

U. S. Department of Housing and Urban Development
Atlanta Homeownership Center
40 Marietta Street
Atlanta, Georgia 30303-2806
(800) CALLFHA or (800) 225-5342



July 30, 2018

Mortgage Bankers Association of Puerto Rico
Dimas Rodriguez-Rosado, President
P.O. Box 192097
San Juan, PR 00919-2097

Dear Mr. Rodriguez:

This letter is in response to your correspondence of February 1, 2018. Your letter states that you are presenting your legal opinion regarding the following question: Is it acceptable to omit the obligation of a non-borrowing spouse in Puerto Rico if there is a prenuptial agreement in place? Your letter further states the following, *"We find that it would be acceptable to omit the obligations of a non-borrowing spouse in Puerto Rico wherever a valid prenuptial agreement establishing a matrimonial regime other than community property is in place."*

Sections II.A.4.b.iv.(F) and II.A.5.a.iv.(E) of the Single Family Policy Handbook 4000.1 state, if the Borrower resides in a community property state or the property being insured is located in a community property state, debts of the non-borrowing spouse must be included in the Borrower's qualifying ratios, except for obligations specifically excluded by state law. If a lender chooses to omit such non-borrowing spouse's debt, they will need to be able to demonstrate to HUD's satisfaction that such an exclusion is provided by state law. Lenders may wish to consult with their legal counsel to secure direction on the manner in which to proceed for such exclusion.

If you require additional information or have questions related to this letter, please contact Valerie D. Williams at (678) 732-2741.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Daniel Rogers, III".

N. Daniel Rogers, III
Atlanta Homeownership Center
Director