

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/seismic/summary.asp>

1. CalCAP Seismic Safety Financing Program Loan Enrollment Application

CALIFORNIA CAPITAL ACCESS PROGRAM
 California Pollution Control Financing Authority
CalCAP@treasurer.ca.gov

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

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

CalCAP Use Only	CalCAP Loan #
	Date
	Received

CALCAP SEISMIC SAFETY FINANCING PROGRAM LOAN ENROLLMENT APPLICATION

Lender Information

Participating Lender _____ Lender ID# _____

Loan Contact Name _____ Contact Phone _____

Loan Contact Email _____

Borrower Information Small Business Residential Property Owner Commercial Property Owner

Name _____

Address _____ City _____ County _____ Zip _____

Is the building certified by the local building code enforcement authority as a Qualified Building? No Yes

Is building located in a Severely Affected Community? No Yes

If Yes, select reason: City Unincorporated County if City Not Listed Other: _____

Address of building to be retrofitted: _____

Type of Qualified Building: Commercial Residential Registered Mobilehome Multi-Unit-Dwelling: (If yes, Number of Units _____)

Description of Eligible Costs _____

Are any proceeds to be used for purposes other than seismic safety? Yes No If yes, amount \$ _____

If Borrower is a Small Business, the following information is also required:

Business DBA: _____ Name of Responsible Person: _____ Title: _____

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 Full Time Equivalents/Employees _____

NAICS Code _____ Census Tract # _____
<http://www.census.gov/eos/www/naics/> <http://www.fleec.gov/Geocode/default.aspx>

Is business minority owned? Yes No Decline to Answer Is business woman owned? Yes No Decline to Answer

Is business veteran owned? Yes No Decline to Answer

Loan Information

Is this loan enrolled in any other government guarantee program? Yes No If Yes, name the program: _____

Is the Eligible Project receiving any grant funding by a public entity? Yes No If yes, Name of Public Entity: _____

Lender Loan Number _____ Type of Loan: _____

Total Loan Amount \$ _____ Loan Amount Enrolled in CalCAP/Seismic \$ _____

Purpose of Loan _____ Loan Amount Enrolled in CalCAP for Small Business/ State Fund (if any) \$ _____

Date of First Disbursement (Date of Loan) _____ Maturity Date _____ End of Coverage 5 year 10 year

Interest Rate _____ % Fixed Variable Is the loan secured? Yes No

Borrower Fee \$ _____ % Lender Fee \$ _____ %

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

Revised August 15, 2017

2. CalCAP Seismic Safety Financing Program Lender Certification

CALIFORNIA CAPITAL ACCESS PROGRAM
California Pollution Control Financing Authority
CalCAP@treasurer.ca.gov

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

Borrower Name

Lender Loan Number

LENDER CERTIFICATION

Enrolling a loan in CalCAP requires the Participating Financial Institution to certify to each of the following program rules and requirements.

* All capitalized terms are defined in 4 CCR §8070 and §8078.15 of the California Code of Regulations.

- 1) The loan is a Qualified Loan as defined in 4 CCR §8078.15 (h) of the California Code of Regulations.
- 2) The borrower receiving the Qualified Loan is a Qualified Small Business, Qualified residential property owner or Qualified commercial property owner.
- 3) The proceeds of the loan will be used for the Eligible Costs of an Eligible Project as defined in 4 CCR §8078.15 (d) and §8078.15 (e) of the California Code of Regulations.
- 4) The Eligible Costs do not include the amount of any grant provided by a public entity for the Eligible Project.
- 5) Based upon its due diligence and underwriting standards, the Participating Financial Institution certifies as to the number of full-time equivalent employees of the borrower, whether the qualified building(s) is located in a Severely Affected Community.
- 6) 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 certifies it 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/ Seismic Safety Contribution.
- 8) The Borrower's total principal amount of loans enrolled in the CalCAP/Seismic Safety Program with any Participating Financial Institution does not exceed \$250,000.
- 9) The Borrower has provided a Cost Estimate as defined in 4 CCR §8078.15 (b) of the California Code of Regulations, the cost estimate has been prepared by an engineer, architect or a licensed contractor, and the cost estimate for seismic retrofit construction to be financed is limited to Eligible Costs.
- 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 will collect and retain copies of all applicable licenses and permits needed for the construction related retrofit(s) or alteration(s) from the Borrower, and satisfy the local building enforcement agency or the Department of Housing and Community Development compliance and inspection requirements once seismic retrofit construction is completed, and no later than 180 days after disbursement of proceeds.
- 12) The Participating Financial Institution has not, and will not, enroll the same enrolled loan or portion thereof in any other government program substantially similar to the Program.
- 13) The Borrower has received the CalCAP/ Seismic Safety Privacy Notice.
- 14) 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 and that the usual methods of securing collateral have been applied, including if applicable a lien placed on the Borrower's Qualified building for the amount of the Qualified loan.
- 15) When the Qualified building is a mobilehome or manufactured home, that the borrower has provided a record of borrower's name on a current registration from the Department of Housing and Community Development for the mobile home or manufactured home.
- 16) The Qualified loan or any portion thereof is not a restructured or refinanced loan and has not previously been enrolled in the CalCAP Seismic Safety Program.

If the Borrower is a Small Business, the following certifications also apply:

- 17) 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.
- 18) 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.
- 19) 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.

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.

_____ Authorized Lender Signature	_____ Printed Name of Authorized Signer	_____ Title	_____ Date
California Pollution Control Financing Authority Use Only			
CalCAP Loan Number	Analyst's Initials	Date	Reviewer's Date
_____ FUND _____ %	_____ 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 August 15, 2017

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"/>
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"/>

***Note: The Lender and Borrower Fees must match.**

Pursuant to 4 CCR §8072(c)(17)(F), 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 June 28, 2018

4. CalCAP Seismic Safety Financing Program Borrower Certification

(1 of 2 pages)

Borrower Name _____
Lender _____
Lender Loan # _____

CALCAP SEISMIC SAFETY FINANCING PROGRAM BORROWER CERTIFICATION

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

- The project, building, costs and loan are qualified for enrollment as defined in 4 CCR §8078.15 of the California Code of Regulations:
 - 8078.15** (d) "Eligible Costs means and includes all or any part, as defined in subdivision (b)(2) of Section 44559.14 of the Health and Safety Code, the costs paid or incurred on or after January 1, 2017, for an Eligible project, including any engineering or architectural design work necessary to permit or complete the Eligible project less the amount of any grant provided by a public entity for the Eligible project. Eligible Costs do not include cost paid or incurred for any of the following:
 - (1) Maintenance, including abatement of deferred or inadequate maintenance, and correction of violations unrelated to the seismic retrofit construction.
 - (2) Repair, including repair of earthquake damage.
 - (3) Seismic retrofit construction required by local building codes as a result of addition, repair, building relocation, or change of use or occupancy.
 - (4) Other work or improvement required by local building or planning codes as a result of the intended seismic retrofit construction.
 - (5) Rent reductions or other associated compensation, compliance actions, or other related coordination involving the qualified residential property owner or qualified small business and any other party including a tenant, insurer, or lender.
 - (6) Replacement of existing building components, including equipment, except as needed to complete the seismic retrofit construction.
 - (7) Bracing or securing nonpermanent building contents.
 - (8) The offset of cost, reimbursements, or other costs transferred from the qualified residential property owner or qualified small business to others.
 - (e) "Eligible project" means Seismic retrofit construction that is necessary to ensure that the Qualified building is capable of substantially mitigating seismic damage, and the financing necessary to pay Eligible Costs of the project.
 - (g) "Qualified building" means a residential or commercial building in California that is identified by the local building code official for the jurisdiction in which the building is located as a building in need of seismic retrofitting and is either a building of a type that is potentially vulnerable in the event of a catastrophic earthquake or a building constructed before 1981. A "Qualified building" may be a single-family residence, multiunit housing building, multiunit housing building with commercial space, or mobilehome, manufactured home, and multifamily manufactured home installed in accordance with Section 18613 of the Health and Safety Code.
 - (h) "Qualified Loan" means a loan or portion of a loan as defined in subdivision (j) of Section 44559.1 or a loan made to a Qualified residential property owner, where the proceeds of the loan or portion of the loan are limited to the Eligible Costs for an Eligible project under this Program, and where the loan or portion of the loan does not exceed two hundred fifty thousand dollars (\$250,000), and where the term of loss coverage for each qualified loan is no more than ten years. "Qualified Loan" does not include any of the following:
 - (1) 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; and
 - (2) Any loan where the total amount or value of loans enrolled in the Program by the Borrower exceeds \$250,000.
 - (i) "Qualified small business" means a business referred to in subdivisions (j) and (m) of Section 44559.1 that owns a Qualified building regardless of owner occupancy, notwithstanding the restriction on passive real estate ownership in subparagraph (B) of paragraph (2) of subdivision (j) of Section 44559.1.
 - (j) "Qualified residential property owner" means either an owner of a residential building that is a Qualified building or a Qualified small business that owns one or more residential buildings, including a multiunit housing building that is a Qualified building, notwithstanding the restriction on passive real estate ownership in subparagraph (B) of paragraph (2) of subdivision (j) of Section 44559.1.
 - (k) "Qualified commercial property owner" means either an owner of a commercial building that is a Qualified building or a Qualified small business that owns one or more commercial buildings, that is a Qualified building.
 - (n) "Seismic retrofit construction" means alteration performed on or after January 1, 2017, of a Qualified building or its components to substantially mitigate seismic damage. Seismic retrofit construction includes, but is not limited to, all of the following:
 - (1) Anchoring the structure to the foundation.
 - (2) Bracing cripple walls.
 - (3) Bracing water heaters

CalCAP Seismic Safety Financing Program Borrower Certification

(2 of 2 pages)

- (4) Installing automatic gas shutoff valves.
- (5) Repairing or reinforcing the foundation to improve the integrity of the foundations against seismic damage.
- (6) Anchoring fuel storage.
- (7) Installing an Earthquake-Resistant Bracing System for mobilehomes or manufactured homes that are registered with Department of Housing and Community Development.
- (8) Strengthening a building's lateral load resisting system.

- The Qualified building 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/Seismic Safety Contribution
- If the Seismic retrofit construction financed through this Program is a part of a larger construction project carried out by the Borrower, the enrolled amount of the Qualified Loan in this Program is limited to Eligible Costs necessary and allocable to the Eligible project
- Borrower will provide all applicable licenses and permits needed for construction related to Eligible Costs for the Seismic retrofit construction to the Participating Financial Institution
- The Borrower has provided verification of Eligible Costs less the amount of any grant provided by a public entity for the Eligible project to the Participating Financial Institution
- The proceeds of the loan will be used for the Seismic retrofit construction of an Eligible project
- Borrower agrees to allow CPCFA staff or its designee to inspect the project site
- When the Qualified building is a mobilehome or manufactured home that it is currently registered with the Department of Housing and Community Development and the Borrower's name is on the current registration from the Department of Housing and Community Development for the mobilehome or manufactured home
- Borrower has received the CPCFA/CalCAP Privacy Notice

Business Name (If Applicable) *(please print)*

Lender Loan #

Individual Name *(please print)*

Individual Title *(as it pertains to the business, residential property owner or commercial property owner)*

Signature of above Individual

Date

5. CalCAP/ Seismic Safety 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
cpcf@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.

Copy to Borrower/Do Not Submit to CalCAP

Revised December 5, 2018

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: _____
Database Update:		Date	
<input type="checkbox"/> If rejected, attach proof of transmittal to the lender		<input type="checkbox"/> Approved <input type="checkbox"/> Rejected	

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