

OVERVIEW

An electronic signature (“e-signature”) is an electronic process that indicates acceptance of and intent to sign an agreement or form. The federal Electronic Signatures in Global and National Commerce Act (“ESIGN”) and the Ohio Uniform Electronic Transaction Act set forth in Ohio Revised Code Sections 1306.01 to 1306.23 (“UETA”) establish requirements for the permissible use of e- signatures. Compliance with ESIGN and UETA is designed to ensure the validity and enforceability of a transaction involving records signed electronically with an e-signature, notwithstanding that the signature is provided in electronic format.

POLICY

In connection with the Homeownership Program, the Ohio Housing Finance Agency (“OHFA”) will accept e-signatures on the Eligible Program Documents listed below, subject to all requirements set forth by UETA, ESIGN,

U.S. Bank Home Mortgage (“USBHM”) and, as applicable, Fannie Mae, Freddie Mac, FHA, VA and USDA-Rural Development. The use by Participating Lenders of e-signatures for Program Documents is, at this time, voluntary.

ELIGIBLE PROGRAM DOCUMENTS

The following Homeownership Program Documents are eligible for e-signature:

- Income Certification
- Notice of Recapture
- US Bank Information Authorization form
- Tax returns requiring signatures
- Any letters of explanation conditioned to be signed at closing

The following documents are Affidavits and can only be signed electronically if they are also notarized electronically. If e-notary is not available the following Affidavits must be wet signed in the presence of a notary:

- Borrower Initial Affidavit
- Borrower Closing Affidavit
- Seller Affidavit
- FHA/VA Notice to Buyers
- Down Payment Assistance Second Mortgage Loan Application
- Zero Income Affidavit

INELIGIBLE PROGRAM DOCUMENTS

The following Program Documents are ineligible for e-signature:

- Tax-Exempt Financing Rider
- Second Promissory Note
- Second Mortgage

ELIGIBLE LOAN PRODUCTS

Eligible for all loan products offered by OHFA. The above pertains only to OHFA documents. Lenders must follow US Bank requirements for first mortgage documentation.



PARTICIPATING LENDER APPROVAL PROCESS

To submit Eligible Program Documents signed by e-signature, Participating Lenders must complete the following steps for approval:

1. Go to USBHM website, www.hfa.usbank.com, scroll to "Enjoy Housing Finance Agency Services, Learn More". Once redirected to Allregs site, go to HFA Division Lending Guide > Section 1180 > 1180.1 Lender Approval Request for Esignature. Complete the form and submit as directed.
2. Once approved by USBHM, the Participating Lender is required to execute OHFA's Lender Certification for Use of E-Signatures (Appendix A).
3. An executed Appendix A and a copy of USBHM's approval letter must be submitted to OHFA's Homeownership Department at LenderInfo@ohiohome.org.
4. OHFA will notify the Participating Lender of its approval by email.
5. Participating Lenders must comply with annual recertification requirements of both USBHM and OHFA to continue submitting eligible Program Documents signed by e-signature. The Lender Recertification Form (Appendix B) must be completed and submitted to OHFA's Homeownership Department at LenderInfo@ohiohome.org no later than February 15th of each year.

APPENDIX A

LENDER CERTIFICATION FOR USE OF ELECTRONIC SIGNATURES

The Ohio Housing Finance Agency ("OHFA") permits Lenders to submit certain eligible documents ("Program Documents") signed by electronic signature ("e-signature") to OHFA in connection with the OHFA Homeownership Program. To be eligible to submit Program Documents signed by e-signatures, the undersigned Lender ("Lender") agrees to comply with the Electronic Signatures in Global and National Commerce Act ("ESIGN") and the Uniform Electronic Transactions Act as adopted by Ohio, together with the requirements set forth below.

By its acknowledgment below, the Lender hereby certifies and agrees as follows:

- Lender has been approved by U.S. Bank Home Mortgage ("USBHM") to submit loans for purchase by USBHM, which are signed by e-signatures. **Such Approval is attached hereto.**
- Lender has a process in place to assure that parties executing Program Documents by esignatures intend to sign as such in all sections of the Program Documents requiring a signature.
- Lender has a process in place to assure that parties to the transaction consented to do business with Lender electronically, have not withdrawn such consent, and such parties have received all necessary disclosures under federal and Ohio state law.
- All e-signatures associated with the Program Documents submitted by Lender will be properly attributed, authenticated and authorized as required by federal and Ohio state law.
- Lender has established a records retention policy to ensure Program Documents signed with e-signatures are capable of retention and accurate reproduction for reference by all parties, including OHFA, or persons entitled to retain such Program Documents.
- Lender has established prudent, sound and responsible business practices, operating policies and procedures regarding the use of e-signatures in connection with the origination of residential mortgage loans, including limiting access to e-signature programs and delivery systems to only specified authorized persons.
- OHFA is entitled to rely on any transmission, transfer, or communication from Lender to be an authorized act of Lender.
- Lender uses the third party e-signature vendor ("Vendor") identified below in connection with the use of e-signatures and Lender's delivery of Program Documents to OHFA. Lender has verified that the Vendor uses reliable commercially established and validated ESIGN compliant technology.
- With respect to the submission of Program Documents signed by e-signatures, Lender represents and warrants (which representation and warranty shall apply to each individual submission of a Program Document at the time of such submission) to OHFA that all such e-signatures are enforceable and comply with all applicable laws and requirements, including, without limitation, the requirements of ESIGN, UETA, USBHM, Fannie Mae and Freddie Mac (for Conventional loans), FHA (for FHA loans), VA (for VA loans) and USDA Rural Development (for RD loans) first mortgage loans and Homebuyer Assistance (HBA) second mortgage loans.



- Lender intends that all e-signatures of its employees, agents, and/or representatives are the legally binding equivalent of traditional hand-written signatures.
- Lender has established internal quality procedures to ensure compliance with E-SIGN and UETA requirements.
- Lender shall, no later than February 15th of each year, re-certify to OHFA compliance by completing the Lender Recertification Form (Appendix B). A completed Appendix B shall be submitted to OHFA's Homeownership Department at LenderInfo@ohiohome.org.

Software Vendor used by Lender: _____

Lender Name: _____

Authorized Signature: _____ Date: _____

Name and Title: _____

Please submit this completed certification along with the USBHM approval letter to OHFA's Homeownership Department at LenderInfo@ohiohome.org.



APPENDIX B
LENDER ANNUAL RECERTIFICATION FOR USE OF ELECTRONIC SIGNATURES

In connection with OHFA's Electronic Signature ("e-signature") Policy, all Lenders must satisfy the following criteria on an annual basis to continue the use of e-signatures for eligible Program Documents. ***The recertification completion deadline is February 15th of each year.***

- 1. Lender is currently in good standing with U.S. Bank Home Mortgage ("USBHM") and has completed the most recent recertification requirements.

Yes No

- 2. There has been no change with the third party e-signature software vendor.

Software Vendor Name: _____

- 3. Lender maintains prudent, sound and responsible business practices, operating policies and procedures regarding the use of e-signatures in connection with the origination of residential mortgage loans, including limiting access to e-signature software and delivery systems to only specified authorized persons.

Yes No

If a change has occurred with the third party e-signature software vendor, Lender is required to immediately notify USBHM and provide OHFA with an updated USBHM approval letter no later than March 15th to continue the use of e-signatures.

Lender Name: _____

Authorized Signature: _____ Date: _____

Name and Title: _____

Please submit this completed certification along with the USBHM approval letter to OHFA's Homeownership Department at LenderInfo@ohiohome.org.