

# CalCAP Seismic Safety Financing Program

## Lender Certification

Capital Programs & Climate Financing Authority (CPCFA)

California Capital Access Program (CalCAP)

[CalCAP@treasurer.ca.gov](mailto:CalCAP@treasurer.ca.gov)

(916) 654-5610

Mailing Address: P.O. Box 942809

Sacramento, CA 94209-0001

Fax (916) 589-2805

**Borrower Name:**

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**Lender Loan Number:**

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**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.)

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- 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.

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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:

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Printed Name of Authorized Signer:

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Date:

CalCAP Use Only				
CalCAP Loan Number:	Analyst's Initials:	Date:	Reviewer's Initials:	Date:
Fund:	Fund:		Fund:	
Percentage (%):	Percentage (%):		Percentage (%):	
Contribution Amount (\$):	Contribution Amount (\$):		Contribution Amount (\$):	

When complete, please send to: [CalCAP@treasurer.ca.gov](mailto:CalCAP@treasurer.ca.gov)