

### **Expanded Home Loan Eligibility Based on Certain National Guard Service**

1. **Purpose:** The purpose of this Circular is to announce expanded eligibility for the Department of Veterans Affairs (VA) home loan benefits for certain members of the National Guard and to provide guidance on the process for obtaining a Certificate of Eligibility (COE).

2. **Background:** Section 2101 of Public Law 116-315, the “Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020”, amended 38 U.S.C. §§ 3701(b) and 3702(a) by expanding the definition of Veteran for purposes of VA home loan benefits. The expansion includes certain individuals who performed full-time National Guard duty, as that term is defined in 10 U.S.C. § 101.

3. **Impact:** Certain members of the Army National Guard of the United States or the Air National Guard of the United States are now eligible for VA home loan benefits. To be eligible, the member must have performed not less than 90 cumulative days of full-time National Guard duty, of which, at least 30 of those days must have been consecutive.<sup>1</sup>

Full-time National Guard duty includes training or other duty in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under 32 U.S.C. §§ 316, 502, 503, 504, or 505 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.<sup>2</sup>

Full-time National Guard duty does not include inactive duty, such as monthly drills. It also does not include basic or initial training.<sup>3</sup>

4. **Retroactive Applicability:** The Public Law also made the eligibility expansion retroactive to apply to current and former National Guard members, regardless of service dates, who meet the requirements set forth in paragraph 3.

5. **Certificates of Eligibility:** This Circular applies to COE applications received by VA on or after January 5, 2021. Applicants who may have been previously denied VA home loan benefits and now meet the requirements for eligibility are encouraged to reapply.

When submitting to VA a COE application (VA Form 26-1880), applicants can avoid COE processing delays by listing in block 9c any active duty time served under 32 U.S.C. §§ 316, 502, 503, 504, or 505. Applicants can also help avoid processing delays by providing copies of one or

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<sup>1</sup> 38 U.S.C. § 3701(b)(7)

<sup>2</sup> 10 U.S.C. § 101

<sup>3</sup> *Id.*

more of the following documents as evidence of the active duty time served under 32 U.S.C. §§ 316, 502, 503, 504 or 505:

- a. DD Form 214, Report of Separation, showing active duty dates, types of discharge, and the authority under which the applicant was called to serve.
- b. DD Form 220, Report of Active Service, accompanied by orders for the same period.
- c. For National Guard members still serving on active duty, a current Statement of Service which identifies the National Guard member by name and social security number, and provides: (1) the date of entry for the current active duty period, and (2) the duration of any time lost (or a statement noting there has been no lost time). The Statement of Service should also specify the authority under which the National Guard member was called to serve. Generally, this is a document written on military letterhead and signed by the Commanding Officer.
- d. A copy of the retirement point statements, or NGB 23 Form, National Guard Bureau Retirement Credits Record, which includes one or more periods in which the National Guard member served on active duty.
- e. Any other documents to support the activation may be submitted.

6. Paperwork Reduction Act: The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501-3520) and assigned OMB control number 2900-0086. In accordance with the Paperwork Reduction Act, VA may not conduct or sponsor, and a person is not required to respond, to a collection of information unless the collection displays a currently valid OMB control number.

7. Rescission: This Circular is rescinded April 1, 2024.

By Direction of the Under Secretary for Benefits

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