

# Glens Falls, New York

*City of Glens Falls and Greater Glens Falls Local Development Corporation*



## ***GLENS FALLS Business***

***DOWNTOWN***

***REVITALIZATION***

***INITIATIVE***

***VENTURE***

***ENTERPRISE PROGRAM***

*A competitive loan program to DRIVE new small business development, foot traffic, and job creation within Downtown Glens Falls.*

## DOWNTOWN REVITALIZATION INITIATIVE VENTURE ENTERPRISE Program

**Summary:** The City of Glens Falls and the Greater Glens Falls Local Development Corporation (GGFLDC) are using funding from the Downtown Revitalization Initiative (DRI) administered by the NYS Homes and Community Renewal to launch a new small business development program.

**Objective:** To provide competitive loans and support services to help locally owned startup and young businesses increase revenue, fill vacant spaces, and provide job opportunities in Downtown Glens Falls.

### Program Guidelines:

#### A. Eligible Applicants:

- **Startup Business** - (operating since January 1, 2020);
- **Existing Business** – (operating for 60 months or less **AND** planning a **major expansion project**);

**Expansion Project = 50% increase in leased/owned space OR at least 2 NEW Full-Time Jobs Created**

- All Applicants must be **for-profit** with a filed DBA, LLC, S-Corp, Partnership, or Corporation
- Maximum of 30 full-time or full-time equivalent (FTE) employees at time of Application;
- Retail, restaurants, office, household goods, and general or specialized consumer services;
- At least one Owner must be actively involved in the daily business operations.

#### Ineligible Applicants:

- Taverns, adult entertainment, religious based organizations, houses of worship, residential dwellings, development projects built “on-spec” (no tenants), real estate sales and development, medical practices, transportation (livery), non-profit organizations, and government agencies.

#### B. Possible Uses of DRIVE Funding:

- Interior space fit up; exterior facade renovations if the building is owned by the Business; equipment; inventory; fixtures and furnishings; technology upgrades; marketing, product distribution, and website development; payroll for new employees (other than the Owner) for up to 12-months after Loan approval.

#### Ineligible Uses:

- Debt payments (principal and interest), lease or mortgage payments, fines, penalties, current or back corporate or personal income taxes and property taxes, user fees (City water/sewer), outstanding judgments, costs of litigation, and any project expenses incurred prior to the Loan Award Date.

#### C. Financing Terms:

**Amount of DRIVE Award based on need, available funding, and strength of business plan**

- CASH Match of 20% (equity, bank financing, gifts, other loans) is REQUIRED;
- Five (5) year Compliance Period with periodic support and monitoring by the GGFLDC;
- DRIVE Deferred Loan declines by 20% each year Business operates within the DRI / Downtown.

# **DOWNTOWN REVITALIZATION INITIATIVE VENTURE ENTERPRISE Program**

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## **D. Funding Preferences:**

The City of Glens Falls and the GGFLDC, at their discretion, will consider the following Funding Preferences in terms of ranking Applications for DRIVE Deferred Loan awards:

- Startup Businesses locating in **vacant space** within the **DRI Target Area** - (see the Map attached);
- Businesses providing an **unmet need/service** as identified in the DRI Strategic Plan;
- Expansion Projects that will **create new jobs** as a result of DRIVE funding;
- Strength of **Business Plan**, financial projections, and possibility for future Downtown expansion.

## **E. Key Program Requirements:**

- Completed **Application** with all requested documentation;
- **Startups** - Business Plan including discussion of the need for DRIVE funding;
- **Existing** – Expansion Plan with projections for new jobs to be created or other investments being made.

***Help with Business and Expansion Plans is AVAILABLE and strongly encouraged***

## **F. Application Submission and Review Process**

**Applications including written Business and/or Expansion Plans must be submitted to the City of Glens Falls by regular mail no later than **March 12, 2021**, Attention: **GF DRIVE**, c/o Mayor's Office, 42 Ridge Street, Glens Falls, NY 12801. **NO Email submissions or hand delivery drop-offs.****

Applicants must include the amount of financing needed and proof of the 20% Cash Match.

- GGFLDC Application Review and Loan Underwriting conducted on a rolling basis;
- Ranking of multiple Applications based in part on Funding Preferences (see above);
- DRIVE Awards may be subject to State of NY review and/or approval.

***DRIVE Deferred Loan Awards will be made on a competitive, need-based basis until all funding is committed to eligible businesses.***

## **G. Post-Award Requirements**

- All Projects awarded funding must be completed by **December 1, 2021**;
- Certain Project activities may require City Planning/Zoning Board and/or Building Inspector review;
- Renovations may require other local or State reviews (historic / environmental issues);
- DRIVE funding can only be provided to the Applicant upon proof of available Match funds;
- **Businesses that continue to legally operate within the DRI / Downtown Business District for five (5) years after approval will not have to repay the DRIVE Award.**

**DOWNTOWN REVITALIZATION INITIATIVE VENTURE ENTERPRISE Program**

# Program Summary

*Thank you for your interest in Glens Falls DRIVE.*

*This is a business competition sponsored by the City of Glens Falls and Greater Glens Falls Local Development Corporation (GGFLDC) with funding support provided by NYS Homes and Community Renewal.*

**Not all Applicants will be eligible or approved for financial assistance.**

**Please read the following eligibility information BEFORE you apply:**

ONLY for-profit Businesses operating less than five (5) years are eligible to apply.

All Projects **must be located** within the DRI Target Area OR the Downtown Business District of the City of Glens Falls (see the Map attached).

There are two types of Projects that will be considered for funding:

**Startup Projects** for Businesses in operation since January 1, 2020.

**Expansion Projects** for Businesses in operation for less than five (5) years (January 1, 2016).

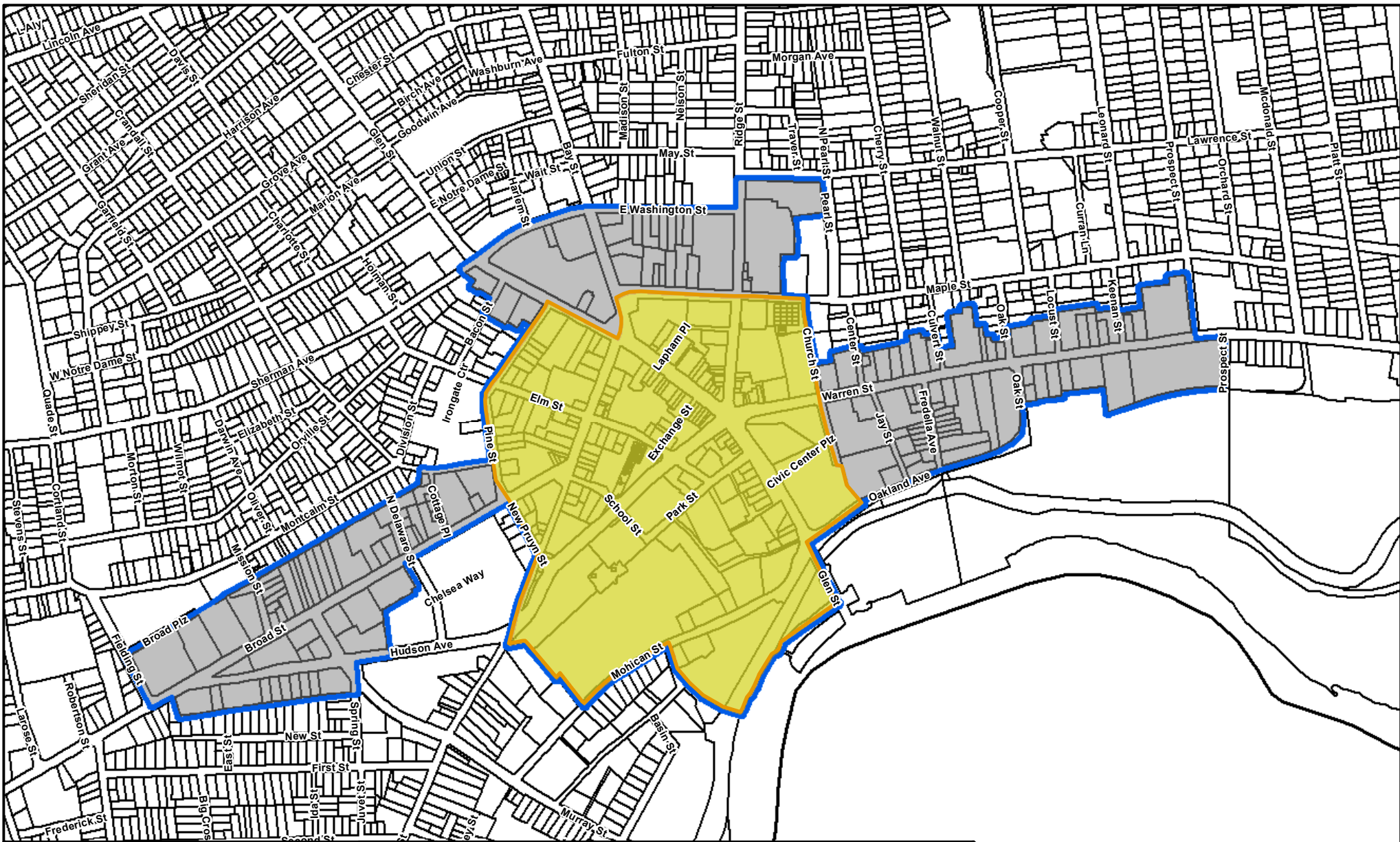
Projects should focus on retail, consumer-based goods and services, professional offices (non-medical), and light manufacturing to be competitive for DRIVE assistance.

Applicants need a written **Business Plan** or **Expansion Plan** explaining their Project and need for financial assistance. *Help will be available to prepare those Plans at no cost to Applicants.*

Applicants must cover **20%** of the Project Cost as a **Cash Match** at the time of the DRIVE award.

Awards will be in the form of a forgivable Deferred Loan (with a 5-year term) and based on NEED and STRENGTH of the Business or Expansion Plan.

***The City is seeking creative and energetic business proposals to help DRIVE and sustain the revitalization of Downtown.***



## Glens Falls Downtown Map

Town of Glens Falls

Warren County, NY



1 inch = 800 feet

Map Note: The locations and features depicted on this map are approximate and do not represent a field survey.

### Legend

- DRI Target Area
- Downtown Boundary
- Tax Parcels

### C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 CENTURY HILL DRIVE, LATHAM, NY 12110

518.786.7400 • FAX 518.786.7299



Project Number: 20.0732  
 Data Source: NYSGIS Clearinghouse  
 Projection: State Plane NAD83 NYE (Feet)  
 Date: January 07, 2020  
 File: GlensFalls\_DowntownMap.mxd  
 GIS: D Landreville

# Glens Falls DRIVE - Application

<b>APPLICANT INFORMATION:</b>		Date:
Name of Business:	<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> LLC / PLLC <input type="checkbox"/> Start-Up (after January 1, 2020)	
Project Location:	Date Business was formed: _____	
Current Mailing Address:	Landlord (if you lease space): _____ Number of Employees: _____ Rent Paid for Business Space: \$ _____ / per Month	
Your Preferred Phone #:	E-mail: _____	
<b>BUSINESS OWNERSHIP</b>		
Name:	% Ownership: _____	
Name:	% Ownership: _____	
Name:	% Ownership: _____	
<b>Note:</b> Applicants <u>must</u> disclose all family or business relationships with any current employees or elected officials of the City of Glens Falls.		
Name:	Relationship: _____	
Name:	Relationship: _____	
<b>Answer all questions below that are applicable to your Business:</b>		
Have you owned this Business for five (5) years or less?		Yes ___ No ___
If NO, <b>STOP</b> ....you may not be eligible for this program		
Do you as the Owner work full-time to manage and operate the Business?		Yes ___ No ___
Have you or any principals of the Business ever filed for bankruptcy?		Yes ___ No ___
Are there any unsatisfied judgments or liens against you or other principals?		Yes ___ No ___
Is your Business in good standing with the City of Glens Falls & State of New York?		Yes ___ No ___
Are you in default on any loans secured by the Business?		Yes ___ No ___
Do you currently operate the Business out of your home residence?		Yes ___ No ___

**PROJECT INFORMATION:**

Provide a brief description of your proposed Project, including the proposed location of your Business, what you are planning to sell or offer to the community, and any capital renovation needs, equipment, inventory, furnishings, or other proposed costs that require assistance from the DRIVE Program.

Provide a brief list or explanation of how you intend to use the DRIVE funding if this Application is approved, and how Deferred Loan funds could help your business expand and grow within Glens Falls:

**NOTE:** If you are seeking financial assistance for “working capital,” please explain the use of the funding in greater detail, i.e. payroll for new hires, inventory purchases, operating expenses such as utilities and insurance (but not including rent or mortgage payments), etc.

Do you intend to hire **new employees** as a result of this Project, if awarded funding? Yes \_\_\_\_ No \_\_\_\_  
If so, how many Full and/or Part-Time employees would be hired within 12 months? \_\_\_\_\_

<b>DRIVE Funding Request:</b>	\$ _____ (Funding Awards will be determined on a project-by-project basis)
Do you have the required 20% Match available? If YES, state the amount and its source(s) here:	\$ _____ / Source:
	Purpose or Use:
	\$ _____ / Source:
	Purpose or Use:

If you answered NO above regarding the required Match, when would those funds be available?  
\_\_\_\_\_

**NOTE:** Applicants with the required Cash Match readily available to implement their Projects as soon as feasible after DRIVE Award will receive priority for funding.

**PROJECT FEASIBILITY AND READINESS:**

Do you have site control (ownership or a signed lease) of the Business location? \_\_\_\_\_

Have you applied for any required City permits (i.e. Planning and Zoning, Building Permits)? \_\_\_\_\_

If you are relocating to the DRI or Downtown Business District, what is your expected **start date**?  
\_\_\_\_\_

Have you made any plans or taken any pre-cautions to deal with the COVID-19 pandemic during and/or after your Startup or Expansion Project is completed to ensure your long-term business success?  
\_\_\_\_\_  
\_\_\_\_\_

Have you received any other forms of Public Assistance (grants, loans, tax credits, PILOT Agreements) from any other governmental entity for this Business or for this specific Project? If YES, please list the awarded/approved amount(s) and describe their terms and/or uses:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL INFORMATION** - (optional):

Feel free to use this space (or a separate page) to describe any unique situations or other information about your Business / Project or the need for DRIVE financing that would be helpful during consideration of this Application.



**CERTIFICATIONS:**

If funding assistance, I will execute a Deferred Loan Agreement with the City based on the agreed eligible Project Costs, and that Deferred Loan Agreement can be cancelled by the City of Glens Falls and/or the Greater Glens Falls Local Development Corporation if I am in violation of the Agreement and/or do not fulfill any City of Glens Falls or State of New York requirements for this program.

I authorize the City of Glens Falls, the Greater Glens Falls Local Development Corporation (GGFLDC), and/or their representatives, to disclose all information submitted in connection with my Application and hereby waive all claims against the City, the GGFLDC, and/or their representatives with respect to the Deferred Loan Agreement and any other decisions made by the City, the GGFLDC, and/or their representatives as part of this GF DRIVE Program.

I understand that any costs incurred to prepare this Application and any subsequent submissions or presentations to support this Application for the GF DRIVE Program are solely my (our) responsibility and cannot be folded into or reimbursed as Project Costs using GF DRIVE funding assistance.

**SIGNATURE(s):**

I (we) attest that the information contained in this Application is correct and true.

I (we) We have read the Certifications above and all related program materials, and I (we) understand this is a competitive program with limited funding, and the City of Glens Falls, the Greater Glens Falls Local Development Corporation, and/or any representatives of those organizations are under no obligation to award or commit public funding under this program or any other municipal financing program to the Applicant based on the submission of this Application.

I (we) am (are) interested in being considered for GF DRIVE financing assistance from the City of Glens Falls and the Greater Glens Falls Local Development Corporation.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

**DOWNTOWN REVITALIZATION INITIATIVE VENTURE ENTERPRISE Program**

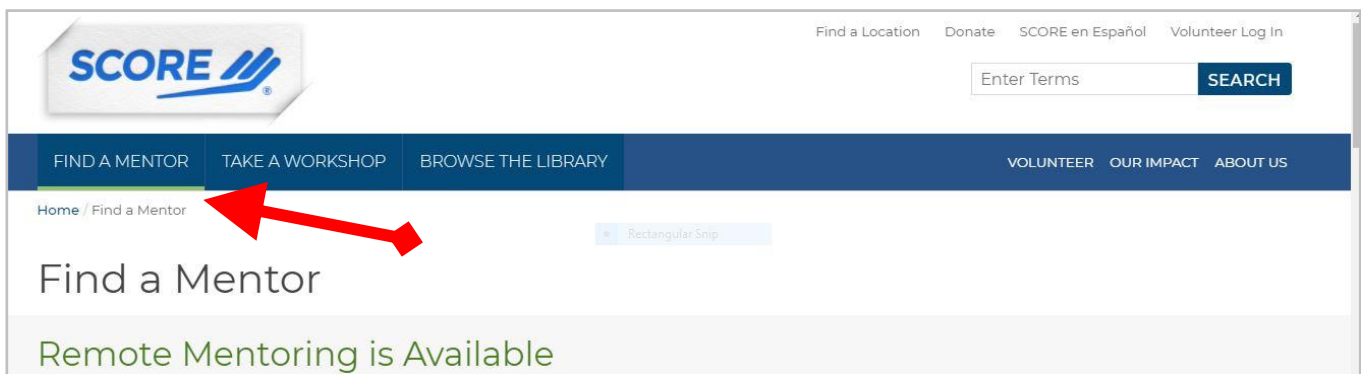
# HELP w/ Your Business Plans!

*There are resources available to help prepare your Business / Expansion Plans.*

*Many are at NO cost to you, and they will help with various topics to strengthen your ideas and existing businesses regardless of whether you are awarded GF DRIVE financing assistance.*



Go to [nysbdc.org](https://nysbdc.org); click “Make an Appointment;” and submit the online form.



Go to [score.org](https://score.org); click “Find a Mentor” to receive one-on-one planning help

## ***DOWNTOWN REVITALIZATION INITIATIVE VENTURE ENTERPRISE Program***

# Supporting Documents

Please provide the following information with your completed and signed Application form:

- Personal Financial Statement for each Business Owner/Partner  
(Use the attached SBA Form 413)
- For *Startup Business*:  
Year to Date Financial Statements - (or last 12 months if available)
- For *Existing Businesses*:  
2020 Financial Statements (profit & loss and balance sheet)  
2021 Financial Statements – *Year to Date*
- List of any active Federal Tax Liens, Judgments, Sales Tax Liens, or any agreed upon lien payment plans filed with the IRS or New York State
- Proof of Business Organization – (filed certificates)
- Business or Expansion Plan

\*Business and Expansion Plans can be emailed after receipt of the initial Application.

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**Submit the Application and Supporting Documents by regular mail to:**

Greater Glens Falls Local Development Corporation  
Attention: **GF DRIVE**  
City Hall  
42 Ridge Street  
Glens Falls, NY 12801

**Contact** Jim Thatcher, C.T. Male Associates (Consultant to the City), at [j.thatcher@ctmale.com](mailto:j.thatcher@ctmale.com) with any questions about **GF DRIVE**, your business ideas, and the Application process.

The City of Glens Falls and Greater Glens Falls Local Development Corporation (GGFLDC) are collecting business, financial, and project information to assist owners of eligible small businesses with funding support offered through the Downtown Revitalization Initiative (DRI) awarded to the City of Glens Falls and administered by the NYS Homes and Community Renewal under SHARS 20170239.

***Discrimination of any kind is prohibited by Federal Law.***



## PERSONAL FINANCIAL STATEMENT 7(a) / 504 LOANS AND SURETY BONDS

**U.S. SMALL BUSINESS ADMINISTRATION**

As of \_\_\_\_\_, \_\_\_\_\_

SBA uses the information required by this Form 413 as one of a number of data sources in analyzing the repayment ability and creditworthiness of an application for an SBA guaranteed 7(a) or 504 loan or, with respect to a surety bond, to assist in recovery in the event that the contractor defaults on the contract. Submission of this information is required as part of your application for assistance. Failure to provide the information would impact the agency's decision on your application.

Complete this form for: (1) each proprietor; (2) general partner; (3) managing member of a limited liability company (LLC); (4) each owner of 20% or more of the equity of the Applicant (including the assets of the owner's spouse and any minor children); and (5) any person providing a guaranty on the loan

**Return completed form to:**

**For 7(a) loans:** the Lender processing the application for SBA guaranty

**For 504 loans:** the Certified Development Company (CDC) processing the application for SBA guaranty

**For Surety Bonds:** the Surety Company or Agent processing the application for surety bond guaranty

<b>Name</b>		<b>Business Phone</b>	
<b>Home Address</b>		<b>Home Phone</b>	
<b>City, State, &amp; Zip Code</b>			
<b>Business Name of Applicant</b>			
ASSETS		LIABILITIES	
(Omit Cents)		(Omit Cents)	
Cash on Hand & in banks.....	\$ _____	Accounts Payable.....	\$ _____
Savings Accounts.....	\$ _____	Notes Payable to Banks and Others.....	\$ _____
IRA or Other Retirement Account.....	\$ _____	(Describe in Section 2)	
(Describe in Section 5)		Installment Account (Auto).....	\$ _____
Accounts & Notes Receivable.....	\$ _____	Mo. Payments \$ _____	
(Describe in Section 5)		Installment Account (Other).....	\$ _____
Life Insurance – Cash Surrender Value Only.....	\$ _____	Mo. Payments \$ _____	
(Describe in Section 8)		Loan(s) Against Life Insurance.....	\$ _____
Stocks and Bonds.....	\$ _____	Mortgages on Real Estate.....	\$ _____
(Describe in Section 3)		(Describe in Section 4)	
Real Estate.....	\$ _____	Unpaid Taxes.....	\$ _____
(Describe in Section 4)		(Describe in Section 6)	
Automobiles.....	\$ _____	Other Liabilities.....	\$ _____
(Describe in Section 5, and include Year/Make/Model)		(Describe in Section 7)	
Other Personal Property.....	\$ _____	Total Liabilities.....	\$ _____
(Describe in Section 5)		Net Worth.....	\$ _____
Other Assets.....	\$ _____		
(Describe in Section 5)		<b>Total</b>	<b>\$ _____</b>
<b>Total</b>		*Must equal total in assets column.	
<b>Section 1. Source of Income.</b>		<b>Contingent Liabilities</b>	
Salary.....	\$ _____	As Endorser or Co-Maker.....	\$ _____
Net Investment Income.....	\$ _____	Legal Claims & Judgments.....	\$ _____
Real Estate Income.....	\$ _____	Provision for Federal Income Tax.....	\$ _____
Other Income (Describe below)*.....	\$ _____	Other Special Debt.....	\$ _____
<b>Description of Other Income in Section 1.</b>			

\*Alimony or child support payments should not be disclosed in "Other Income" unless it is desired to have such payments counted toward total income.

**Section 2. Notes Payable to Banks and Others.** (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Names and Addresses of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

**Section 3. Stocks and Bonds.** (Use attachments if necessary. Each attachment must be identified as part of this statement and signed.)

Number of Shares	Name of Securities	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value

**Section 4. Real Estate Owned.** (List each parcel separately. Use attachment if necessary. Each attachment must be identified as a part of this statement and signed.)

	Property A	Property B	Property C
Type of Real Estate (e.g. Primary Residence, Other Residence, Rental Property, Land, etc.)			
Address			
Date Purchased			
Original Cost			
Present Market Value			
Name & Address of Mortgage Holder			
Mortgage Account Number			
Mortgage Balance			
Amount of Payment per Month/Year			
Status of Mortgage			

**Section 5. Other Personal Property and Other Assets.** (Describe, and, if any is pledged as security, state name and address of lien holder, amount of lien, terms of payment and, if delinquent, describe delinquency.)

**Section 6. Unpaid Taxes.** (Describe in detail as to type, to whom payable, when due, amount, and to what property, if any, a tax lien attaches.)

**Section 7. Other Liabilities.** (Describe in detail.)

**Section 8. Life Insurance Held.** (Give face amount and cash surrender value of policies – name of insurance company and Beneficiaries.)

I authorize the SBA/Lender/Surety Company to make inquiries as necessary to verify the accuracy of the statements made and to determine my creditworthiness.

**CERTIFICATION:** (to be completed by each person submitting the information requested on this form and the spouse of any 20% or more owner when spousal assets are included)

By signing this form, I certify under penalty of criminal prosecution that all information on this form and any additional supporting information submitted with this form is true and complete to the best of my knowledge. I understand that SBA or its participating Lenders or Certified Development Companies or Surety Companies will rely on this information when making decisions regarding an application for a loan or a surety bond. I further certify that I have read the attached statements required by law and executive order.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Social Security No. \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Social Security No. \_\_\_\_\_

**NOTICE TO LOAN AND SURETY BOND APPLICANTS: CRIMINAL PENALTIES AND ADMINISTRATIVE REMEDIES FOR FALSE STATEMENTS:**

Knowingly making a false statement on this form is a violation of Federal law and could result in criminal prosecution, significant civil penalties, and a denial of your loan or surety bond application. A false statement is punishable under 18 U.S.C. §§ 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 U.S.C. § 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a Federally-insured institution, a false statement is punishable under 18 U.S.C. § 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000. Additionally, false statements can lead to treble damages and civil penalties under the False Claims Act, 31 U.S.C. § 3729, and other administrative remedies including suspension and debarment.

PLEASE NOTE: According to the Paperwork Reduction Act, you are not required to respond to this request for information unless it displays a valid OMB Control Number. The estimated average burden hours for the completion of this form is 1.5 hours per response. If you have questions or comments concerning this estimate or any other aspect of this information collection, please contact: Director, Records Management Division, Small Business Administration, 409 Third Street SW, Washington, D.C. 20416, and SBA Desk Officer, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503. PLEASE DO NOT SEND COMPLETED FORMS TO OMB.

**PLEASE READ, DETACH, AND RETAIN FOR YOUR RECORDS**  
STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER

SBA is required to withhold or limit financial assistance, to impose special conditions on approved loans, to provide special notices to applicants or borrowers and to require special reports and data from borrowers in order to comply with legislation passed by the Congress and Executive Orders issued by the President and by the provisions of various inter-agency agreements. SBA has issued regulations and procedures that implement these laws and executive orders. These are contained in Parts 112, 113, and 117 of Title 13 of the Code of Federal Regulations and in Standard Operating Procedures.

**Privacy Act (5 U.S.C. 552a)**

Any person can request to see or get copies of any personal information that SBA has in his or her file when that file is retrieved by individual identifiers such as name or social security numbers. Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act.

Under the provisions of the Privacy Act, you are not required to provide your social security number. Failure to provide your social security number may not affect any right, benefit or privilege to which you are entitled. Disclosures of name and other personal identifiers are, however, required for a benefit, as SBA requires an individual seeking assistance from SBA to provide it with sufficient information for it to make a character determination. In determining whether an individual is of good character, SBA considers the person's integrity, candor, and disposition toward criminal actions. Additionally, SBA is specifically authorized to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B), 15 USC Section 636(a)(1)(B) of the Small Business Act ( the Act). Further, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the Act or the Small Business Investment Act, 15 USC Sections 634(b)(11) and 687(b)(a), respectively. For these purposes, you are asked to voluntarily provide your social security number to assist SBA in making a character determination and to distinguish you from other individuals with the same or similar name or other personal identifier.

The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use is the disclosure of information maintained in SBA's investigative files system of records when this information indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature. Specifically, SBA may refer the information to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for, or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use is that SBA may disclose the information maintained in SBA's investigative files to other Federal agencies conducting background checks to the extent the information is relevant to the requesting agencies' function. In addition, another routine use is that SBA may transfer information related to a debt that a person is delinquent in paying to SBA in connection with its loan programs for publication on a computer database system maintained by the Department of Housing and Urban Development, or other Federal agency, to allow searches by participating Government agencies and approved private lenders, consistent with applicable law. SBA and its authorized lenders may also use this computer database system to perform a computer match to determine a loan applicant's credit status with participating agencies of the Federal Government. See Revision of Privacy Act System of Records, 74 F.R. 14890 (April 1, 2009) and 77 F.R. 61467 (October 9, 2012) for additional background and other routine uses, which may be amended from time to time.

**Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)** -- This is notice to you as required by the Right to Financial Privacy Act of 1978, of SBA's access rights to financial records held by financial institutions that are or have been doing business with you or your business, including any financial institutions participating in a loan or loan guaranty. The law provides that SBA shall have a right of access to your financial records in connection with its consideration or administration of assistance to you in the form of a Government guaranteed loan. SBA is required to provide a certificate of its compliance with the Act to a financial institution in connection with its first request for access to your financial records, after which no further certification is required for subsequent accesses. The law also provides that SBA's access rights continue for the term of any approved loan guaranty agreement. No further notice to you of SBA's access rights is required during the term of any such agreement. The law also authorizes SBA to transfer to another Government authority any financial records included in an application for a loan, or concerning an approved loan or loan guarantee, as necessary to process, service or foreclose on a loan guaranty or collect on a defaulted loan guaranty.

**Freedom of Information Act (5 U.S.C. 552)**

This law provides, with some exceptions, that SBA must supply information reflected in agency files and records to a person requesting it. Information about approved loans that will be automatically released includes, among other things, statistics on our loan programs (individual borrowers are not identified in the statistics) and other information such as the names of the borrowers (and their officers, directors, stockholders or partners), the collateral pledged to secure the loan, the amount of the loan, its purpose in general terms and the maturity. Proprietary data on a borrower would not routinely be made available to third parties. All requests under this Act are to be addressed to the nearest SBA office and be identified as a Freedom of Information request.

**Flood Disaster Protection Act (42 U.S.C. 4011)** -- Regulations have been issued by the Federal Insurance Administration (FIA) and by SBA implementing this Act and its amendments. These regulations prohibit SBA from making certain loans in an FIA designated floodplain unless Federal Flood insurance is purchased as a condition of the loan. Failure to maintain the required level of flood insurance makes the applicant ineligible for any financial assistance from SBA, including disaster assistance.

**Executive Orders -- Floodplain Management and Wetland Protection (42 F.R. 26951 and 42 F.R. 26961)** -- SBA discourages settlement in or development of a floodplain or a wetland. This statement is to notify all SBA loan applicants that such actions are hazardous to both life and property and should be avoided. The additional cost of flood preventive construction must be considered in addition to the possible loss of all assets and investments due to a future flood.

**Occupational Safety and Health Act (15 U.S.C. 651 et seq.)** -- This legislation authorizes the Occupational Safety and Health Administration in the Department of Labor to require businesses to modify facilities and procedures to protect employees or pay penalty fees. Businesses can be forced to cease operations or be prevented from starting operations in a new facility. Therefore, SBA may require additional information from an applicant to determine whether the business will be in compliance with OSHA regulations and allowed to operate its facility after the loan is approved and disbursed. Signing this form as an applicant is certification that the OSHA requirements that apply to the applicant business have been determined and that the applicant, to the best of its knowledge, is in compliance. Furthermore, applicant certifies that it will remain in compliance during the life of the loan.

**Civil Rights Legislation** -- All businesses receiving SBA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public on the basis of categories cited in 13 C.F.R., Parts 112, 113, and 117 of SBA Regulations. This includes making their goods and services available to handicapped clients or customers. All business borrowers will be required to display the "Equal Employment Opportunity Poster" prescribed by SBA.

**Equal Credit Opportunity Act (15 U.S.C. 1691)** -- The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

**Executive Order 11738 -- Environmental Protection (38 F.R. 251621)** -- The Executive Order charges SBA with administering its loan programs in a manner that will result in effective enforcement of the Clean Air Act, the Federal Water Pollution Act and other environment protection legislation.

**Debt Collection Act of 1982, Deficit Reduction Act of 1984 (31 U.S.C. 3701 et seq. and other titles)** -- These laws require SBA to collect aggressively any loan payments which become delinquent. SBA must obtain your taxpayer identification number when you apply for a loan. If you receive a loan, and do not make payments as they come due, SBA may take one or more of the following actions: (1) report the status of your loan(s) to credit bureaus, (2) hire a collection agency to collect your loan, (3) offset your income tax refund or other amounts due to you from the Federal Government, (4) suspend or debar you or your company from doing business with the Federal Government, (5) refer your loan to the Department of Justice or other attorneys for litigation, (6) foreclose on collateral or take other action permitted in the loan instruments, or (7) if you default on an SBA loan and fail to fully reimburse SBA for any resulting loss, refer you to the computer database of delinquent Federal debtors maintained by the Department of Housing and Urban Development, or other Federal agency, which may disqualify you from receiving financial assistance from other Federal agencies. In addition, unless SBA is reimbursed in full for the loss, you will not be eligible for additional SBA financial assistance.

**Immigration Reform and Control Act of 1986 (Pub. L. 99-603)** -- If you are an alien who was in this country illegally since before January 1, 1982, you may have been granted lawful temporary resident status by the United States Immigration and Naturalization Service pursuant to the Immigration Reform and Control Act of 1986. For five years from the date you are granted such status, you are not eligible for financial assistance from the SBA in the form of a loan guaranty under Section 7(a) of the Small Business Act unless you are disabled or a Cuban or Haitian entrant. When you sign this document, you are making the certification that the Immigration Reform and Control Act of 1986 does not apply to you, or if it does apply, more than five years have elapsed since you have been granted lawful temporary resident status pursuant to such 1986 legislation.

**Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.)** -- Borrowers using SBA funds for the construction or rehabilitation of a residential structure are prohibited from using lead-based paint (as defined in SBA regulations) on all interior surfaces, whether accessible or not, and exterior surfaces, such as stairs, decks, porches, railings, windows and doors, which are readily accessible to children under 7 years of age. A "residential structure" is any home, apartment, hotel, motel, orphanage, boarding school, dormitory, day care center, extended care facility, college or other school housing, hospital, group practice or community facility and all other residential or institutional structures where persons reside.



**Executive Order 12549, Debarment and Suspension (2 CFR 180, adopted by reference in 2 CFR Part 2700 (SBA Debarment Regulations))** -- By submission of this loan application, you certify and acknowledge that neither you nor any Principals have within the past three years been: (a) debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a transaction by any Federal department or agency; (b) formally proposed for debarment, with a final determination still pending; (c) indicted, convicted, or had a civil judgment rendered against you for any of the offenses listed in the Regulations; or (d) delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of execution of this certification.

If you are unable to certify and acknowledge (a) through (d), you must obtain and attach a written statement of exception from SBA permitting participation in this loan. You further certify that you have not and will not knowingly enter into any agreement in connection with the goods and/or services purchased with the proceeds of this loan with any individual or entity that has been debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a Transaction. All capitalized terms have the meanings set forth in 2 C.F.R. Part 180.