



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 programs administered by the Office of Multifamily Housing, 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, and, as applicable, Fannie Mae, Freddie Mac, FHA, VA and USDA-Rural Development. The use by Project Sponsors and Partners of e-signatures for Eligible Program Documents is, at this time, voluntary.

Eligible Program Documents

Development Forms

Funding Documents

- Binding Reservation Agreement and amendments
- Carryover Allocation Agreement and amendments
- 42m Letter
- Funding Agreement and amendments

Funding Documents

- Request for Payment form
- HDAP Final Performance Report
- Owner’s Cost Certification
- Contractor’s Cost Certification

Asset Management Forms

All of the documents related to asset management can be found on the [OHFA Asset Management and Project Changes web page](#).

Required Compliance Forms

All of the required documents related to compliance can be found on the [OHFA Compliance Forms web page](#).

Other Documents

Other documents provided to OHFA by project sponsors and partners as part of OHFA’s on-going compliance efforts may be electronic or contain e-signatures. Those documents must meet applicable ESIGN and UETA requirements to be accepted by OHFA. OHFA will also accept electronic documents that are expressly permitted under applicable [HUD guidance](#).



Project Sponsors and Partners Approval Process

To submit Eligible Program Documents with an e-signature, project sponsors and partners must receive initial approval from OHFA, and recertification on an annual basis thereafter.

Initial approval:

Complete and submit the Partner Certification for Use of Electronic Signatures (Appendix A) of this document to the OHFA e-signature mailbox at mfesignature@ohiohome.org. OHFA will notify the project sponsor and partner of its approval by email.

Annual recertification:

Participating project sponsors and partners must comply with annual recertification requirements of OHFA to continue submitting Eligible Program Documents with an e-signature. The Partner Recertification Form (Appendix B) must be completed and submitted to the OHFA e-signature mailbox at mfesignature@ohiohome.org no later than February 15 of each year.

List of Projects

The List of Projects table on page 6 must be filled out and submitted at both initial approval and annual recertification.



Appendix A
Partner Certification for Use of Electronic Signatures

The Ohio Housing Finance Agency (“OHFA”) permits project sponsors and partners to submit certain eligible documents (“Program Documents”) signed by electronic signature (“e-signature”) to OHFA in connection with OHFA’s Office of Multifamily Housing programs. To be eligible to submit Program Documents with e-signatures, the undersigned project sponsor and partner agrees to comply with the Electronic Signatures in Global and National Commerce Act (“ESIGN”) and the Uniform Electronic Transactions Act (“UETA”) as adopted by Ohio, together with the requirements set forth below.

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

- Partner has a process in place to assure that parties executing Program Documents by e-signatures intend to sign as such in all sections of the Program Documents requiring a signature.
- Partner has a process in place to assure that parties to the transaction consented to do business with Partner 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 Partner will be properly attributed, authenticated and authorized as required by federal and Ohio state law.
- Partner 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.
- Partner has established prudent, sound and responsible business practices, operating policies and procedures regarding the use of e-signatures in connection with the submission of the forms required, 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 Partner to be an authorized act of Partner.
- Partner uses the third party e-signature vendor (“Vendor”) identified below in connection with the use of e-signatures and Partner’s delivery of Program Documents to OHFA. Partner has verified that the Vendor uses reliable, commercially established and validated ESIGN-compliant technology.

◆ Software Vendor used by Partner: _____



- With respect to the submission of Program Documents signed with e-signatures, Partner 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 and UETA.
- Partner intends that all e-signatures of its employees, agents, and/or representatives are the legally binding equivalent of traditional hand-written signatures.
- Partner has established internal quality procedures to ensure compliance with ESIGN and UETA requirements.

Partner Name: _____

Authorized Signature: _____ Date: _____

Name and Title: _____



**Appendix B
Partner Recertification for Use of Electronic Signatures**

In connection with OHFA’s Electronic Signature (“e-signature”) Policy, all Sponsors and Partners must certify that they meet the following criteria no later than February 15 of each year following the year of initial approval in order to continue the use of e-signatures on Eligible Program Documents.

1. Partner is currently in good standing with OHFA.
 Yes No
2. There has been no change with the third party e-signature software vendor.

Software Vendor Name: _____

3. Partner 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, Partner is required to immediately notify OHFA or at least within thirty (30) days of such change in order to continue the use of e-signatures.

Partner Name: _____

Authorized Signature: _____ Date: _____

Name and Title: _____

