

IX. 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/ada/index.asp>

1. CalCAP Americans with Disabilities Act (ADA) Financing Program Loan Enrollment Application

<p>CALIFORNIA CAPITAL ACCESS PROGRAM California Pollution Control Financing Authority CalCAP@treasurer.ca.gov</p> <p>Office Location: 801 Capitol Mall, 2nd Floor Sacramento, CA 95814</p>	<p>Mailing Address: P.O. Box 942809 Sacramento, CA 94209-0001 Fax (916) 589-2805</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">CalCAP Use Only</td> <td>CalCAP Loan # _____</td> </tr> <tr> <td></td> <td>Date Received _____</td> </tr> </table>	CalCAP Use Only	CalCAP Loan # _____		Date Received _____
CalCAP Use Only	CalCAP Loan # _____				
	Date Received _____				
CALCAP AMERICANS WITH DISABILITIES ACT (ADA) FINANCING PROGRAM LOAN ENROLLMENT APPLICATION					
<u>Lender Information</u>					
Participating Lender _____	Lender ID# _____				
Loan Contact Name _____	Contact Phone _____				
Loan Contact Email _____					
<u>Borrower Information</u>					
Name _____	DBA _____				
Name of Responsible Person _____	Title _____				
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 Fiscal Years \$ _____				
Number of Full Time Equivalents _____					
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.fiec.gov/Geocode/default.aspx				
Area of Property (sq. feet): _____					
Description of Eligible Costs (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					
<u>Loan Information</u>					
Is this loan enrolled in any other government guarantee program? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, name the program: _____					
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/ ADA \$ _____				
Loan Amount Enrolled in CalCAP for Small Business/ state fund (if any) \$ _____					
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				
Borrower Premium \$ _____ %	Lender Premium \$ _____ %				

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

Revised August 15, 2017

2. CalCAP Americans with Disabilities Act (ADA) Financing Program Lender Certification

_____ Borrower Name	_____ Lender Loan Number												
LENDER CERTIFICATION													
<p>Enrolling a loan in CalCAP 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 and §8078.8 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 §8078.8 (i) of the California Code of Regulations. 2) The business receiving the Qualified Loan is a Qualified Business, as defined in 4 CCR §8070 (t) and §8078.8(i) 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(o) of the CPCFA Regulation. 4) The proceeds of the loan will be used for the Eligible Costs of an Eligible Project as defined in 4 CCR §8078.8 (f) and §8078.8 (g) of the California Code of Regulations. 5) The Participating Financial Institution certifies as to the number of full-time equivalent employees of the Borrower based upon its due diligence and underwriting standards. 6) The Participating Financial Institution will provide information from the 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. 7) 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 CalCAP/ ADA Contribution. 8) The Borrower's total principal amount of loans enrolled in the CalCAP/ADA Program with any Participating Financial Institution does not exceed \$50,000. 9) The Borrower has provided a CASp Report and a Cost Estimate as defined in 4 CCR §8078.8 (d) and §8078.8 (e) of the California Code of Regulations, and the physical alterations or retrofits to be financed are included in the CASp Report. 10) 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. 11) The Participating Financial Institution has obtained a written representation from the Borrower that it has secured or made application for all applicable licenses or permits needed to conduct its business. 12) The Participating Financial Institution will collect and retain copies of all applicable licenses or permits needed for the construction related retrofit(s) or alteration(s) from the Borrower. 13) The Participating Financial Institution has not, and will not, enroll the same loan or portion thereof in any other government program substantially similar to the Program. 14) The Participating Financial Institution has not, and will not, enroll the Qualified Loan in any other Capital Access Loan Program for Small Business offered by the Authority as long as funds are available for this Program. 15) The Borrower has received the CalCAP/ ADA Privacy Notice. 16) The Participating Financial Institution acknowledges that its lending activities are subject to any applicable safety and soundness standards as set forth in applicable lending regulations. 													
<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>													
_____ Authorized Lender Signature	_____ Title												
_____ Printed Name of Authorized Signer	_____ Date												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;"> CalCAP Loan Number </td> <td style="width: 33%;"> Analyst's Initials </td> <td style="width: 33%;"> Date </td> </tr> <tr> <td style="text-align: center;"> _____ FUND _____ % </td> <td style="text-align: center;"> _____ FUND _____ % </td> <td style="text-align: center;"> _____ FUND _____ % </td> </tr> <tr> <td> Contribution Amount \$ </td> <td> Contribution Amount \$ </td> <td> Contribution Amount \$ </td> </tr> <tr> <td> Authorized Signature </td> <td colspan="2" style="text-align: right;"> Date: </td> </tr> </table>		CalCAP Loan Number	Analyst's Initials	Date	_____ FUND _____ %	_____ FUND _____ %	_____ FUND _____ %	Contribution Amount \$	Contribution Amount \$	Contribution Amount \$	Authorized Signature	Date:	
CalCAP Loan Number	Analyst's Initials	Date											
_____ FUND _____ %	_____ FUND _____ %	_____ FUND _____ %											
Contribution Amount \$	Contribution Amount \$	Contribution Amount \$											
Authorized Signature	Date:												
When complete, please send to: CalCAP@treasurer.ca.gov or by fax (916) 589-2805													
Revised October 29, 2018													

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 Americans with Disabilities Act Financing Program Borrower Certification

Borrower Name _____
Lender _____
Lender Loan # _____

CALCAP AMERICANS WITH DISABILITIES ACT FINANCING PROGRAM BORROWER CERTIFICATION

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

- The business is a Small Business and Qualified Business as defined in 4 CCR §8078.8 (l) of the California Code of Regulations:
8078.8 (l) "Small Business" or "Qualified Business" means a business referred to in subdivisions (l) and (m) of Section 44559.1, that meets the following additional criteria:
 - 1) Thirty or fewer full-time equivalent employees; or
 - 2) Less than five million dollars (\$5,000,000) in total gross annual income from all sources; and
 - 3) Does not provide overnight accommodations.**44559.1 (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.**44559.1 (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:
8070 (q) "Primary economic effect in California" means, as applied to a business activity, that either of the following conditions exists:
 - (1) At least 51 percent of the total revenues of the business activity are generated in California; or
 - (2) At least 51 percent of the total jobs of the business activity are created or retained in California.
- The Borrower has provided a CASp Report and a Cost Estimate to the Participating Financial Institution as defined in 4 CCR §8078.8 (d) and (e) of the California Code of Regulations, and the physical alterations or retrofits to be financed are included in the CASp Report.
8078.8 (d) "CASp Report" means a written inspection report pursuant to Section 55.53 of the California Civil Code.
8078.8 (e) "Cost Estimate" means a written proposal or estimate of the costs of materials, services and other expenses to complete some or all of the physical alterations or retrofits identified in the CASp Report, as provided by the CASp or by a licensed contractor.
- Borrower will use loan proceeds for Eligible Costs as defined in 4 CCR §8078.8 (f) of the California Code of Regulations:
8078.8 (f) "Eligible Costs" means and includes all or any part, as defined in subdivision (b)(3) of Section 44559.13 of the Health and Safety Code, of the price of construction, purchase price of real or personal property, the price of demolishing or removing any buildings or structures, the price of all machinery and equipment, the amount of financing charges and interest prior to, during, and for a period not to exceed the later of one year or one year following completion of construction, as determined by the authority, the price of insurance during construction, the amount of funding or financing noncapital expenses, the amount of reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations, and improvements, the price of engineering, financial, and legal services and other service contracts, the price of plans, specifications, studies, surveys, estimates, administrative expenses, and any other expenses of funding or financing, that are necessary and allocable to the eligible project, and shall not include costs not directly related to physical alterations necessary for compliance with the Americans with Disabilities Act.
- Borrower will use loan proceeds for an Eligible Project as defined in 4 CCR §8078.8 (g) of the California Code of Regulations:
8078.8 (g) "Eligible Project" means the physical alterations or retrofits to an existing small business facility as defined in subsection (l) necessary to ensure that the facility is in compliance with the Americans with Disabilities Act as identified in a CASp report on the facility, and the financing necessary to pay eligible costs of the project.

8078.8 (m) "Small Business Facility" or "Facility" means an existing small business facility of less than 10,000 square feet plus common areas and publicly or privately owned access points such as sidewalks and parking lots, if responsibility for those areas has been shifted to the small business owner pursuant to local ordinance or an enforceable lease agreement.

- If the physical alteration(s) or retrofit(s) financed through this Program is a part of a larger construction project carried out by the Borrower, the enrolled amount of the loan in this Program is limited to Eligible Costs necessary and allocable to the Eligible Project.
- The loan is a Qualified Loan as defined in 4 CCR §8078.8 (l) of the California Code of Regulations:

8078.8 (l) "Qualified Loan" means a loan or portion of a loan as defined in Section 44559.1 subdivision (j)(1) of the Health and Safety Code, where the proceeds of the loan or portion of the loan are limited to the Eligible Costs for an Eligible Project under this Program, where the loan or portion of the loan does not exceed fifty thousand dollars (\$50,000), and where the term of loss coverage for each qualified loan is no more than sixty (60) months. "Qualified Loan" does not include any of the following:

 - 1) Any portion of a loan to the extent the same portion thereof has been, is being, or will be enrolled in any other government program substantially similar to the Program; and
 - 2) Any loan where the total amount or value of loans enrolled in the Program by the Borrower exceeds \$50,000.

44559.1 (j) (1) "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 that maximum commitment. A qualified loan made under the program may be made with the interest rates, fees, and other terms and conditions agreed upon by the participating financial institution and the borrower.
- The Small Business Facility is located within the boundaries of the State of California.
- The Borrower has legal control of the facility for a term that is equal to or greater than the length of the enrolled loan and assumes financial liability of the loan.
- The Borrower agrees to allow the participating financial institution to provide information from the financial records of the Borrower upon request of the Executive Director of CPCFA.
- The Borrower has no legal, beneficial, or equitable interest in the CalCAP/ADA Contribution.
- The Borrower has secured or made application for all applicable licenses or permits needed to conduct its business.
- The Borrower will provide all applicable licenses or permits needed for construction related retrofit(s) or alteration(s) to the Participating Financial Institution.
- The Borrower is not: an executive officer, director, or principal shareholder of the lender/ participating financial institution; a member of the immediate family of those individuals; or a related interest of those individuals.
- The Borrower was notified, in writing, if the participating financial institution's share of the fees for the qualified loan were paid by the Borrower.
- The Borrower was notified that upon loan enrollment, the small business may be eligible for reimbursement, equal to up to 5% of the CalCAP/ADA enrolled loan amount, toward the cost of the Certified Access Specialist (CASp) Report. A CASp reimbursement form must be filled out by the borrower and submitted to CalCAP along with the notice of access inspection completed by a CASp and a copy of the invoice for the cost of the CASp inspection report at the time of loan enrollment submission or within 60 days thereafter.
- The Borrower agrees to allow CPCFA staff or its designee to inspect the project site.
- The Borrower has received the CalCAP/ ADA 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 Americans with Disabilities Act Financing Program Borrower Reimbursement Request

CALCAP/ADA FINANCING 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/ADA FINANCING PROGRAM BORROWER REIMBURSEMENT REQUEST

NOTE: If the form is filled out properly, and the borrower has complied with the CalCAP/ADA Financing Program Regulations, CPCFA will authorize the Borrower's Reimbursement Request for the CASp Inspection Report within 30 business days upon receiving the reimbursement request, unless CPCFA or its Trustee require additional information in order to validate the payment. The borrower may be reimbursed for CASp Report in an amount of up to 5% of the CalCAP/ADA enrolled loan amount.

Borrower Information

Business Name: _____

DBA: _____

Name of Authorized Person: _____

Title: _____

Mailing Address: _____

Phone Number: _____

Email: _____

Loan Information

Total Loan Amount: _____ Date of first Disbursement: _____

Loan Amount Enrolled in CalCAP/ADA: _____ Lender Loan Number: _____

CASp Report Cost: _____

Borrower Certification

- 1.) Borrower certifies that he/she has provided a copy of the notice of access inspection completed by a CASp pursuant to Civil Code Section 55.53 to CPCFA and has attached it to the reimbursement request form.
- 2.) Borrower certifies that he/she has provided a copy of the invoice for the cost of the CASp Inspection Report to CPCFA and has attached it to the reimbursement request form.
- 3.) Borrower agrees to provide additional information regarding the use of proceeds under the loan to the Program Trustee, if requested prior to the issuance of the Reimbursement amount (4 CCR § 8078.10 (h)(4)).
- 4.) Borrower certifies that it applied all of the proceeds of the CalCAP/ADA enrolled loan to physical alterations or retrofits identified in the CASp report.

 (Print Name of Authorized Person/Title)

 (Authorized Person's Signature)

 (Date)

California Pollution Control Financing Authority Use Only				
CalCAP Loan Number	Analyst's Initials	Date	Reviewer's Initials	Date
Authorized Signature		Date	Reimbursement Amount \$	

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

Revised April 25, 2018

6. CalCAP/ Americans with Disabilities Act (ADA) Financing 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
cpcfafa@treasurer.ca.gov



CALIFORNIA CAPITAL ACCESS PROGRAM

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, and race of the borrower, guarantor and/or business owner, and business and financial information related to this loan is requested by the California Capital Access Program (CalCAP) of the California Pollution Control Financing Authority (CPCFA) 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.

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