

Program Participant's Use Agreement Regarding Electronic Data Submissions for HUD Programs

The U.S. Department of Housing and Urban Development (HUD) and the Program Participant intend that all electronic submissions of required Program Participant information to HUD shall be legally binding, valid, and enforceable. Rights and obligations that existed with respect to the Program Participant's required submission of information prior to the adoption of electronic data submission procedures are not invalid as a result of an electronic submission of that information.

The use of identification numbers and passwords attributable to the Program participant or any person acting or authorized to act on behalf of the Program Participant shall have the same legal effect as a traditional handwritten signature by or on behalf of the Program Participant. Any information electronically submitted to HUD pursuant to the electronic data submission procedures shall be considered to be writing or "in writing" and shall also be deemed for all purposes to have been "signed" by the person to whom the identification number and password pertain.

The Program Participant agrees to use security procedures and safeguards to ensure that all submissions of information identifiable by or on behalf of the Program participant are authorized, and to protect the Internet-based system, data, identification numbers, and passwords from improper access. The Program Participant shall be liable for unauthorized access to the Internet-based system caused through its act or neglect.

The Program participant agrees not to contest the validity or enforceability of information electronically received by HUD under the provisions of any applicable law relating to whether certain documents are to be in writing or signed by the party it is to be enforced against. Any electronically submitted information introduced as evidence in any judicial, arbitration, mediation, or administrative proceeding shall be admissible as between the parties to the same extent and under the same conditions as other business records originated and maintained in documentary form.

The Program Participant certifies that all statements and representations contained in all electronic submissions to HUD made by or on behalf of the Program Participant are true, accurate, and complete to the best of its knowledge and belief. The Program Participant acknowledges that the foregoing certification shall be deemed to be incorporated by reference in all electronic submissions to HUD made by or on behalf of the Program Participant.

The Program Participant further certifies that the Program Participant has read the Warnings set forth below and that the Program Participant is duly authorized to accept and by virtue of its use of HUD's electronic data submission systems and associated identification numbers has accepted this use agreement regarding electronic data submissions to HUD.