

VA 1, 2, 4

CERTIFICATE

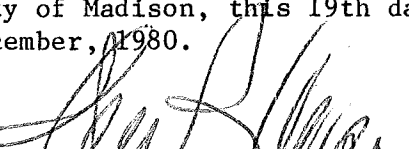
STATE OF WISCONSIN )  
 )SS  
DEPARTMENT OF VETERANS AFFAIRS)

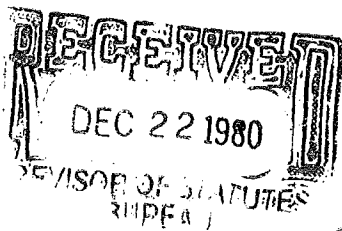
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John R. Moses, Secretary of the Department of Veterans Affairs and custodian of the official records of said department do hereby certify that the annexed rules and amendments, repeals and recreation of rules relating to rules concerning co-applicants for department loans and guarantors of department notes, substitution of courses by part-time study grant applicants, condominium requirements, income inclusion for housing loan analysis and elimination of the prohibition against housing loans on properties with mount-type septic systems, were duly approved and adopted by the Board of Veterans Affairs of the Department of Veterans Affairs on December 19, 1980.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seals of the Department of Veterans Affairs at 77 N. Dickinson St., in the city of Madison, this 19th day of December, 1980.

BY:   
JOHN R. MOSES, Secretary



3-1-81

ORDER OF THE  
DEPARTMENT OF VETERANS AFFAIRS  
REPEALING, AMENDING, REPEALING AND RECREATING RULES AND ADOPTING RULES

Relating to rules concerning co-applicants for department loans and guarantors of department notes, substitution of courses by part-time study grant applicants, condominium requirements, income inclusion for housing loan analysis and elimination of the prohibition against housing loans on properties with mound-type septic systems.

ANALYSIS PREPARED BY  
DEPARTMENT OF VETERANS AFFAIRS

1. VA 1.12(4) is repealed and recreated to permit the department to accept an economic assistance loan application from an unmarried veteran who is only able to readily obtain one guarantor. The present code provision requires that there be a total of three signers on all economic assistance loan notes and this has created hardships for a number of single veterans, especially those applying for educational loans. The recreated subsection also defines the term "separated" in response to a suggestion for the Wisconsin Legislative Council and makes it clear that the income of a veteran's spouse does not have to be included for the purpose of determining eligibility for a loan if the veteran and spouse are separated or in the process of obtaining a divorce.
2. VA 2.02(6) is amended to allow the department to reimburse a veteran for a part-time study course when the veteran has applied early in the semester for a particular course and later substitutes a different course but neglects to amend the application to show the substitution, if the substitute course qualifies for reimbursement under other department rules.
3. VA 4.03(5)(a) is amended to exempt duplex condominiums from the requirement that the declaration be recorded prior to the approval of the duplex condominium project by the department.
4. VA 4.03(5)(d) is repealed because it contains stricter provisions than s.703.15, Stats., concerning the conditions under which and the time period within which a declarant must relinquish control of a condominium to the unit owners association.
5. VA 4.03(9)(b) is amended to remove the prohibition against making department purchase or construction housing loans on properties with mound-type septic systems.
6. VA 4.05(5)(i) and (k) are amended to conform the department's code to the department's statutory classification as a special purpose creditor under the equal credit opportunity act, by deleting provisions which make it optional rather than mandatory to report child support payments or alimony or the income of a veteran's spouse.
7. VA 4.05(5)(m) is created to set forth the conditions precedent to the department's acceptance of income from foster care payments as regular and dependable for the purposes of s.45.71(9), Stats.

Pursuant to authority vested in the Department of Veterans Affairs by Sections 45.35(3) and 45.73(1), Stats., the Department of Veterans Affairs hereby repeals, amends, repeals and recreates and adopts rules interpreting ss.45.35(15), 45.351(2)(a) and (3), 45.396, 45.70(1), 45.71(9), 45.73(1), 45.79(2)(a), 45.79(5)(a)1., and 45.80, Stats., as follows:

SECTION 1. VA 1.12(4), Wis. Adm. Code, is repealed and recreated to read: (ss.45.35(15), 45.351(2)(a) and (3), 45.70(1), 45.79(2)(a) and 45.80, Stats.)

VA 1.12(4) Notwithstanding the provisions of subsections (1) to (3), if a veteran applicant is married and not separated or in the process of obtaining a divorce, such applicant's spouse shall be a co-applicant for any department loan and must complete and sign the loan application and all credit instruments required to be executed in conjunction with the loan. If a veteran applicant is separated or in the process of obtaining a divorce, such veteran's spouse shall not be required to be a co-applicant for a loan under s.45.351(2) or subchapter II of Chapter 45, Stats., and such spouse's income, assets and debts shall not be considered by the department. In order to be considered "separated" for the purposes of this subsection, a veteran and spouse must either be legally separated or must have been living in different dwellings for at least three months immediately next preceding the veteran's application for a loan. In order to be considered in the process of obtaining a divorce for the purposes of this subsection, a petition for a divorce of the veteran and spouse must have been filed with a court.

SECTION 2. VA 2.02(6) is amended to read: (45.396, Stats.)

VA 2.02(6) APPLICATION DEADLINE. To be approved an application must be received by the department prior to ~~satisfactory completion~~ the termination of the course for which application for reimbursement is made. Reimbursement will be made only if the student satisfactorily completes either the course listed on the application, or a substitute course offered by the same school in the same semester or other school term, which substitute course has not been satisfactorily completed by the date of the application and which otherwise meets the conditions of this section.

SECTION 3. VA 4.03(5)(a), Wis. Adm. Code, is amended to read: (ss.45.73(1), 45.79(5)(a)1., Stats.)

VA 4.03(5)(a) No condominium project, except a duplex condominium, shall be approved by the department unless a copy of the recorded declaration and any amendments thereto and a copy of the by-laws and articles of incorporation are on file with the department and have been accepted as complying with the department's requirements.

SECTION 4. VA 4.03(5)(d), Wis. Adm. Code, is repealed. (ss.45.73(1) and 45.79(5)(a)1., Stats.)

SECTION 5. VA 4.03(9)(b), Wis. Adm. Code, is amended to read: (ss.45.73(1) and 45.79(5)(a)1., Stats.)

VA 4.03(9)(b) Housing loans will not be approved for the purchase of or construction of housing accommodations on properties where the septic disposal systems are gas fired, or where chemical toilets are utilized. ~~or mound-type-septic-systems.~~

SECTION 6. VA 4.05(5)(i) and (k), Wis. Adm. Code, are amended to read: (ss.45.70(1) and 45.71(9), Stats.)

VA 4.05(5)(i) Child support payments, separate maintenance payments, or alimony may shall be considered as "income" to the extent that they are likely to be received consistently. ~~Applicants must be advised that income from such sources need not be revealed if they do not desire to have such income considered in conjunction with their applications for housing loans.~~

(k) The income of the co-applicant and part-time income of the applicant or co-applicant shall be evaluated by the same standards as the income ~~of the applicant and will be considered "income"~~ only if verified is receiving for regular work.

SECTION 7. VA 4.05(5)(m), Wis. Adm. Code, is created to read: (s.45.71(9), Stats.)

VA 4.05(5)(m) The annual income from payments received for foster care shall be computed by determining the number of months each child was cared for in the 12 months prior to the date of application, totalling the results, and multiplying the total by the monthly foster care rate in effect on the date of the application. Income from providing foster care to children shall be considered regular and dependable only if:

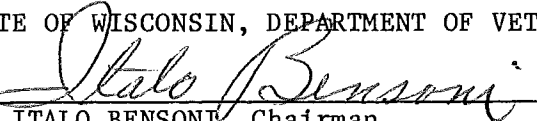
1. The applicant has provided foster care for at least 24 months immediately prior to the date of application,
2. The applicant, on the date of application, is receiving a monthly income from foster care of at least 1/12th of his annual income from foster care for the previous 12 months, and
3. The agencies from whom the applicant receives foster care payments verify the total amount of payments made to the applicant in the preceding 24 months, and verify that they are likely to continue making foster care placements with the applicant.

The rules, amendments, repeal and repeal and recreation contained in this order shall take effect as provided in Section 227,026(1)(intro.), Wis. Stats.

Date: December 19, 1980

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

BY:

  
ITALO BENSONI, Chairman  
Board of Veterans Affairs