



**ELIGIBILITY INFORMATION REQUIRED  
FOR 504 SUBMISSION (PCLP)**

OMB APPROVAL NO.: 3245-0346  
EXPIRATION DATE: 09/30/2016

[The PCLP CDC completes this form to help SBA carryout its lender, portfolio and program oversight as part of the application package for Section 504 Loan and sends to: Sacramento Loan Processing Center, Small Business Administration, 6501 Sylvan Road, Suite 111, Citrus Heights, CA. 95610-5017.]

**I. General Information - Fill out all blanks and answer all questions. If a question is answered "No," the loan is not eligible.**

Applicant Name: \_\_\_\_\_  
CDC Name: \_\_\_\_\_  
Describe Type of Business: \_\_\_\_\_  
Describe Project: \_\_\_\_\_

Applicant is an operating business organized for profit, is located in United States, has demonstrated a need for the desired credit, and the desired credit is not otherwise available on reasonable terms from non-Federal sources. YES \_\_\_ NO \_\_\_

The Applicant will use the Project Property and the Project is located in the United States. YES \_\_\_ NO \_\_\_

The products and/or services of the Applicant business are available to the general public. YES \_\_\_ NO \_\_\_

**II. Size – Check Item(s) if Applicable and Fill out A or B below.**

COMPLETE FOR APPLICANT:

A. If using the 504 size standard:

- Tangible net worth of Applicant (excluding its Affiliates) \_\_\_\_\_
- Average net income after Federal income taxes (excluding any carry-over losses) for the Applicant (excluding its Affiliates) for the preceding two completed fiscal years \_\_\_\_\_

B. If using the alternative 7(a) size standard:

- Primary industry of Applicant \_\_\_\_\_
- NAICS Code of Applicant \_\_\_\_\_
- Average annual receipts of Applicant Business (excluding affiliates) over last 3 completed fiscal years \_\_\_\_\_
- No. of employees of Applicant Business \_\_\_\_\_
- SBA size standard for applicant \_\_\_\_\_

\_\_\_ Applicant has possible affiliates. *If item is checked, provide the following information in Section X of this form:*  
List possible affiliates, discuss possible bases of affiliation and determine if affiliation exists.  
If affiliation exists, provide a schedule showing combined size calculation.

The combined size calculation of applicant and its affiliates meets the size standard for the applicant's primary Industry or the size standard for the primary industry of the applicant and its affiliates, whichever is higher. YES \_\_\_ NO \_\_\_

If size standard is exceeded by no more than 25%, Applicant agrees to use the assistance within a labor surplus area. YES \_\_\_ NO \_\_\_

\_\_\_ Applicant business has a franchise/license/dealer/jobber or similar agreement. *If checked, answer the following question:*

The SBA Franchise Registry lists the franchise/license/dealer/jobber or similar agreements as an approved agreement. YES \_\_\_ NO \_\_\_

If "No", answer the following: You have made the determination that the applicant business has the right to profit and risk of loss commensurate with ownership and there are no excessive restraints on the sale of the franchise/license/dealer/jobber or similar interest. If "No," loan is not eligible.

YES \_\_\_ NO \_\_\_

**III. Principals of the Applicant – Answer All Questions. If a question is answered "No," the loan is not eligible.**

All principals of business are either U.S. citizens or non-U.S. citizens whose status has been verified by the lender.

YES \_\_\_ NO \_\_\_

**CHOOSE ONE:**

\_\_\_ The business is at least 51 percent owned by individuals who are U.S. citizens and/or who have verified Legal Permanent Resident (LPR) status from USCIS and control the management and daily operations of the business.

\_\_\_ The business is at least 51 percent owned by aliens with a verified status other than LPR, the lender has determined that continual and consistent management of the business has been provided by a U.S. citizen or by a verified LPR for at least one year and will continue indefinitely AND U.S. collateral is pledged sufficient to pay the loan in full at any time. (Businesses less than one year old do not meet these requirements.)

No Associate of a Lender is incarcerated, on parole, or on probation or is a convicted felon or has an adverse final civil judgment (in a case involving fraud, breach of trust, or other conduct) that would cause the public to question the Lender's business integrity.

YES \_\_\_ NO \_\_\_

**IV. Type of Business – Check Any Items That Are Applicable.**

\_\_\_ Applicant is or does one of the following: *If checked, loan is not eligible.*

- primarily engaged in the business of lending
- a passive business owned by developers or landlords that do not actively use or occupy the assets acquired or improved with the loan proceeds and that is not an Eligible Passive Company discussed below
- bail bond company
- life insurance company
- located in a foreign country or owned by undocumented (illegal) aliens
- pyramid sale distribution plan
- any illegal activity
- principally engaged in teaching, instructing, counseling or indoctrinating religion or religious beliefs, whether in a religious or secular setting.
- consumer or marketing cooperative
- earns 1/3 or more of its gross annual revenue from packaging SBA loans
- derives directly or indirectly more than 5% of its gross revenue through the sale of products or services, or the presentation of any depiction or displays, of a prurient sexual nature or that presents any live performances of a prurient nature
- primarily engaged in political or lobbying activities
- a speculative business (such as oil wildcatting, mining and research & development)

\_\_\_ Applicant is a business that is primarily engaged in subdividing real property into lots and developing it for resale on its own account or in owning or purchasing real estate and leasing it for any purpose. *If checked, loan is not eligible.*

\_\_\_ Applicant is a pawn shop. *If checked, answer the following statement.*

More than 50% of Applicant's income for the previous year was from sales rather than from interest on loans.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a mortgage service company. *If checked, answer the following statement.*

Any mortgage loans funded are sold within 14 days of loan closing.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a hotel, motel, recreational vehicle park, campground, marina or similar type of business.

*If checked, answer the following statement.*

Applicant derives 50 percent or more of its gross annual income from transients who stay for periods of time not exceeding 30 days.

YES \_\_\_ NO \_\_\_

\_\_\_ Any of gross annual revenue of Applicant business is derived from gambling. If checked, answer the following statement. If "No," loan is not eligible.

The revenue is from legal gambling activities and comprises 1/3 or less of gross annual revenue of Applicant business and the business is not a racetrack, casino or otherwise have gambling as its reason for being.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a private club or business. If checked, answer the following statement. If "No," loan is not eligible.

Business does not limit the number of memberships for reasons other than capacity.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a government-owned entity. If checked, answer the following statement. If "No," loan is not eligible.

Applicant is business owned or controlled by a Native American tribe, but is a separate legal identity from the tribe.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is an Eligible Passive Company (EPC). If checked, fill in the blanks and answer the following questions. If an individual question or both parts of a two part question is answered "No," loan is not eligible. Attach additional sheet with Names and Legal Forms if more than one OC. References below to OC mean each OC.

Name of Operating Company (OC) : \_\_\_\_\_  
Legal Form of Entity of OC: \_\_\_\_\_

- The EPC will use the loan proceeds to acquire or lease, and/or improve or renovate real or personal property (including eligible refinancing) that it leases 100% to one or more OCs. YES \_\_\_ NO \_\_\_
- The OC is an eligible small business and the proposed use of proceeds would be an eligible use if the OC were obtaining the financing directly. YES \_\_\_ NO \_\_\_
- The EPC (with the exception of a trust) and the OC each are small under SBA's size standards. YES \_\_\_ NO \_\_\_
- The EPC is eligible as to type of business, other than being passive. YES \_\_\_ NO \_\_\_
- The lease between the Eligible Passive Company and the Operating Company will be in writing, will have a remaining term at least equal to the term of the loan (including options to renew exercisable solely by the Operating Company), will be subordinated to SBA's lien on the property and the rents will be assigned as collateral for the loan. YES \_\_\_ NO \_\_\_
- The OC will be a guarantor or co-borrower. If part of the assets are to be owned by the OC, it will be a co-borrower. YES \_\_\_ NO \_\_\_
- Each 20% or more owner of the EPC and each 20% or more owner of the OC will guarantee the loan. YES \_\_\_ NO \_\_\_
- The aggregate amount of the SBA portions for this application and for all outstanding loans to the EPC, the OC, and their affiliates does not exceed \$5 million (or \$5.5 million if the PCLP loan is eligible under public policy goals or \$5.5 million if the applicant is a Small Manufacturer.) YES \_\_\_ NO \_\_\_
- Neither the EPC nor the OC is a trust or SBA requirements regarding trusts are met. YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a convalescent or nursing home. If item is checked, answer the following question. If "No", loan is not eligible.

Applicant is licensed as a nursing home or assisted living facility.

YES \_\_\_ NO \_\_\_

**V. Project Financing and Costs – Fill in All Blanks and Answer All Questions. If a question is answered "No," the loan is not eligible.**

Debenture Amount	\$ _____	Administrative Costs: SBA guarantee fee	\$ _____
Interim Loan Amount	\$ _____	Funding Fee	\$ _____
Term of 504 Loan and Debenture	_____ years	CDC processing fee	\$ _____
		Borrower's Out-of-pocket Closing Costs	\$ _____
		CDC Closing Fee	\$ _____
		Underwriters fee	\$ _____

**PERMANENT FINANCING**

**PROJECT COSTS**

Third Party Loans	\$ _____	_____ %	RE Purchase ___ or Lease ___	\$ _____
Net Debenture	\$ _____	_____ %	RE Construction ___ or Impr ___	\$ _____
Borrower Contribution	\$ _____	_____ %	Debt to be Refinanced	\$ _____
			Professional Fees	\$ _____
			Capital or Long-Term Equipment	\$ _____
			Interim Interest and Fees	\$ _____
<b>TOTAL</b>	\$ _____	_____ %	<b>TOTAL</b>	\$ _____

Third Party Loan for Debt Consolidation, if any \$ \_\_\_\_\_ =Debt Consolidation, if any \$ \_\_\_\_\_

Any costs attributable to the Project to be reimbursed to the Applicant are for land that was acquired with financing for a term of 3 years or less and prior to applying to SBA for the 504 loan and used in the Project, or for other eligible expenses that are directly attributable toward the Project.

YES \_\_\_ NO \_\_\_

The Interim Loan does not cover the Borrower’s contribution. The source of interim financing is not from any SBA program, directly or indirectly; the terms and conditions of the financing are acceptable; the source is not the Applicant or an Associate of the Applicant; and the source has the experience and qualifications to monitor properly all Project construction and progress payments.

YES \_\_\_ NO \_\_\_

The Borrower Contribution is cash or property that is part of the Project Property and is not derived from an SBA business loan program. If the contribution is borrowed, the interest rate is reasonable and any lien on the Project assets is subordinate to the liens securing the 504 loan, and the loan will not be repaid at a faster rate than the 504 loan.

YES \_\_\_ NO \_\_\_

If the Borrower has been in operation for 2 years (or there is a change in ownership of the applicant business)

- There is an additional Borrower Contribution of at least 5% (above the minimum 10%)
- The Debenture will finance no more than 35% of the Project and
- At least 50% of the Project financing will be from state or local government, banks or other financial institutions, foundations or other not-for-profit institutions, or seller (provided seller subordinates its interest to the debenture)

YES \_\_\_ NO \_\_\_

If the Project involves a limited or single-purpose building or structure

- There is an additional Borrower Contribution of at least 5% (above the minimum 10%)
- The Debenture will finance no more than 35% of the Project
- At least 50% of the Project financing will be from state or local government or other financial institutions, foundations or other not for-profit institution, or seller (provided seller subordinate its interest to the debenture)

YES \_\_\_ NO \_\_\_

If the Borrower has been in operation for 2 years or less (or there is a change of ownership of the applicant business) **and** the Project involves a limited or single-purpose building or structure,

- The Borrower Contribution is at least 20%
- The Debenture will finance no more than 30% of the Project **and**
- At least 50% of the Project financing will be from state or local government, banks or other financial institutions, foundations or other not-for-profit institutions, or seller (provided seller subordinates its interest to the debenture)

YES \_\_\_ NO \_\_\_

The Third Party Loan is at least as much as the 504 Loan (net proceeds). The Third Party Loan(s) has a term of at least 7 years for a 10 year debenture and at least 10 years for a 20 year debenture. The interest rate is reasonable. Any financing provided by the

seller of Project Property is subordinate to the 504 loan and may not be prepaid without SBA consent. YES\_\_\_NO\_\_\_

No more than 50% of eligible Project costs are from Federal sources. YES\_\_\_NO\_\_\_

Any debt consolidation included in the Third Party Loan will not improve the lien position of the Lender on the pre-existing debt, unless the debt is a previous Third Party Loan. YES\_\_\_NO\_\_\_

The aggregate amount of the SBA portions for this application and for all outstanding loans to this Applicant and its affiliates does not exceed \$5 million, or \$5.5 million if the PCLP loan is eligible under the following public policy goal or \$5.5 million if the applicant is a Small Manufacturer or an Energy Efficiency Project. YES\_\_\_NO\_\_\_

**VI. Project Economic Development Goals**

*Answer if debenture amount is \$5,000,000 or less:*

This Project creates or retains one Job Opportunity for every \$65,000 (\$100,000 for a Small Manufacturer) guaranteed by SBA. YES\_\_\_NO\_\_\_

*If "No," answer the following question:*

The CDC's overall portfolio of 504 loans, including this loan but exclusive of 504 loans to Small Manufacturers meets or exceeds the CDC's required Job Opportunity Average AND the Project achieves the following community development or public policy goal: (A Goal must be cited for any 504 Loan where the above jobs test is not met). YES\_\_\_NO\_\_\_

*If "No", loan is not eligible.*

*Answer if debenture amount is over \$5,000,000 to \$5,500,000:*

This Project is for a Small Manufacturer and it creates or retains one Job Opportunity for every \$100,000 guaranteed by SBA and the Project achieves the following community development or public policy goal: \_\_\_\_\_ YES\_\_\_NO\_\_\_

*If "No," answer the following question:*

The project creates or retains one Job Opportunity for every \$65,000 guaranteed by SBA or the CDC's overall portfolio of 504 loans, including this loan but exclusive of 504 loans to Small Manufacturers, meets or exceeds the CDC's required Job Opportunity Average, AND it is an Energy Efficiency Project (achieves the public policy goal of either 10% reduction in energy use or production of renewable energy). YES\_\_\_NO\_\_\_

*If "No", loan is not eligible.*

**VII. Use of Project Proceeds – Check if Applicable.**

\_\_\_ To relocate any operations of a small business which will cause a net reduction of one-third or more in the workforce of the relocating small business or a substantial increase in unemployment in any area of the country. *If checked, answer the following questions. If "No" loan is not eligible.*

The relocation is for key economic reasons and crucial to the continued existence, economic wellbeing, and/or competitiveness of the applicant; and the economic development benefits to the applicant and the receiving community outweigh the negative impact on the community from which the applicant is moving. YES\_\_\_NO\_\_\_

\_\_\_ To provide or refinance funds used for payments, distributions, or loans to Associates of the Applicant, except payment of ordinary compensation for services rendered. *If checked, loan is not eligible.*

\_\_\_ To fund purchase, renovation, or reconstruction of an existing building. *If checked, answer the following questions. If "No" loan is not eligible.*

- Applicant (or Operating Companies) will occupy at least 51% of the rentable property. YES\_\_\_NO\_\_\_
- Loan proceeds will not be used to remodel or convert space not occupied by the Applicant or OC. YES\_\_\_NO\_\_\_

- Third Party Loan proceeds used to renovate the rental space are not counted towards the 504 first mortgage requirements or the Borrower's Contribution. YES\_\_\_NO\_\_\_

\_\_\_ To finance construction of a new building. *If checked, answer the following questions. If "No" loan is not eligible.*

- If building will contain rental space, Applicant (or Operating Companies) will occupy 60% of rentable space immediately, will lease no more than 20% of rentable space long term, will occupy more than 60% of rentable space within 3 years and plans to occupy at least 80% of rentable space within 10 years. YES\_\_\_NO\_\_\_
- Community improvements do not exceed 5 percent of construction proceeds. YES\_\_\_NO\_\_\_

\_\_\_ To purchase, transport, dismantle or install machinery and equipment. *If checked, answer the following question. If "No" loan is not eligible.*

- The machinery and equipment has a useful life of at least 10 years. (20 years if a 20-year 504 loan is requested) YES\_\_\_NO\_\_\_

\_\_\_ To purchase short-term equipment, furniture and/or fixtures. *If item is checked, answer the following question. If "No," loan is not eligible.*

The dollar amount compared to the total project cost is minimal and will not affect the maturity based upon a weighted average useful life and the items are essential to and a minor portion of the Project. YES\_\_\_NO\_\_\_

\_\_\_ To fund leasehold improvements. *If checked, answer the following question. If "No" loan is not eligible.*

Loan proceeds will be used to improve space occupied 100% by Applicant. YES\_\_\_NO\_\_\_

\_\_\_ To acquire, construct or modify buildings and improvements, and/or to purchase and install machinery and equipment located on land leased to the Applicant by the CDC or an unrelated lessor. *If checked, answer the following questions. If "No," loan is not eligible.*

- The remaining term of the lease, including options to renew, exercisable solely by the lessee, will equal or exceed the term of the Debenture, or, in the case of machinery or equipment, equals or exceeds the useful life of the property or the term of the Debenture, whichever is less. YES\_\_\_NO\_\_\_
- The Applicant will assign its interest in the lease to the CDC with right of reassignment to SBA. YES\_\_\_NO\_\_\_
- If CDC is leasing property to the Applicant, the rent paid during the Debenture term will pay principal and interest on all debt incurred by the CDC to finance the Project, and all related expenses. YES\_\_\_NO\_\_\_

\_\_\_ Debt refinance as part of an expansion is included in Project costs: *If checked, answer the following questions. If "No," loan is not eligible.*

i. Total debt refinanced is no more than 50% of new expansion costs. YES\_\_\_NO\_\_\_

ii. Either:

- (1) Substantially all (85% or more) of the proceeds of the existing debt was used to acquire an Eligible Fixed Asset(s) and the remaining amount (15% or less) was incurred for the benefit of the small business seeking the refinancing; or YES\_\_\_NO\_\_\_

- (2) if the Eligible Fixed Asset(s) was originally financed through a commercial loan (hereafter the "original loan") that was subsequently refinanced one or more times:
  - A. Substantially all (85% or more) of the proceeds of the original loan was used to acquire an Eligible Fixed Asset and the remaining amount (15% or less) was incurred for the benefit of the small business seeking the refinancing; and
  - B. the existing debt is the most recent refinancing of the original loan; YES\_\_\_NO\_\_\_

iii. The existing indebtedness is collateralized by fixed assets; YES\_\_\_NO\_\_\_

iv. The existing indebtedness was incurred for the benefit of the small business concern; YES\_\_\_NO\_\_\_

v. Project proceeds will be used only for refinancing existing indebtedness or costs relating to the project financed. YES\_\_\_NO\_\_\_

- vi. The financing will provide a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are accounted for; YES\_\_\_NO\_\_\_
- vii. The borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; YES\_\_\_NO\_\_\_
- viii. The financing under section 504 will provide better terms or rate of interest than the existing indebtedness at the time of refinancing. YES\_\_\_NO\_\_\_
- ix. No debt refinanced is due to an Associate of applicant. YES\_\_\_NO\_\_\_
- x. No debt refinanced is due to a Small Business Investment Company. YES\_\_\_NO\_\_\_
- xi. No creditor whose debt is refinanced is in a position to sustain a loss causing a shift of any part of a potential loss to SBA. YES\_\_\_NO\_\_\_

\_\_\_ Debt refinance without expansion is included in Project costs: *If checked, answer the following questions. If "No," loan is not eligible.*

- i. The Refinancing Project does not involve the expansion of a small business; YES\_\_\_NO\_\_\_
- ii. The applicant has been in operation for all of the 2 year period ending on the date of application; YES\_\_\_NO\_\_\_
- iii. The Qualified Debt to be refinanced is a commercial loan:
  - a) 100% of which was for the benefit of the applicant; YES\_\_\_NO\_\_\_
  - b) That was incurred not less than two years before the date of the application; YES\_\_\_NO\_\_\_
  - c) That is not subject to a guaranty by a Federal agency or department; YES\_\_\_NO\_\_\_
  - d) That is secured by 504 Eligible Fixed Assets; YES\_\_\_NO\_\_\_
  - e) That is not a Third Party Loan on an existing 504 project; YES\_\_\_NO\_\_\_
  - f) For which the applicant has been current on all payments due for not less than one year prior to the date of the application (which means that no payment was more than 30 days past due from either the original payment terms or modified payment terms if such modification, including deferments, was agreed to in writing no less than one year prior to the date of application); YES\_\_\_NO\_\_\_
  - g) Either:
    - (1) substantially all (85% or more) of the proceeds of the existing debt was used to acquire an Eligible Fixed Asset(s) and the remaining amount (15% or less) was incurred for the benefit of the small business seeking the refinancing; or
    - (2) if the Eligible Fixed Asset(s) was originally financed through a commercial loan (hereafter the "original loan") that was subsequently refinanced one or more times: (A) substantially all (85% or more) of the proceeds of the original loan was used to acquire an Eligible Fixed Asset(s) and the remaining amount (15% or less) was incurred for the benefit of the small business seeking the refinancing; and (B) the existing debt is the most recent refinancing of the original loan; YES\_\_\_NO\_\_\_
  - h) This question applies only if the original loan was for the construction of a new building, or the acquisition, renovation, or reconstruction of an existing building, and such loan would not have satisfied the leasing policies set forth in 13 CFR 120.131 and 13 CFR 120.870(b): Borrower is able to demonstrate compliance with 13 CFR 120.131(b) for existing buildings as of the date of application for assistance; YES\_\_\_NO\_\_\_ N/A\_\_\_

- iv. The portion of the Refinancing Project provided by the 504 loan and the Third Party Loan is not more than 90% of the current fair market value of the fixed assets that will serve as collateral, YES\_\_\_NO\_\_\_
- v. If there is a deficiency remaining on the loan to be refinanced, has it been addressed by one or more of the three methods below (check all that apply): YES\_\_\_NO\_\_\_  
 \_\_\_(a) Forgiveness of all or part of the deficiency  
 \_\_\_(b) Acceptance of payment by the borrower  
 \_\_\_(c) Requiring the borrower to execute a note for the balance or any portion of the balance. This note must be subordinate to the 504 loan if secured by any of the same collateral
- vi. If the Refinancing Project includes financing for business expenses, the expenses are eligible for financing and are included in a detailed and itemized list in the Credit Memorandum; YES\_\_\_NO\_\_\_
- vii. The funding for the Refinancing Project includes an amount from the Third Party Lender equal to or greater than the 504 net debenture amount and not less than 10% from the Borrower; YES\_\_\_NO\_\_\_
- viii. The Third Party Lender will have a first lien position, and the 504 loan will have a second lien position on all Eligible Fixed Assets securing the Refinancing Project; YES\_\_\_NO\_\_\_
- ix. The refinancing meets the job creation, retention or other economic development objectives outlined in 13 CFR 120.861 or 120.862 and SOP 50 10 5; YES\_\_\_NO\_\_\_
- x. The Refinancing Project costs only include the amount used to refinance the Qualified Debt, any Eligible Business Expenses, and other costs under 120.882(c) and (d) and eligible administrative costs under 120.833; YES\_\_\_NO\_\_\_
- xi. No debt being refinanced is due to an Associate of applicant; YES\_\_\_NO\_\_\_
- xii. No debt being refinanced is due to a Small Business Investment Company or a New Markets Venture Capital Company; and YES\_\_\_NO\_\_\_
- xiii. No creditor whose debt is refinanced is in a position to sustain a loss causing a shift or any part of a potential loss to the SBA. YES\_\_\_NO\_\_\_

**VIII. PCLP Requirements – Check if Applicable.**

\_\_\_ Loan is for the following special purpose OR Applicant is or does one of the following (Loan is not eligible for PCLP):

- Disabled Assistance Loan Program (DAL)
- Energy Conservation
- Qualified Employee Trusts (ESOP)
- Pollution Control Program
- Is located in a foreign country or owned by undocumented (illegal) aliens.
- Is primarily engaged in teaching, instructing, counseling or indoctrinating religion or religious beliefs, whether in a religious or secular setting. (An Applicant is not ineligible merely because it offers religious books, music, ceremonial items or other religious articles for sale. The lender must consider the overall activities and business environment of the Applicant.)
- Derives directly or indirectly more than 5% of its gross revenue through the sale of products or services, or the presentation of any depiction or displays, of a prurient sexual nature or that presents any live performances of a prurient nature (The CDC must consider whether the nature and extent of the sexual component causes it to be prurient.)

\_\_\_ Applicant or Affiliate(s) has/have existing SBA loans(s). *If checked, answer the following question. If "No," loan is not eligible.*

The existing SBA loan(s) is/are current. YES\_\_\_NO\_\_\_

\_\_\_ Question 7 on any required SBA Form 912, Statement of Personal History, for this application is answered "Yes." (Loan is not eligible.)

\_\_\_ Question 8 or 9 of any required SBA Form 912, Statement of Personal History, for this application is answered "Yes." *If checked, answer the following:*

The application meets one of the following criteria below (which is checked)  
(If "No," loan is not eligible.)

YES\_\_\_NO\_\_\_

\_\_\_ Lender has received written clearance of the character issue(s) from the Sacramento Loan Processing Center (SLPC).

\_\_\_ The charge resulting in a "yes" answer was a single misdemeanor that was subsequently dropped without prosecution and CDC has documentation from the appropriate court or prosecutor's office showing that the charge was dropped.

\_\_\_ CDC has previously submitted this application to SBA under any other program, including ALP or regular 504. (*Loan is not eligible for PCLP.*)

\_\_\_ Loan will have primary collateral that will not meet SBA's environmental requirements or that will require use of a non-standard indemnification agreement. (*Loan is not eligible for PCLP.*)

\_\_\_ Business or any of its principals has been involved in a federal loan or federally assisted financing that defaulted and caused a loss to the Federal government or any of its Departments or agencies. (*Loan is not eligible for PCLP.*)

\_\_\_ Some or all of refinancing included in Project is used to refinance same institution debt which is due to the PCLP CDC or the Third Party Lender financing the new project or of affiliates of either. (*Loan is not eligible for PCLP.*)

\_\_\_ Not all collateral securing any debt refinanced as part of the Project is to secure the 504 Project Loans. (*Loan is not eligible for PCLP.*)

#### **IX. Conflict of Interest**

SBA will not provide financial assistance under delegated processing authority to an applicant when granting such financial assistance will result in the appearance of a conflict of interest between the Federal Government or the CDC and the Applicant. If any of the statements cannot be answered "true," then the application may not be submitted under delegated processing.

•No SBA employee, or the household member\* of an SBA employee, is a sole proprietor, partner, officer, director, or stockholder with a 10 percent or more interest of the Applicant. [13 CFR 105.204]

True\_\_\_

•No former SBA employee, who has been separated from the SBA for less than one year prior to the request for financial assistance, is an employee, owner, partner, attorney, agent, owners of stock, officer, director, creditor or debtor of the Applicant. [13 CFR 105.203]

True\_\_\_

•No Member of Congress, or an appointed official or employee of the legislative or judicial branch of the Federal Government, is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or household member of such individual of the Applicant. [13 CFR 105.301(c)]

True\_\_\_

•No Government employee having a grade of at least GS-13 or higher is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or household member of such individual of the Applicant. [13 CFR 105.301(a)]

True\_\_\_

•No member or employee of a Small Business Advisory Council or a SCORE volunteer is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual of the Applicant. [13 CFR 105.302(a)]

True\_\_\_

(\*A "household member" of an SBA employee includes: a) the spouse of the SBA employee; b) the minor children of said individual; and c) the blood relatives of the employee, and the blood relatives of the employee's spouse, who reside in the same place of abode as the employee. [13 CFR § 105.201(d)])

**X. Ethical Requirements of Lenders (13 CFR 120.140)**

Please answer the following questions. If any of the statements cannot be answered as “True,” then the loan request is not eligible.

•No CDC or Associate\*\* of CDC has a real or apparent conflict of interest with Applicant, any of Applicant’s Associates, or any of the close relatives of Applicant’s Associates. True\_\_\_\_\_

•No CDC or Associate or close relative of an Associate of the CDC has a significant direct or indirect financial or other interest in the Applicant, or has had such an interest within 6 months prior to the date of the application. True\_\_\_\_\_

•No Associate of a CDC is incarcerated, on parole, or on probation or is a convicted felon or has an adverse final civil judgment (in a case involving fraud, breach of trust, or other conduct) that would cause the public to question the CDC’s business integrity. True\_\_\_\_\_

•No CDC or any Associate of CDC has accepted funding from a source that restricts, prioritizes, or conditions the types of small businesses that CDC may assist under an SBA program or that imposes any conditions or requirements upon recipients of SBA assistance inconsistent with SBA’s loan programs or regulations. True\_\_\_\_\_

•None of the Loan proceeds will directly or indirectly finance purchase of real estate, personal property or services from CDC or an Associate of CDC. True\_\_\_\_\_

•Neither the Applicant, an Associate of Applicant, close relative nor household member of an Associate of Applicant is required to invest in CDC. True\_\_\_\_\_

•None of the proceeds of the loan will be used to acquire space in project for which CDC has issued a real estate forward commitment. True\_\_\_\_\_

• No employee of a community organization, such as a certified development company or microlender (or a close relative or household member of such an individual), is a sole proprietor, general partner, officer, director, employee, attorney, agent, creditor or debtor, or has a financial interest in the Applicant. True\_\_\_\_\_

• No community organization or its officers or its directors have a significant financial interest in the Applicant unless the organization has been inactive in packaging SBA loans for at least two years prior to the application date. True\_\_\_\_\_

(\*\*Associate of a CDC is an officer, director, key employee, or holder of 20 percent or more of the value of the CDC’s stock or debt instruments, or an agent involved in the loan process. An Associate of a small business is an officer, director, owner of more than 20 percent of the equity, or key employee.)

**XI. COMMENTS REGARDING ANY OF ABOVE ANSWERS THAT REQUIRE EXPLANATION OR REGARDING ANY OTHER RELEVANT ELIGIBILITY ISSUES. ATTACH ADDITIONAL PAGE(S) IF NECESSARY.**

CDC hereby certifies that the above information is true and correct, to the best of its knowledge, and that it has exercised due diligence to obtain the true and correct information. CDC is aware and acknowledges that SBA review of this form is a quick look at eligibility intended to provide limited protection to SBA and the CDC from making an ineligible loan, and that if an SBA loan number is assigned and SBA later learns that the loan is not eligible, SBA may pursue any available remedy against the CDC including a suit to recover the amount of any money wrongfully paid by SBA and administrative actions under 13 C.F.R. Part 120, Subpart I.

**CDC Signature**

Typed Name and Title\_\_\_\_\_

Date\_\_\_\_\_

PLEASE NOTE: According to the Paperwork Reduction Act, you are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. The estimated burden for completing this form, including time for reviewing instructions, gathering data needed, and completing and reviewing the form is 30 minutes. Comments or questions on the burden estimates should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., SW, Washington DC 20416. **PLEASE DO NOT SEND FORMS TO THIS ADDRESS.**