

VIII. SAMPLE LOAN ENROLLMENT APPLICATIONS, CERTIFICATIONS & FORMS

Samples of forms required by CalCAP are provided in this Chapter for quick reference. Lenders should refer to the CalCAP website to download the most current forms:

 <http://www.treasurer.ca.gov/cpcfca/calcap/sb/index.asp>

1. CalCAP Program Loan Enrollment Application

<p>CALIFORNIA CAPITAL ACCESS PROGRAM California Pollution Control Financing Authority CalCAP@treasurer.ca.gov (916) 654-5610</p>	<p>Mailing Address: P.O. Box 942809 Sacramento, CA 94209-0001 Fax (916) 589-2805</p>				
<p>CalCAP LOAN ENROLLMENT APPLICATION</p>	<table border="1" style="border-collapse: collapse; width: 100%;"> <tr> <td style="width: 50%; padding: 5px;">CalCAP Use Only</td> <td style="width: 50%; padding: 5px;">CalCAP Loan #</td> </tr> <tr> <td style="padding: 5px;"></td> <td style="padding: 5px;">Date Received</td> </tr> </table>	CalCAP Use Only	CalCAP Loan #		Date Received
CalCAP Use Only	CalCAP Loan #				
	Date Received				
<p><u>Lender Information</u></p> <p>Participating Lender _____ Lender ID# _____ Loan Contact Name _____ Contact Phone _____ Loan Contact Email _____</p>					
<p><u>Borrower Information</u></p> <p>Name _____ DBA _____ Address _____ City _____ County _____ Zip _____ Type of Business/Activities _____ What year was the business incorporated or opened? _____ Annual Revenues Last Fiscal Year \$ _____ Average Annual Revenue Last 3 Years \$ _____ Number of Employees _____ Number of Full Time Equivalents _____ Jobs created _____ Jobs retained _____ Is business located in a Severely Affected Community? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, select reason: <input type="checkbox"/> City <input type="checkbox"/> Unincorporated <input type="checkbox"/> County if City Not Listed <input type="checkbox"/> Other: _____ Will loan monies be used at above address? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, location where loan will be used: Address _____ City _____ County _____ Zip _____ NAICS Code _____ Census Tract # _____ http://www.census.gov/eos/www/naics/ http://www.fdic.gov/Geocode/default.aspx Purpose of Loan _____ Is business minority owned? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decline to Answer Is business woman owned? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decline to Answer Is business veteran owned? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decline to Answer</p>					
<p><u>Loan Information</u></p> <p>Is this loan enrolled in any other government guarantee program? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, name the program: _____ What percent of loan is enrolled in other program? _____% What percentage of loan is being enrolled in CalCAP? _____% Lender Loan Number _____ Type of Loan: <input type="checkbox"/> Line of Credit <input type="checkbox"/> Term Loan Total Loan Amount \$ _____ Loan Amount Enrolled in CalCAP \$ _____ Date of First Disbursement (Date of Loan) _____ Maturity Date _____ Interest Rate _____% <input type="checkbox"/> Fixed <input type="checkbox"/> Variable Is the loan secured? <input type="checkbox"/> Yes <input type="checkbox"/> No Is this loan a restructure of a prior CalCAP Loan? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide the CalCAP Loan # _____ Remaining balance on loan being restructured: \$ _____ Amount of increase requested: \$ _____ Borrower Fee \$ _____ % Lender Fee \$ _____ % Is an Independent Contributor being used to pay the fees? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Name of Contributor Program _____</p>					

When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805

Revised August 15, 2017

2. CalCAP Program Lender Certification

<p>CALIFORNIA CAPITAL ACCESS PROGRAM California Pollution Control Financing Authority CalCAP@treasurer.ca.gov (916) 654-5610</p>	<p>Mailing Address: P.O. Box 942809 Sacramento, CA 94209-0001 Fax (916) 589-2805</p>																									
<p>_____</p> <p>Borrower Name</p>	<p>_____</p> <p>Lender Loan Number</p>																									
<p>LENDER CERTIFICATION</p>																										
<p>Enrolling a loan in CalCAP for Small Business requires the Participating Financial Institution to certify to each of the following program rules and requirements.</p>																										
<p>* All capitalized terms are defined in 4 CCR §8070 of the California Code of Regulations.</p>																										
<ol style="list-style-type: none"> 1) The loan is a Qualified Loan as defined in 4 CCR §8070(u) of the California Code of Regulations. 2) The business receiving the Qualified Loan is a Qualified Business, as defined in 4 CCR §8070(t) of the California Code of Regulations. 3) The Qualified Loan is for a business activity that has its Primary Economic Effect in California as defined in 4 CCR §8070(q) of the CPCFA Regulations. 4) The Participating Financial Institution will provide information from financial records of the Borrower upon request of the Executive Director of the CPCFA, and the Participating Financial Institution has obtained the consent of the Borrower to such disclosure. 5) The Participating Financial Institution has obtained a written representation from the Borrower that the Borrower has no legal, beneficial or equitable, interest in the Fees or the Contribution. 6) The enrolled amount of the loan does not exceed \$2,500,000. 7) The Participating Financial Institution has notified the Borrower if the Participating Financial Institution's share of the Fees for the Qualified Loan has been paid by the Borrower. 8) The Participating Financial Institution acknowledges that its lending activities are subject to safety and soundness standards as set forth in any applicable federal banking regulations. 9) The Participating Financial Institution has validated that the Borrower has secured or made application for all applicable licenses or permits needed to conduct its business. 10) The Participating Financial Institution has not, and will not, enroll any portion of the same loan in any other government program substantially similar to the Program. 11) The loan is not a refinance of a loan previously made to that borrower by the lender or an affiliate of the lender and not enrolled in the program. 12) If the loan includes the purchase of commercial real estate, the business will occupy at least 51 percent of the space in an existing building and at least 67 percent of the space in a newly constructed building. 13) The Borrower has received the CPCFA/CalCAP Privacy Notice. 14) The Participating Financial Institution will make available to the Authority all records related to the use of the funds in the Loss Reserve Account. 																										
<p>By signing below and enrolling this loan the Participating Financial Institution certifies, based in part on information provided by the Borrower, that each of the above assurances is true and accurate.</p>																										
<p>_____</p> <p>Authorized Lender Signature</p>	<p>_____</p> <p>Title</p>																									
<p>_____</p> <p>Printed Name of Authorized Signer</p>	<p>_____</p> <p>Date</p>																									
<p>California Pollution Control Financing Authority Use Only</p>																										
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<p>When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805</p>																										
<p><i>Revised August 15, 2017</i></p>																										

3. CalCAP Borrower's Agreement to Pay Lender's Fees

CALIFORNIA CAPITAL ACCESS PROGRAM
 California Pollution Control Financing Authority
 Office Location: 801 Capitol Mall, 2nd Floor
 Sacramento, CA 95814
 Telephone (916) 654-5610

Mailing Address: P.O. Box 942809
 Sacramento, CA 94209-0001
CalCAP@treasurer.ca.gov
 Fax (916) 589-2805

CalCAP BORROWER'S AGREEMENT TO PAY LENDER'S FEES

Lender Loan #	<input type="text"/>	Total amount enrolled in CalCAP or advance for this transaction	<input type="text"/>	
	Lender Fee	\$ <input type="text"/>	% <input type="text"/>	*Note: The Lender and Borrower Fees must match.
	Borrower Fee	\$ <input type="text"/>	% <input type="text"/>	
	Total Fees to be paid to CalCAP	\$ <input type="text"/>	% <input type="text"/>	
Total Fees to be paid by the Borrower		\$ <input type="text"/>	% <input type="text"/>	

Pursuant to 4 CCR §8072(c)(22), the Borrower hereby acknowledges and agrees to pay their fee as well as the Lender's fee for the aforementioned loan.

Borrower's Name

Business Name

Borrower Signature

Date

Please submit with Loan Enrollment Application to CalCAP@treasurer.ca.gov

Revised August 15, 2017

4. CalCAP Program Borrower Certification

(1 of 2 pages)

BORROWER CERTIFICATION FOR SMALL BUSINESS LOAN ENROLLMENTS

Your loan is being enrolled in the California Capital Access Program (CalCAP). You are the "Borrower".
By signing this document below, you certify to the following:

- Borrower is a small business concern as defined in 4 CCR §8070(t) of the California Code of Regulations which state:
*(t) "Qualified Business" and "Small Business Concern" means a business as set forth in Health and Safety Code Section 44559.1 subdivision (i) and (m), that is not dominant in its field of operation, and that together with affiliates, has 500 or fewer employees. * (l) "Qualified business" means a small business concern that meets both of the following criteria, regardless of whether the small business concern has operations that affect the environment:*
(1) It is a corporation, partnership, cooperative, or other entity, whether that entity is a nonprofit entity or an entity established for profit that is authorized to conduct business in the state.
(2) It has its primary business location within the boundaries of the state.
(m) "Small business concern" has the same meaning as in Section 632 of Title 15 of the United States Code, or as otherwise provided in regulations of the authority.
- "Primary business location in California" as defined in 4 CCR §8070(o) of the California Code of Regulations means that a business will be deemed to be located in California if either:
(1) a majority of the employees of the business are located in California; or
(2) the Executive Director determines that the Primary business location is in California by finding that the average of the "Payroll Factor" as defined in Revenue and Taxation Code Section 25132, the "Income Factor" as defined in Revenue and Taxation Code Section 25128, and the "Sales Factor" as defined in Revenue and Taxation Code Section 25134 is greater than 50 percent.
- Borrower obtained a loan that is for a business activity that has its primary economic effect in California as defined in 4 CCR §8070(q) of the California Code of Regulations which state:
(q) "Primary economic effect in California" means, as applied to a business activity, that either of the following conditions exists:
At least 51 percent of the total revenues of the business activity are generated in California; or
At least 51 percent of the total jobs of the business activity are created or retained in California.
- The loan proceeds will be used for a business activity permitted under 4 CCR §8070(u) of the California Code of Regulations which state:
(u) "Qualified Loan" means a loan or a portion of a loan made by a Participating Financial Institution to a Qualified Business for any business activity that has its Primary economic effect in California. A Qualified Loan may be made in the form of a line of credit, in which case the Participating Financial Institution shall specify the amount of the line of credit to be covered under the Program, which may be equal to the maximum commitment under the line of credit or an amount that is less than the maximum commitment. "Qualified Loan" does not include any of the following:
(1) A loan for the construction or purchase of residential housing.
(2) A loan to finance Passive Real Estate Ownership.
(3) A loan for the Refinancing of debt already held by the Participating Financial Institution other than a prior Qualified Loan enrolled under the Program, except to the extent of any increase in the outstanding balance.
(4) A loan, the proceeds of which will be used
(A) to provide any of the following businesses or facilities, regardless of the source of funds used for the Authority's Contribution:
(i) massage parlor, sauna or hot tub facility, racetrack, facility primarily used for gambling or to facilitate gambling, liquor store, bar, a store or other facility whose principal business is the sale of firearms, a store or other facility whose principal business is the manufacture or sale of tobacco or tobacco products, a store or other facility whose principal business is religious, escort service, nudist camp, adult entertainment (including strip clubs, adult book stores, and businesses whose principal business is the sale of pornography), gun club, or shooting range or gallery.
(ii) a business engaged in speculative activities that develop profits from fluctuations in price rather than through the normal course of trade, such as wildcatting for oil and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of legitimate risk management strategies to guard against price fluctuations related to the regular activities of the business;
(iii) a business that earns more than half of its annual net revenue from lending activities, unless the business is a non-bank or non-bank holding company certified as a Community Development Financial Institution;
(iv) a business engaged in pyramid sales plans, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants;
(v) a business engaged in activities that are prohibited by federal law or applicable law in the jurisdiction where the business is located or conducted. Included in these activities is the production, servicing, or distribution of otherwise legal products that are to be used in connection with an illegal activity, such as selling drug paraphernalia or operating a motel that permits illegal prostitution on its premises;
(vi) businesses that may be restricted by federal law;
(vii) activities that relate to acquiring or holding passive investments such as commercial real estate ownership, the purchase of securities, and lobbying activities as defined in Section 3(7) of the Lobbying Disclosure Act of 1995. P.L. 104-65, as amended;
(viii) financing a non-business purpose;

CalCAP Program Borrower Certification

(2 of 2 pages)

(ix) covering the unguaranteed portions of an Small Business Administration loan unless the Authority receives prior written consent of the U.S. Treasury; or

(x) supporting existing extension of credit, including prior loans, lines of credit or other borrowings that were previously made available as part of a substantially similar governmental small business credit enhancement program.

(B) to provide any of the following facilities when the Authority's Contribution will be paid for with fees from the issuance of tax-exempt bond sales, all items listed in (A) and: a store whose principal business is the sale of alcoholic beverages for consumption off premises, private or commercial golf course, country club, spas that provide massage services, tennis club, skating facility (including roller skating, skateboard, and ice skating), racquet sports facility (including any handball or racquetball court), suntan facility, airplane, aircraft, skybox (or other private luxury box), health club facility.

(C) in any manner that could cause the interest on any bonds previously issued by the Authority to become subject to federal income tax, as specified in writing to all Participating Financial Institutions by the Executive Director.

(5) any loan or portion thereof to the extent the same loan or portion thereof has been, is being, or will be enrolled in any other government program substantially similar to the Program.

(6) any loan that exceeds \$5,000,000.

(7) any loan or portion thereof to the extent that enrollment of the loan will cause the Borrower (including all related entities among which a common enterprise exists) to have a total enrolled principal amount in excess of \$2,500,000 at any Participating Financial Institution over a three-year period.

- The Participating Financial Institution must obtain written certification from the Borrower as stated in 4 CCR §8072(c)(18) of the California Code of Regulations which state:
 - (A) The loan will be used solely for a business purpose;
 - (B) The loan will not be used to repay delinquent federal or state income taxes unless the Borrower has a payment plan in place with the relevant taxing authority;
 - (C) The loan will not be used to repay taxes held in trust or escrow;
 - (D) The loan will not be used to refinance or reimburse funds owed to any owner, including any equity injection or injection of capital for the business' continuance;
 - (E) The loan will not be used to purchase any portion of the ownership interest of any owner of the business;
 - (F) The loan will not be used to finance ineligible businesses or facilities identified in Section 8070;
 - (G) The Borrower is not:
 - (i) an executive officer, director, or principal shareholder of the Participating Financial Institution;
 - (ii) a member of the immediate family of an executive officer, director, or principal shareholder of the Participating Financial Institution; or
 - (iii) a related interest of such executive officer, director, principal shareholder, or member of the immediate family of the Participating Financial Institution.
- Borrower agrees to allow the participating financial institution to provide information from financial records of the Borrower upon request of the Executive Director of the CPCFA.
- Borrower has no legal, beneficial or equitable, interest in the fees or the contribution.
- The maximum loan amount is \$5,000,000 and the Borrower is limited to a maximum of \$2,500,000 enrolled over a 3 year period.
- Borrower was notified, in writing, if the participating financial institution's share of the fees for the qualified loan were paid by the Borrower.
- Borrower has secured or made application for all applicable licenses or permits needed to conduct its business.
- Borrower has received the CPCFA/CalCAP Privacy Notice.

Business Name (please print)

Lender Loan #

Individual Name (please print)

Individual Title (as it pertains to the business)

Signature of above Individual

Date

5. CalCAP Program Privacy Notice



CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Office Location: 801 Capitol Mall, 2nd floor
Sacramento, CA 95814

Mailing address: P.O. Box 942809
Sacramento, CA 94209-0001
p (916) 654-5610
f (916) 657-4821

MEMBERS

JOHN CHIANG, CHAIR
State Treasurer

BETTY T. YEE
State Controller

MICHAEL COHEN
Director of Finance

EXECUTIVE DIRECTOR
Reneé Webster-Hawkins

PRIVACY NOTICE

The California Information Practices Act of 1977 (Civil Code §1798.17) requires that this notice be provided when a governmental agency collects the personal information of individuals. Name, address, telephone number, gender, race, business and financial information related to this loan is requested by the California Capital Access Program (CalCAP) of the California Pollution Control Financing Authority for the purposes of statistical reporting on loan activities and assessing compliance with CalCAP program requirements. It is mandatory for the lender to provide this information to CalCAP. Failure to provide the information may result in rejection of the application.

The information may be disclosed under the following circumstances: (1) to consultants, auditors or contractors retained by the California Pollution Control Financing Authority where disclosure is required to fulfill CalCAP program requirements; (2) to another governmental entity where required by state or federal law; or (3) as otherwise required by law.

The agency official responsible for the maintenance of the personal information is the CalCAP Program Manager, at 801 Capitol Mall, 2nd Floor, Sacramento, CA 95814, Tel: (916) 654-5610. California Code of Regulations §8072 authorizes the solicitation and maintenance of the personal information requested. Borrowers have the right to access their information upon request by contacting the CalCAP Program Manager.

Copy to Borrower: DO NOT Submit to CalCAP

Revised August 15, 2017

6. Notification of Change in Loan Terms Form

CALIFORNIA CAPITAL ACCESS PROGRAM
 California Pollution Control Financing Authority
 Office Location: 801 Capitol Mall, 2nd Floor
 Sacramento, CA 95814
 Telephone (916) 654-5610

Mailing Address: P.O. Box 942809
 Sacramento, CA 94209-0001
 CalCAP@treasurer.ca.gov
 Fax (916) 657-4821

CalCAP NOTIFICATION OF CHANGE IN LOAN TERMS

Participating lenders must provide written notification of any change in material terms of a loan, including changes to the maturity date or interest rate, within 15 days of the effective date of the change.

NOTE: For a loan amount increase, submit CalCAP Loan Enrollment Application, new lender and borrower certifications along with proof of fees deposited.

Check which CalCAP Program: Small Business ARB EVCS ADA Seismic Safety

Lender: _____

Lender's CalCAP ID #: _____

Contact Person: _____

Phone: _____

Email: _____

Loan Information

Borrower: _____

Change Effective Date: _____

CalCAP Loan Number: _____

Lender's Loan Number: _____

Type of Change:

Interest Rate Change

Effective Date: _____ New Interest Rate _____

Maturity Date Change

Please submit an amended loan enrollment application, new lender and borrower certifications and complete the following two fields.

Old Maturity Date _____

New Maturity Date _____

Other (please provide supporting documentation)

Please submit an amended loan enrollment application, new lender and borrower certifications and complete the following field.

Describe the change(s) to the loan _____

By signing below, the Participating Financial Institution certifies that the above loan information is true and accurate.

Authorized Lender Signature _____

Title _____

Date _____

Printed Name of Authorized Signer _____

California Pollution Control Financing Authority Use Only			
CalCAP Review:	Analyst:	Date	Manager: Date
Database Update:		<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	
<input type="checkbox"/> If rejected, attach proof of transmittal to the lender			

When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805

Revised April 11, 2018

7. CalCAP Financial Institution Claim Application

<p>CALIFORNIA CAPITAL ACCESS PROGRAM California Pollution Control Financing Authority Office Location: 801 Capitol Mall, 2nd Floor Sacramento, CA 95814 Telephone (916) 654-5610</p>	<p>Mailing Address: P.O. Box 942809 Sacramento, CA 94209-0001 CalCAP@treasurer.ca.gov Fax (916) 589-2805</p>
CalCAP FINANCIAL INSTITUTION CLAIM APPLICATION	
<p>NOTE: A lender is required to notify the Authority within 120 days of when the lender has charged off all or part of a qualified loan as a result of default by a borrower. If the form is filled out properly and the lender has faithfully complied with CalCAP requirements, CPCFA will authorize the Program trustee to reimburse the lender from the lender's loss reserve account within 30 business days.</p>	
<u>Lender and Borrower Information</u>	
Participating Lender: _____	Lender's CalCAP ID #: _____
Lender Contact: Name: _____	CalCAP Loan Number: _____
Phone: _____	Borrower's Name: _____
Address: _____	Borrower DBA: _____
<u>Loan Information</u>	
Original Principal Amount of Loan: _____	Date of Loan: _____
Default Amount: _____	Date of Default: _____
Is this loan secured? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Charge-off: _____
If yes, what form of security _____	
Was the loan in the first \$1 million of CalCAP loans made by lender? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Have enforcement proceedings begun? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Lender's priority of claim (If two or more claims filed by lender): _____	
<u>Claim Information</u>	
Outstanding Principal	\$ _____
Liquidated Collateral	\$ _____
Accrued and Unpaid Interest	\$ _____
Out-of-pocket expenses (Attach detailed explanation)	\$ _____
Total	\$ _____
<p>Please attach a complete transaction history report, a short narrative of the loan history, receipt(s), and Bill of Sale(s) (if applicable).</p> <ul style="list-style-type: none"> • The lender warrants this claim is being filed within 120 days of the loan being charged off and that charge-off was consistent with the lender's usual methods for taking action on loans not enrolled in the Program. • Lender will, as CPCFA's agent, pursue additional recovery on this defaulted loan through legal proceedings, seizure and liquidation of collateral, guarantees, and/or other sources. • Lender certifies it has given notice to the Authority of the initial enrollment of the loan in CalCAP, and either: <ul style="list-style-type: none"> (1) has given notice to the Authority of any renewals or extensions of the loan; or (2) the loan was continuously renewed or extended since the date of its initial enrollment in CalCAP. • This claim is for a loan that the undersigned holds, or a loan that has been assigned, transferred, or pledged to another entity pursuant to prior authorization by CPCFA. 	
Authorized Signature _____	Date _____
Title _____	
California Pollution Control Financing Authority Use Only	
Authorized Signature _____	Date _____
Amount \$ _____	

When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805

Revised August 15, 2017