TO: Participating Lenders  
FROM: NIFA Homeownership Team  
DATE: February 13, 2019  
SUBJECT: Update #19-09, e-Signature Policy Update  

NIFA is excited to announce updates to our current e-Signature policy. We have expanded the list of eligible program documents to align with US Bank Home Mortgage Lender Announcement L-2018-077 – eSign Acceptance Enhancements.

If your organization has not submitted for approval to use e-Signatures on NIFA program documents, please see the pages following to view the requirements and documents necessary for approval.

If your organization has e-Signature approval, but you have not submitted your recertification, please see the pages following to view the document necessary for submission.

Email all requests for e-Signature approval or recertification to the NIFA Homeownership Team at homeownership@nifa.org.

If you have any questions, please let us know.
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 Nebraska Uniform Electronic Transaction Act (“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 Nebraska Investment Finance Authority (“NIFA”) 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:

Application Documents:

- Household Verification Affidavit (Form A)
- Initial Recapture Tax Notice (Form D)
- Homebuyer Assistance (HBA) Notice to Borrower (Form F)
- Qualified Veteran Worksheet (Form I)

Borrower Affidavits:

- Business Usage (Affidavit 1)
- Acquisition Cost of Residence (Affidavit 2)
- Non-Occupying Spouse (Affidavit 3-1)
- Borrower’s Affidavit on Non-Occupying Spouse (Affidavit 3-2)
- Profit or Loss Statement (Affidavit 4)
- Borrower Letter of Explanation (Affidavit 5)
Electronically Signature Policy

Closing Documents:

- Borrower’s Affidavit (Form B)
- Certificate of Seller (Form C)
- Final Recapture Tax Notice (Form D)
- Borrower Acknowledgement Letter (Form J)

Ineligible Program Documents

The following Program Documents are ineligible for e-signature:

- Tax-Exempt Financing Rider/FHA (Form E-1)
- Tax-Exempt Financing Rider/VA (Form E-2)
- Tax-Exempt Financing Rider/Conventional & RD (Form E-3)
- HBA Second Promissory Note (Form G)
- HBA Second Deed of Trust (Form H)

Eligible Loan Products

Includes FHA, USDA Rural Development, VA and Conventional first mortgage loans and Homebuyer Assistance (HBA) second mortgage loans.
Participating Lender Approval Process

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

1. Contact the USBHM lender help desk to request a lender approval package for e-signatures by phone at 800.562.5165, option 2 or by email at hfa.programs@usbank.com. USBHM will notify the Participating Lender in writing once approved.

2. Once approved by USBHM, the Participating Lender is required to execute NIFA’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 NIFA’s Homeownership Department at homeownership@nifa.org. NIFA will notify the Participating Lender of its approval by email.

4. Participating Lenders must comply with annual recertification requirements of both USBHM and NIFA to continue submitting eligible Program Documents signed by e-signature. The Lender Recertification Form (Appendix B) must be completed and submitted to NIFA’s Homeownership Department at homeownership@nifa.org no later than February 15th of each year.
HOMEOWNERSHIP PROGRAM
Appendix A Lender Certification for Use of Electronic Signatures

The Nebraska Investment Finance Authority ("NIFA") permits Lenders to submit certain eligible documents ("Program Documents") signed by electronic signature ("e-signature") to NIFA in connection with the NIFA 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 Nebraska, 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 e-signatures 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 Nebraska 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 Nebraska 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 NIFA, 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.
- NIFA 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 NIFA. Lender has verified that the Vendor uses reliable commercially established and validated ESIGNcompliant technology.
HOMEOWNERSHIP PROGRAM

Appendix A Lender Certification for Use of Electronic Signatures

• 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 NIFA 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 ESIGN and UETA requirements.

• Lender shall, no later than February 15th of each year, re-certify to NIFA compliance by completing the Lender Recertification Form (Appendix B). A completed Appendix B shall be submitted to NIFA’s Homeownership Department at homeownership@nifa.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 NIFA’s Homeownership Department at homeownership@nifa.org.
HOMEOWNERSHIP PROGRAM

Appendix B Lender Recertification for Use of Electronic Signatures

In connection with NIFA’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 NIFA 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 recertification along with the USBHM approval letter to NIFA’s Homeownership Department at homeownership@nifa.org.
Correspondent Lending and Housing Finance Agency (HFA) Update

Correspondent Lenders: Throughout the year, you’ve heard us talk about the steps that we are taking to make doing business with us easier, and more cost efficient. With a keen eye on operational processes, we are pleased to announce that effective immediately, for lenders that have completed the eSign approval process, U.S. Bank will accept electronic signatures on all documents, including the consummation Closing Disclosure (CD), with the following exceptions:

- Original Note(s)
- Documents requiring notarization
- Documents executed with a Power of Attorney (POA) and/or Trust
- IRS Form 4506-T

Electronic Signature Compliance and Lender Approval

For lenders who are not yet approved for eSignatures, please refer to the Lender Approval Request for e-Signature document located in our guides (Section 1180: Exhibits, Forms and Checklists.) This form lists the required information to provide to U.S. Bank.

Please refer to the Correspondent Seller and HFA Lending Guides for complete details.

In conjunction with Fannie Mae and Freddie Mac’s confirmation regarding the origination and delivery deadlines associated with Fannie Mae’s DU Refi Plus and Freddie Mac’s Relief Refinance Open Access mortgage, please note the following U.S. Bank origination and delivery deadlines for these loans:

- Applications must be taken no later than December 31, 2018
- The last day to lock is February 1, 2019
- Extensions and relocks will not be granted beyond April 1, 2019
- Loans must be delivered to U.S. Bank no later than April 1, 2019

Questions

Correspondent Lenders: Please contact your Account Executive or the Client Support Area at 800.200.5881, option 1.

HFA: Please contact the Housing Finance Agency Hotline at 800.562.5165, option 1 for the HFA Customer Care Team.

U.S. Bank appreciates your continued partnership.