

Best Practices for Electronic Submission of Legal Documents Concerning Applications for Full Insurance Benefits - Assignment of Multifamily and Healthcare During the COVID-19 Pandemic Emergency

The HUD Headquarters building has been closed during the COVID-19 national emergency. As a result, HUD Counsel must rely on electronic submission of legal documents in lieu of hard copies in reviewing legal documents supporting FHA multifamily and healthcare mortgage insurance claims. The below Best Practices are designed to ease the transition to electronic review. HUD Counsel may have difficulty reviewing legal packages if the electronic submission does not adhere to the guidelines set forth herein. **Failure to adhere to the following guidelines could result in delaying the efficient review of submitted documents:**

- 1) All electronic documents submitted to HUD Counsel should be submitted in Portable Document Format (“PDF”) format. Other formats may be considered on a case-by-case basis at the discretion of HUD Counsel.
- 2) Documents should appear identical to hardcopy versions when viewed on screen (i.e. appearance and hardcopy format must not change).
- 3) Submitted packages should maintain a Table of Contents (TOC) displaying an itemized list of each individual document submitted for HUD Counsel review. The TOC should be updated to reflect documents that were added, removed, or altered if the current TOC does not reflect the final iteration of documents.
- 4) Each document should be submitted as its own file. Each electronic file should be named to correspond to a document listed on Exhibit A-Sample Checklist to the HUD Legal Instructions available at <https://www.hud.gov/sites/documents/leginstrfullinsben.pdf>.
 - a. **EXAMPLE:** For instance, the Note PDF should be name “Note.” Lender’s counsel should **not** scan the entire package and submit it as one PDF. An acceptable practice would be to scan each individual document and submit a folder, zip file, or link containing all the documents, each as an individual PDF.
- 5) Special care should be given to ensure the electronic files are easily identifiable (as discussed above) and do not require excessive searching and scrolling. Searchable files are strongly encouraged.
- 6) If applicable, special attention must be given to ensure the legibility of all documents and other over-sized documents which may prove difficult to review on a computer monitor.
- 7) OGC will accept electronically transmitted documents in various means provided the transmitter can provide assurances as to the security of the transmission. The electronic submission must be accessible by all HUD reviewers.
- 8) The electronic submission should include a signed certification evidencing the FHA lender’s agreement to provide the original legal documents once normal operations resume and that hard copy set fully conforms to the electronic versions submitted to HUD Counsel.