed.

- **The applicant's credit report will be expiring prior to loan closing. Does the file need to be resubmitted in GUS?**

Per the resubmission policy in HB-1-3555, Chapter 5, the bureau update of a credit report due to the expiration of the credit report does not require the application to be resubmitted as long as no adverse impact has occurred that would affect the outcome of the underwriting recommendation. The lender must retain the updated credit report in their permanent loan file.

- **An application has been submitted to Rural Development for review, however a Conditional Commitment has not yet been issued. Can the loan close since the file has been submitted to Rural Development?**

No, the loan cannot close prior to receipt of the Conditional Commitment.

- **When submitting a loan closing through the Lender Loan Closing System, is Form RD 1980-19, Loan Closing Report, required?**

No, Form RD 1980-19, Loan Closing Report, is only applicable to manually submitted closing packages.

- **Is a principal reduction at closing acceptable to prevent the applicant from receiving excess cash back?**

Yes, a principal reduction at the time of settlement is acceptable.

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➤ **Is there a maximum principal reduction allowed?**

There is no limit on the amount of the principal reduction. However, the lender should determine if a loan modification would be a better option.

➤ **Is there a timeframe that Rural Development expects the applicant to take occupancy of the home being financed?**

Yes, bona fide occupancy in the home as the applicant's principal residence within 60 days after signing the security instruments is required.

➤ **Does USDA allow an applicant to close in a trust?**

No, the two forms of ownership acceptable are fee-simple and secured leasehold.

➤ **After receiving the Conditional Commitment, the credit report expired, requiring the lender to obtain an updated credit report. The lender discovers the applicant opened a credit card which has a monthly payment of \$30. Does the file need to be released back and resubmitted to include this additional debt?**

If the cumulative increase in monthly debt does not exceed the established \$50 threshold, the lender may retain the Conditional Commitment and document the permanent loan file. No further action is required.

➤ **After receiving the Conditional Commitment, the credit report expired, requiring the lender to obtain an updated credit report. The lender discovers the applicant opened a credit card which has a monthly payment of \$60. Does the file need to be released back and resubmitted to include this additional debt?**

Since the cumulative increase in monthly debt exceeds the established \$50 threshold, the lender must request the GUS loan to be released. Once GUS is updated to reflect the additional monthly debt, a final submission can be completed. Rural Development will review the application and, if approved, issue a new Conditional Commitment.

➤ **Is there a specific system that lenders need to access to obtain the Loan Note Guarantee?**

Lenders may obtain the Loan Note Guarantee through the Lender Loan Closing system.

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## Eligible Loan Purposes ([HB-1-3555, Chapter 6](#))

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- **Are there restrictions on the amount of closing costs that can be financed?**

Closing costs that are reasonable and customary can be paid with loan funds. Closing costs cannot exceed those charged to other applicants by the lender for similar transactions such as FHA-insured or VA guaranteed first mortgage loans.
- **Is there a maximum interest rate that can be charged?**

No, the lender and the applicant are free to negotiate any mutually acceptable fixed interest rate, in compliance with CFPB standards
- **The market value, based on the appraisal, is slightly less than the purchase price and the seller will not lower the sales price. Can the applicant contribute the difference?**

Yes, GUS and the application will need to reflect the additional funds needed for closing and the lender must verify the applicant has the funds available to close.
- **Can an applicant use a small portion of the Guaranteed loan to pay off personal debt?**

No, paying off an existing debt is not an eligible loan purpose.
- **Does USDA allow non-arm's length transactions?**

Rural Development does not restrict non-arm's length transactions. This should be disclosed to the appraiser and any gifts of equity would need to comply with the requirements of HB-1-3555, Chapter 9.
- **Does USDA allow a 2-1 buydown rate?**

Adjustable rate mortgages are not eligible. Temporary buydowns are allowed as long as the requirements in HB-1-3555, Chapter 11 are met.
- **An applicant currently owns land with a mortgage on it and wants to build a home on the land. Can loan funds be used to pay off the existing mortgage on the land owned?**

Yes, the remaining balance of the mortgage for the land is eligible to be included in the guaranteed loan. This would be treated as a "purchase" transaction in GUS.

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➤ **Are there purchase price limits?**

No, there are no defined purchase price limits, however, the applicant's household must meet the income limits and have repayment ability for the loan obtained.

➤ **Can the Upfront Guarantee Fee be financed into the loan?**

Yes, the Upfront Guarantee Fee may be financed in the loan. When financed, the loan amount may exceed the appraised market value of the property by the amount of the fee being financed. When financing a new dwelling where the required construction documentation cannot be obtained, the loan is limited to 90% of the appraised market value, plus the financed portion of the upfront guarantee fee.

➤ **Can the applicant pay the Real Estate Agent's commission?**

Normal and customary costs may be included in the loan. If it is customary that the Real Estate Agent's commission is paid by the seller, it would not constitute an eligible loan cost, however the buyer may use personal funds to pay the commission.

➤ **Can the cost of repairs be included in the loan?**

Yes, repairs associated with the purchase of the dwelling constitute an eligible loan purpose.

➤ **Are there any requirements prohibiting the financing of a property where the market value exceeds the sales price?**

No. The maximum loan amount is determined based on the market value, as determined by an appraisal. The appraised value is not limited to the sales price.

## Refinance Transactions ([HB-1-3555, Chapter 6](#))

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➤ **On a refinance transaction, does the loan have to be open for 12 months or does the borrower need to have made 12 actual payments to qualify?**

The existing loan must have closed 12 months prior to the date the application is submitted to Rural Development. The 12 months is based on the date the loan closed, not the number of payments made.

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➤ **How do we submit a Streamlined-Assist Refinance application since it is not submitted through GUS?**

The Streamlined-Assist application package should be sent via an encrypted email to the appropriate Production Team, based on the location of the property. Visit <https://www.rd.usda.gov/page/sfh-guaranteed-lender> for a list of contacts.

➤ **Can existing subordinate “silent” seconds can be included in the loan amount for a refinance transaction?**

No, existing subordinate “silent” seconds (excluding Direct Loan recapture receivable accounts) cannot be included in the newly refinanced loan. It must be paid with other funds or remain subordinate to the new guaranteed loan.

➤ **What documents need to be submitted on a Streamlined-Assist?**

Lenders should utilize the Loan Origination Checklists found in Chapter 15, Attachment 15-A for guidance on the documents required.

➤ **On a Streamlined-Assist Refinance, are income and asset documents required?**

Yes, income limits still apply, therefore income and asset documentation are still required to be verified.

➤ **Can a borrower receive cash back at closing on a refinance transaction?**

Borrower’s cannot get cash back with the exception of eligible expenses already paid out of pocket, as outlined in Chapter 6. Rural Development does not consider this a limited cash out refinance.

➤ **Are there any exceptions that allow you to be able to refinance a USDA loan that the borrower has owned for less than 12 months?**

No, there are no exceptions to the 12-month requirement.

➤ **Do borrowers applying for a refinance have to meet the household income limits?**

Yes, the adjusted annual maximum income limits apply to all guaranteed loans.

➤ **Can a borrower refinance a property that was originally located in an eligible rural area, but no longer is?**

Yes, any existing USDA Direct or Guaranteed loan is eligible to be refinanced, even if it is now located in a non-eligible rural area.

➤ **Can discount points be financed on a refinance?**

Discount points to reduce the interest rate are eligible on all loan options. Discount points charged for reasons other than to reduce the interest rate are ineligible.

➤ **Are conventional loans eligible to be refinanced?**

No, only current Rural Development Direct and Guaranteed Loans are eligible to be refinanced.

➤ **Two borrowers who currently have a USDA Mortgage are going through a divorce. As part of the divorce, one borrower needs to give the ex-spouse \$20,000 as their share of equity in the house. Is this allowed through a refinance with USDA?**

No, cash out from collateral equity is not an eligible loan purpose.

➤ **Can borrowers choose to do a 25-year (or shorter) term on a refinance?**

No, a 30-year term is the only option, however there is no penalty for extra principal payments made.

➤ **Are private well and septic inspections required for a refinance?**

No, inspections are not required, however the lender may require inspections at their discretion.

➤ **Is a water quality test required on a refinance transaction?**

Water quality tests are not required for refinance transactions, however the lender may require additional inspections at their discretion.

## Secondary Financing ([HB-1-3555, Chapter 16](#))

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➤ **Can down payment assistance programs be utilized?**

Yes, down payment assistance programs may be utilized if the guaranteed loan remains in first lien position.

➤ **How should down payment assistance program funds be entered in GUS?**

To include down payment assistance, complete the "Other New Mortgage Loans on the Property You are Buying or Refinancing" section of the Loan and Property Information page. In addition, the monthly payment associated with the second mortgage would need to be entered as "Subordinate Lien P&I" in the Mortgage Loan Information section of the Lender Loan Information page.

➤ **Does Rural Development have a maximum CLTV?**

No, there is no CLTV maximum.

➤ **Are funds received through down payment assistance programs considered in the conventional credit test?**

No, these are not the applicant's own funds, therefore they are not included in conventional credit test.

➤ **Are disaster relief grants allowed?**

Yes, as long as the lien position criteria outlined in HB-1-3555, Chapter 16 is met.

## Seller/Interested Party Contributions ([HB-1-3555, Chapter 6](#))

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➤ **Is there a limit on seller concessions?**

Seller contributions (or other interested parties) are limited to 6% of the sales price and must represent an eligible loan purpose.

➤ **The seller will be paying \$1,200 to the applicant for a carpet allowance. How do we structure this?**

The carpet would either need to be replaced prior to closing or the funds would need to be set up as a repair escrow. The applicants cannot directly receive the funds for the carpet at closing.

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➤ **Can seller concessions or Real Estate Agent commissions be used to pay off debt for the applicant?**

No, the seller and Real Estate Agent are interested parties in the transaction. Any funds contributed to the transaction from interested parties must be for an eligible loan purpose, such as closing costs or prepaids. Paying the applicant's debt to qualify for the loan is not an eligible loan purpose.

➤ **Is it acceptable for the seller to pay the upfront guarantee fee?**

Yes, seller contributions may be used to pay all or part of the upfront fee.



## Credit Underwriting

### Applicant Eligibility ([HB-1-3555, Chapter 8](#))

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- **If an applicant has a permanent resident alien card and has always worked and maintained employment, would he be considered a qualified alien?**

Permanent resident aliens are eligible. The lender must enter the recipient's information in the SAVE fields in GUS to validate non-citizens as qualified aliens. Manual loan application submissions will be entered in SAVE by Rural Development.

- **Is homebuyer education counseling required?**

Homebuyer education counseling is recommended, but is not required.

- **An applicant has enough liquid assets to put 20% down and pay all closing costs. However, the total debt ratio will exceed 36%. Is the applicant eligible?**

Yes, the applicant qualifies since the cumulative criteria from HB-1-3555, Chapter 8, cannot be met.

- **Do liquid funds in a self-employed applicant's business account count towards the conventional credit test?**

No, business assets that are held in specifically designated business accounts do not count against the conventional credit test.

- **Are co-signers or non-occupant co-borrowers allowed?**

No, co-signers and non-occupant co-borrowers are not permitted.

- **I have a client who currently owns a home, which was not financed by Rural Development. The individual is relocating for a new job. Is there a minimum number of miles required between homes to be eligible?**

No, the Handbook does not stipulate a required distance when an applicant is relocating. The approved lender must document the permanent loan file with documentation supporting the requirements of Chapter 8 have been met.

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- **If the applicant owns an investment property, but has not owned a primary residence in the last 3 years, would they still be eligible for a Rural Development loan?**

It is not the intent of the program to assist individuals in building an investment portfolio. Whether the applicant resides in the retained home or not, the requirements in Chapter 8 apply.

- **An applicant's parents have a life estate that indicates the property will transfer to the applicant upon the parents' death. Does Rural Development consider this a property the applicant owns?**

Since the property will not transfer to the applicant until the parents' death, the property is not considered to be the applicant's dwelling at this time. Thus, it is not considered as a retained dwelling.

- **An applicant is married, and his spouse owns a home that he is not on the deed to. Does the fact that the spouse owns a home preclude him from obtaining a Guaranteed loan?**

No, the requirements of Chapter 8 only apply if the spouse is also a party to the note.

- **Do the requirements in Chapter 8 for retaining a dwelling apply solely to the applicants, or all household members?**

The requirements regarding retaining ownership in a dwelling is applicable to all applicants.

- **An applicant co-signed on a non-Rural Development mortgage, but hasn't lived in the property. Would being a co-signor on another property that will not be sold make them ineligible?**

If the applicant is only a co-signer, he/she does not own the dwelling and would therefore not be rendered ineligible.

- **An applicant owns an empty lot. Does this render the applicant ineligible?**

No, land without a dwelling does not need to meet the criteria for a retained dwelling.

- **The applicant has a current Rural Development mortgage, however the home was awarded to the ex-spouse in a divorce. Is the applicant eligible for another Rural Development loan if the ex-spouse has been making the payments?**

No, unless the remaining borrower refinances the Rural Development loan, both remain liable for the loan. Borrowers cannot have more than one Rural Development loan outstanding.

## Assets ([HB-1-3555, Chapter 9](#))

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- **Can 401K or IRA funds be considered for reserves?**

The lender can consider up to 60% of the vested amount of the retirement account as reserves. Any funds borrowed from these accounts, such as a 401k loan, are not considered cash reserves. Retirement accounts that restrict withdrawals to circumstances involving the applicant's employment separation, retirement, or death should not be considered as a cash reserve.

- **An applicant claimed interest income on their tax return, but current assets are less than the \$50,000 threshold. Does interest income need to be included in annual income?**

No, net family assets that do not exceed a cumulative total of \$50,000 are not required to be considered in the annual income calculation.

- **Can the proceeds from the sale of a home be considered for reserves?**

Verified sales proceeds can be considered reserves. Documentation to verify sales proceeds includes the closing disclosure or acceptable alternative and verification of where the proceeds are held and their availability to the applicant. Lenders should include the amount as an "Other Asset" labeled as "Proceeds from Real Estate Property to be sold on or before closing" to ensure GUS to recognize the inclusion in cash reserves.

- **What figure is used to determine the balance on a checking or savings account?**

Lenders must use the lessor of the current balance or previous months ending balance.

➤ **An applicant has one \$150 deposit in the last 60 days that is outside of their payroll. Do we need to question it when they are below the income limit?**

All individual deposits that are not attributed to wages or earnings need to be investigated. The guaranteed loan program is an income-based program and any unrecognized deposits should be reviewed to determine it is not undisclosed income. There is no tolerance or percentage of income that may be utilized to disqualify deposits from further consideration.

➤ **Is there a limit on the amount of liquid assets an applicant can have in reserves?**

No, there is not a specified limit on the amount of assets. However, the test for conventional credit, based on the requirements outlined in Chapter 8, still applies.

➤ **The applicant received a cash advance through their credit card for a potential vacation. Instead of taking the vacation, they decided to buy a house. Can these funds be used as reserves?**

No, unsecured loans, including borrowing funds from a personal loan, credit card advance, etc. are not eligible for reserves.

➤ **If an applicant does not need funds to close, are we required to verify assets?**

Yes, assets must be verified, regardless if they are required for funds to close or not. Assets may affect income eligibility (Chapter 9) and applicant eligibility (Chapter 8).

➤ **What is the minimum reserve requirement?**

There is not a minimum reserves requirement. Reserves are used in the risk assessment in GUS as a positive compensating factor for housing payments after closing, but they are not required.

➤ **Can a College Savings Plan (529 Plan) be included as reserves?**

Funds in a 529 plan may be withdrawn at any time, although incurring penalty fees to do so. Thus, 60% of the amount available to the applicant may be used as reserves.

➤ **Can unsecured borrowed funds be used as funds to close?**

No, unsecured loans are not eligible to be considered as funds to close.

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➤ **Do joint asset accounts, where the other party is not on the loan, need to be verified and included?**

Yes, all assets of the applicant, even if they are jointly held with another party, must be disclosed and included in the net family assets.

➤ **Can a lender utilize a 3rd party vendor to obtain the applicant's bank statements?**

Yes, it is acceptable to use 3rd party vendors when it is standard industry practice.

➤ **Can borrowed funds be used to pay off debts?**

Yes, as long as the payment is included in total debt ratio.

➤ **The applicant holds an active real estate license and is representing their self on the sales contract. Can the commission earned at closing be counted as reserves?**

The applicant can act as their own agent, however the sales commission to be earned at closing is not eligible as reserves.

➤ **I have a file that is a refer. If they do not have any assets or earnest money being credited, do I need to submit asset documentation in the application package?**

Yes, if there are asset accounts disclosed on the application, the accounts need to be documented and included in the complete application package.

➤ **The guideline for obtaining bank statements for checking, savings, and money market accounts indicates we are to obtain two months of the most recent statements. Is that considered most recent upon submission to Rural Development or the application date?**

The most recent statements obtainable at the time of submission to Rural Development.

➤ **Is obtaining a Verification of Deposit sufficient documentation of assets?**

No, the verification of assets needs to include two months of recent bank statements, a Verification of Deposit with one recent bank statement, or alternate evidence (statement printouts) to support account activity and balances.

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## Credit History ([HB-1-3555, Chapter 10](#))

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- **An applicant is identified when completing a search of SAM. It does not appear to be mortgage related. Are they still eligible?**

No, an applicant is ineligible if they are debarred from business with the Federal Government as reported by the System for Award Management (SAM), regardless if it is due to a mortgage related issue or not.

- **The GUS underwriting report indicates that CAIVRS has identified the applicant has a delinquent Federal debt, however we have documentation that this is no longer in the applicant's name. How do we proceed?**

An "A" CAIVRS response is the only acceptable result for an applicant to be eligible. The applicant will need to contact the federal agency involved to clear it. A CAIVRS response of "A" will need to be obtained outside of GUS and uploaded to GUS as part of the complete loan application.

- **An applicant has a clear CAIVRS result, but has had a wage garnishment for over 3 years on a US Education Loan. Is the applicant eligible since the CAIVRS was clear?**

No, even when the applicant's CAIVRS is clear, if the credit indicates there is a delinquent federal debt, the applicant is ineligible unless there is an acceptable repayment plan in place.

- **An applicant has 2 credit scores, with the third credit score frozen. Does the third score need to be unfrozen?**

Yes, applicants must ensure credit data frozen at any credit repository is made available.

- **On a GUS Refer, the applicant only has one score. However, there are enough trade lines to meet the credit score validation requirements. Are non-traditional trade lines also required?**

No, only one credit score is required as long as the credit score has been validated.

- **On a GUS Refer loan, there are 2 applicants on the loan and the primary applicant has a credit score and meets the requirements for a validated credit score. The co-applicant does not meet the validation criteria. Can I proceed?**

At least one applicant must have a validated credit score. The other applicant(s) are not held to specific tradeline requirements.

- **On a GUS Accept file, the applicant does not meet the minimum trade lines identified for a validated credit score. Are non-traditional trade lines required to be obtained?**

No, GUS Accept files do not require credit score validation. No further trade lines are required.

- **An applicant has 2 trade lines reporting, one for 74 months and one for 9 months. A credit supplement showing the 12 months reporting on the second account was obtained. Does this file need to be downgraded?**

If the lender has a credit supplement showing a full 12-month history, they do not need to downgrade the file. GUS Accept recommendations do not require credit score validation.

- **An applicant has 3 accounts through their insurance agent, two vehicles and a rental policy. Although they are 3 separate accounts, the applicant pays them through one bill each month. Does this count as 1 non-traditional credit tradeline or 3?**

One combined bill counts as one alternative tradeline.

- **Can a subscription service or a gym membership serve as an alternate tradeline for non-traditional credit?**

No, subscription services and gym memberships are not eligible non-traditional credit tradelines.

- **Can authorized user accounts be used to validate a credit score?**

Authorized user accounts may only be considered to validate a credit score when the tradeline is owned by another applicant on the mortgage application, the owner of the tradeline is the spouse of the applicant, or the applicant can provide evidence they have made payments on the account for the previous 12 months prior to loan application.

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- **If an applicant has two auto loans reporting for 8 months and 4 months each, can we use the aggregate of that to meet the requirement of an account reporting for 12 months?**

No, you cannot use the aggregate of 2 accounts to report for 12 months. To be an eligible tradeline for the purpose of validating a credit score, there must be a 12-month repayment history on each tradeline.

- **Can child support payments be used as a non-traditional trade line if there is a documentable 12 month pay history?**

No, child support is not considered an eligible alternative trade line.

- **Can overdraft protection attached to a checking account be used as a non-traditional tradeline?**

No, overdraft protection is not a credit obligation and would not be used as an alternative trade line.

- **Can self-reporting trade lines be used to validate a credit score?**

No, self-reporting tradelines are not eligible tradelines to validate the credit score.

- **An applicant previously had a USDA foreclosure. Are they eligible for a new loan through Rural Development?**

Attachment 10-A outlines the documentation that must be submitted as part of the fully underwritten loan file when a previous Agency loss has occurred. Rural Development will review the information and determine the applicant's eligibility. There is no pre-approval process available, the determination will be made after reviewing the complete loan package.

- **An applicant has medical collections which are disputed. Does the file have to be downgraded because of the disputes?**

Lenders may exclude disputed medical accounts and collections, therefore no downgrade is required.



➤ **If the credit report states an account was previously in dispute, but now resolved, is it still considered a disputed account?**

If the disputed account indicates the dispute has been resolved, it would no longer be considered a disputed account.

➤ **An applicant has delinquent child support, but is in the process of setting up a repayment plan. How does this affect eligibility?**

Delinquent child support will render an applicant ineligible unless the applicant has an approved repayment agreement in place with three timely payments made, the arrearage is paid in full, or a release of liability is documented.

➤ **Are medical collections required to be paid on a GUS Refer file?**

No, Rural Development does not require medical collections be paid for any type of submission (GUS Accept, Refer, etc.).

➤ **An applicant has NSF fees reflected on bank statements. Is there anything additional required?**

NSF fees generally do not affect the applicant's credit score, nor are applicants required to have reserves. However, it remains the approved lender's responsibility to review the credit history of an applicant to determine an ability and willingness to meet their obligations.

➤ **Do delinquent state taxes prohibit an applicant from qualifying?**

Delinquent state taxes should be treated as unpaid debt/collection. The approved lender should evaluate whether the debt poses a threat to the first mortgage lien and if it is likely to have an adverse impact on the equity or applicant's repayment ability.

➤ **Does an authorized user tradeline need to be removed from the credit report?**

No, an authorized user tradeline does not need to be removed from the credit report. An authorized user account is not taken into consideration in the credit score. The lender will determine whether it should be excluded from liabilities.

➤ **How do we treat an involuntary repossession with an unpaid balance?**

Repossessions occur when the applicant cannot or will not remit payment for the collateral secured with the lender. The lender may sell the collateral to satisfy the debt. A deficiency balance may remain. These adverse credit actions will be reflected in the applicant's credit score and public records, as applicable. Lenders must confirm the Declarations in GUS and/or on the loan application are completed accurately. A foreclosure discharged, or a repossession reported 36 months prior to the date of loan application, is not considered adverse credit.

➤ **Will Rural Development guarantee a loan where the applicant has less than 3 years from bankruptcy?**

A Guarantee is possible depending on the GUS Findings and overall file documentation. If a GUS Accept is obtained, no further documentation is required. If the results are a GUS Refer, the requirements of Chapter 10 would apply, and a credit exception would need to be documented by the underwriter.

➤ **Is the requirement for 3 years from date of bankruptcy 3 years from application date or 3 years from note date?**

The discharge date must be 3 years from the date of application to not be considered adverse credit.

➤ **Do the credit exception guidelines in the Handbook apply to all credit or only to housing payments?**

The guidelines for credit exceptions apply to all derogatory credit.

➤ **Is repayment on a 401K loan considered an acceptable non-traditional credit tradeline?**

401K loans are considered personal funds, thus not an acceptable source for non-traditional tradelines.

➤ **Does a Refer recommendation in GUS automatically require a credit exception?**

A credit exception is only required if the refer is due to a credit issue or if the GUS findings require a credit exception to be documented.

## Employment/Income ([HB-1-3555, Chapter 9](#))

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- **The applicant currently lives with their significant other, but indicates that person will not be living with them in the home being purchased. Is a letter of explanation indicating this sufficient?**

Since the parties currently live together as a family unit, the income of the significant other must be included unless evidence to support they have been living apart for three months is obtained.

- **An applicant is separated from their spouse, however it is not a legal separation. What documentation would be required to exclude spouse's income from application?**

The income of the spouse must be included unless evidence to support they have been living apart for three months is obtained or court proceedings for divorce or legal separation have commenced.

- **An applicant has 2 children, sharing custody with an ex-spouse. Can the children be included as household members?**

Yes, applicants with shared custody may each include their child(ren) as household members and receive the \$480 dependent deduction per child.

- **Is a foster child considered a dependent, thus eligible for the \$480 dependent deduction?**

No, foster children are not considered permanent household members and are therefore not eligible dependents.

- **An applicant's fiancé will be occupying the subject property, but is not a party to the loan. The fiancé is not legal resident in the United States, therefore we are unable to obtain tax transcripts. What are our options?**

All Adult household members must have a Social Security Number, I-TIN number, or other identification to confirm they are legal U.S. residents. Tax transcripts are required to be obtained for all adult household members. If the required documentation cannot be obtained, the lender will be unable to submit a complete loan application.

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➤ **Is there a maximum length of a job gap that is allowed?**

No, there is no threshold or length of job gap specified in the Handbook. Approved lenders are responsible for analyzing any gaps in employment to determine stable and dependable income.

➤ **Do we need to request tax transcripts if we already have copies of the applicant's tax returns?**

Yes, the lender must request tax transcripts in all cases.

➤ **The lender requested tax transcripts on an adult household member, however the response from the IRS indicated no tax returns were filed. The household member is not required to file taxes based on his income level. Is this acceptable?**

Yes, the lender should retain the response from the IRS in their permanent loan file as documentation.

➤ **Chapter 9 of HB-1-3555 states that a one-year history of earning commission is required to be considered for repayment income. Is the one-year timeframe required to be from the same job?**

It is not required that the history of commission income is from the same job, but it must be from positions within the same line of work. It is the approved lender's responsibility to analyze the complete income history to determine if there is enough information to accurately calculate the income and determine the income to be stable and dependable.

➤ **Can social security income received on behalf of a minor be included for repayment income?**

Benefits received by the applicant on behalf of a minor may be utilized for repayment income as long as the income is received at the time of the loan application and it is confirmed to continue a minimum of three years into the mortgage.

➤ **The non-purchasing spouse receives social security income on behalf of a minor. Can this income be used for repayment purposes?**

If the income is paid solely to the non-purchasing spouse, it cannot be used in repayment income, even if it is deposited into a joint checking account.

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➤ **Can a recent raise in income be considered for repayment income?**

Increases in wages may be justified when the applicant's employment is stable and dependable, as determined by the lender. If the increase was significant due to a promotion with the same employer, then the underwriter has the discretion to justify the increase based on the applicant's employment stability.

➤ **An applicant receives non-taxable per diem reimbursements. Does this need to be included in income calculations?**

If the income is non-taxable, it is considered reimbursement and is not included in income calculations.

➤ **Is mileage reimbursement included in income?**

If the mileage income is taxable income, it should be included in annual income and may be considered for repayment income. If the income is non-taxable, it is considered reimbursement and is not included in income calculations.

➤ **An applicant finished college and began working at a job in the field of her degree for the past 2 months. Can this income be considered for repayment income?**

Yes, the one year required history may be met through a combination of employers, education, or military service. It is the approved lender's responsibility to analyze the complete income history to determine if there is enough information to accurately calculate the income and determine the income to be stable and dependable.

➤ **An applicant recently started a new job. Do they have to receive a paystub before we can submit the loan application?**

The lender must fully document the applicant's income, which includes payroll earning statements.

➤ **An applicant receives shift pay. Can this be included in repayment income?**

If there is at least a 12-month history of receipt, it may be considered for repayment income.

- **An applicant is in a new position, with less than 12 months of employment at the current job. The previous employment was in a different line of work, but verified history with no gaps. Is this acceptable?**

Changing lines of work does not automatically disqualify an applicant. The lender is responsible for analyzing the applicant's employment and income history to determine they have 12 months continuity, as well as to determine if the current income is stable and dependable.

- **An applicant has been on the current job for 6 months and is required to work mandatory overtime. Since the overtime is mandatory, can it be counted for repayment income?**

Even if the overtime is mandatory, a 12-month history of receipt is required to be considered for repayment income.

- **Is there a minimum history of receipt of child support to include the income for repayment purposes?**

Court ordered child support must be received for at least 6 months, or 12 months for voluntary child support. Payments received must be consistent.

- **Can tax-exempt income be grossed up?**

Yes, tax-exempt income can be grossed up 25% for repayment income purposes.

- **An adult household member is not employed. What documentation is required as verification?**

An adult member that is currently unemployed but is seeking new employment must have their previous earnings included in annual income. The previous earnings are not required to be included when there is documented evidence to support they are not seeking to be reemployed, such as a tendered resignation, official termination from previous employer, or a signed statement from the adult household member that they do not plan to pursue new employment.

## [Gifts \(HB-1-3555, Chapter 9\)](#)

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- **Who is considered an eligible gift donor?**

Gift funds may be received from any uninterested third party as long as the documentation requirements of Chapter 9 are met.

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➤ **Do gifts have to be from a related person?**

No, gift funds may be received from any uninterested third party as long as the documentation requirements of Chapter 9 are met.

➤ **Is a bank statement from the gift donor required?**

Yes, to properly source gift funds the lender must obtain a gift letter stating the funds do not have to be repaid and a bank statement from the donor as evidence of funds.

➤ **Can gift funds be used to pay off personal debt?**

Gift funds are considered to be the applicant's own funds, therefore they can be used to pay off personal debt.

➤ **A relative is serving as the buyer's real estate agent and would like to gift the commission received from the transaction to the buyer. Is this an allowable gift?**

Since the relative is serving as the real estate agent in the transaction, they are an interested party. Interested parties are not eligible gift donors. However, the commission could be provided as an interested party contribution if the total of all seller and other interested party contributions do not exceed 6% of the sales price and represent an eligible loan purpose.

➤ **Does USDA allow gift funds to be provided to the applicant at closing?**

Yes, gift funds can be provided at closing as long as they are properly documented and sourced by the lender.

➤ **Can a gift donor give the gift funds directly to the title company or is it required that the gift funds be deposited in the applicant's account?**

The gift funds can be provided directly to the title company, however the gift letter, a copy of the check/money order, and a bank statement showing the source of the funds is still required.

➤ **A relative would like to gift equity to the buyer. Are there any restrictions if the property is valued higher than the sales price?**

A gift of equity is allowable and should be reflected as a reduction of the sales price.

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➤ **Is cash from a home safe eligible gift donor funds?**

No, cash on hand is not an acceptable explanation for the source of funds.

## Liabilities ([HB-1-3555, Chapter 11](#))

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➤ **An applicant currently has student loans, however if she continues to work for her employer for the next 10 years, the student loans will be forgiven. Is a student loan payment required to be considered in this scenario?**

Yes, student loans in a forgiveness plan remain the legal responsibility of the applicant until they are released of liability from the creditor. The applicable student loan payment must be included in the applicant's monthly debts.

➤ **An applicant has student loan debt that is on an Income Based Repayment Plan and currently has a \$0 payment. Does the student loan still need to be included in monthly debts?**

Yes, student loans on an Income Based Repayment Plan must use the greater of one half (.50) percent of the outstanding balance or the current documented payment under the approved repayment plan.

➤ **An applicant has student loan debt that is currently in deferment. Does the student loan still need to be included as a liability?**

Yes, student loans in deferment must use the greater of one half (.50) percent of the outstanding balance or the current documented payment under the approved repayment plan.

➤ **An applicant is being relocated by their employer. The relocation company is taking over the responsibility of the current property, however the title and mortgage remain in the applicant's name. Does the debt for that property have to be counted in the applicant's qualifying ratios?**

Since the title and mortgage remain in applicant's name, the debt must be included until the property is sold.



- **An applicant is being relocated by their employer. The relocation company is taking over the responsibility of the current property, with the title and mortgage being transferred to the relocation company. Does the debt for that property have to be counted in the applicant's qualifying ratios?**

Since the mortgage debt and title have been transferred to the relocation company, the debt may be excluded.

- **Can an installment liability with less than 10 months of payments remaining be omitted?**

If the monthly payment does not exceed five percent of the monthly repayment income, the debt may be excluded.

- **Does the monthly maintenance fee for a timeshare need to be included as a liability?**

Yes, it is considered a long-term debt and may affect the applicant's ability to repay the loan.

- **An applicant is divorced, and the ex-spouse was given responsibility of a few credit cards and an installment loan, evidenced by the divorce documents. The debts are showing on applicant's credit report and are paid as agreed with no late payments. Can these debts be excluded?**

Co-signed obligations must be considered in the total debt ratio unless the applicant provides evidence another obligor has made the payment on time for the previous 12 months prior to loan application.

- **An applicant is self-employed, and the business pays for multiple debts that are on the personal credit report. Can these debts be excluded?**

Business debts reported on the applicant's personal credit report may be excluded from the debt ratio if the debt is paid through a business account and documentation is obtained to show the business paid the debts for the previous 12 months.

- **Do 401K loans need to be included as a liability?**

No, loans pledging personal assets, such as a 401k account, retirement funds, savings accounts, etc. do not require a payment to be included in the monthly debts.

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- **If an applicant has a child support liability, is it possible to reduce the applicant's monthly income by this expense as opposed to counting it as a liability?**

No, child support is a liability and it cannot be used to reduce the monthly income.

- **Does the payment on an authorized user account need to be included as a liability?**

If the applicant is solely an authorized user and have no legal liability to repay the debt, it may be omitted.

- **An applicant is self-reporting 3 utility bills on the credit report. Do these need to be included?**

No. Utility bills, even when self-reported on the credit report, are not required to be included as liabilities.

- **A co-signed debt has only been open for 7 months, however we have documentation the other party has made all payments. Can this debt be excluded?**

No, a full 12-month history showing another party is paying the debt is required to omit the payment.

## ***Lender Approval and Resources***

### Lender Approval ([HB-1-3555, Chapter 3](#))

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➤ **Can any lender process Guaranteed loans?**

Lenders must be approved by Rural Development to participate in the Guaranteed loan program.

➤ **Is there an application fee to become an approved lender?**

No, there is no application fee.

➤ **Where can I find information on how to become an approved lender?**

HB-1-3555, Chapter 3 provides detailed information on the lender approval process. Lenders can also contact [sfhgld.compliance@usda.gov](mailto:sfhgld.compliance@usda.gov) with any questions on how to become an approved lender.

➤ **Once a lender is approved, is there a requirement to recertify?**

The Agency will review the lender's eligibility on a two year basis and require the lender to recertify their status by submitting an updated Attachment 3-A, *Lender Approval Checklist*, with supporting documentation.

➤ **Is there a Rural Development contact to assist with questions on the lender approval process?**

Yes, questions on the lender approval process can be directed to [sfhgld.compliance@usda.gov](mailto:sfhgld.compliance@usda.gov).

### Resources

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➤ **How do I sign up for email notifications of program updates?**

You can sign up for our updates via GovDelivery using:  
<https://public.govdelivery.com/accounts/USDARD/subscriber/new>

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➤ **Where can I find HB-1-3555 which provides program guidelines?**

The Technical Handbook can be found at  
<http://www.rd.usda.gov/sites/default/files/hb-1-3555.pdf>

➤ **Who do I contact to find out current turn times for applications?**

Current turn times are posted on the SFH Guaranteed Lender page located at  
<https://www.rd.usda.gov/page/sfh-guaranteed-lender>

➤ **Who do I contact with questions on a file when the Conditional Commitment has been issued?**

File specific questions should be submitted to the Production Team that reviewed the loan. A list of Production Team contacts can be found at  
<https://www.rd.usda.gov/page/sfh-guaranteed-lender>

➤ **Who do I contact with general loan scenario and policy questions?**

Policy questions can be directed to [sfhgld.program@usda.gov](mailto:sfhgld.program@usda.gov).

➤ **Does Rural Development provide training?**

Yes, on-demand training is available on the Training and Resource Library Website found at <https://www.rd.usda.gov/page/usda-linc-training-resource-library>. In addition, requests for personalized group training can be made by contacting [sfhgld.lenderpartner@usda.gov](mailto:sfhgld.lenderpartner@usda.gov).

➤ **Who do I contact with loan servicing questions?**

Loan servicing questions can be directed to [sfhgldpservicing@usda.gov](mailto:sfhgldpservicing@usda.gov).