

TEXAS COMMUNITY FACILITIES GUARANTEED LOAN  
PROCESSING CHECKLIST - RD INSTRUCTION 3575-A

**Applicant:**

**Project:**

Form/Action	Responsible Party	File Position	Date	
			Received	Approved

**Pre-Application (Optional)**

1. SF 424-2 (Optional)	Applicant	3		
2. Council of Government Comments	Applicant	3 & Env. File		
3. Certification of Inability to Obtain Credit without a Guarantee	Applicant & Lender	3		
4. Last Audit/Management Report	Applicant	1		
5. Organizational Documents	Applicant	5 *		
6. 1942-A Guide 26	RD Local Office	3		
7. Recommendation	RD Local Office	3 **		
8. Letter inviting Application (to local RD office)	RD State Office	3		
9. Meet with Lender & Applicant to discuss letter inviting application and provide all forms, guides, and information required for a complete application. Explain to lender that interim financing for construction projects will be required. NOTE: If the applicant chooses to submit a complete application, you may skip items 1 & 8. You should however, meet with the lender initially and provide all the necessary forms and guides for a complete application!	RD Local Office	3		
10. 3575-1, Application for Loan and Guarantee with all attachments (applicable 16 items) listed on Page 2.	Lender/Applicant	3		
11. Feasibility Study per 3575-A Exhibit B with Lender's written financial feasibility and analysis & Proposed Budget	Lender	3		
12. Environmental Assessment	RDLO Separate File	*		
13. Preliminary Architectural Report/Plans/Specs. with detailed cost estimate.	Lender/Applicant	6		
14. (Proposed) Loan Agreement	Lender/Applicant	3		
15. 1942-43 Project Summary	RD Local Office	3		

**FILE TO STATE OFFICE**

16. 1940-3 Obligation	RD State Office	2		
17. 449-14 Conditional Commitment for Guarantee. (local office delivers to Lender. Appraisal Reports are the option of the Lender, unless the Agency requires one per the Conditional Commitment)	RD State Office	3 **		

**CLOSING**

18. 1980-19 with submission of 1% Guarantee Fee	RD Local Office	2		
19. Lender's Certification	Lender	3		
20. Lender's Council's Opinion along with required closing documents (Note, DOT, etc.) per the Conditional Commitment	Lender	5		
21. 449-35 Lender's Agreement	RD Local Office	5		
22. Loan Note Guarantee	RD Local Office	2 **		

\* Applicable Guide attached!

\*\* Update RCFTS

## Community Facilities Guides

These guides are to assist the applicant and the local office in providing complete information for application processing. They are not intended to address every application and in some instances will not be applicable (i.e. a Class II assessment will be required.) Refer to Instruction 3575-A, and consult with your Area Director or the State Office if assistance is needed.

### \*Item 5. Organizational Documents

**Public Bodies:** City, Town, County, District, Indian Tribe -

Provide a legal reference and date of establishment along with a copy of the authorizing legislation (if applicable.)

**Non-Profit Corporation:** The majority of the Board of Directors and membership must be from the local area to be served, which will control the corporation. Board Members with voting rights cannot serve in a remunerated capacity, and "Conflict of Interest Policies" must be addressed in the By-Laws to protect the integrity of the public service organization. By-Laws should comply with the intent and purpose of the "Texas Open Records and Open Meetings Act." If the Corporation has no members, the Board of Directors must be appointed by the local community (i.e. city, county, and/or civic organizations.)

#### Required Documents

1. Articles of Incorporation (file-marked copy) along with a written statement that these Articles are still current.
2. Certificate of Incorporation issued by Secretary of State.
3. By-Laws with a written statement that these are still current along with a copy of the adopting resolution.
4. Provide any amendments to the Articles and By-Laws with filing certificates and statements as applicable.
5. Copy of certificate of good standing from the Secretary of State (if available.)
6. Written statement from Comptroller of public accounts as to franchise tax exemption and good standing (if available.)
7. Internal Revenue Service statement concerning corporation's exemption from federal income taxes (if available.)

### \*Item 12 (Guarantee), 13 (Fire & Rescue), & 17 (Direct) Environmental Assessment

**Categorical Exclusion:** Form 1940 -22 Environmental Checklist for Categorical Exclusions  
& Form 2006-38 Civil Rights Impact Analysis

**Class I Assessment:** (Separate File)

1. \_\_\_ Form 1940-20 Request For Environmental Information Complete items (1), (\*\*2), (13), (15), (16), and (17).
2. \_\_\_ Letters to County/State Historical contacts (send with site/topographical map early in process.)
3. \_\_\_ State Historic Preservation Officer authorization to proceed.
4. \_\_\_ 2006-38, Civil Rights Impact Analysis.
5. \_\_\_ FEMA Form 81-93, Standard Flood Hazard Determination. \*\*
6. \_\_\_ Form 1940-21, Environmental Assessment for Class I Action
7. \_\_\_ File to State Office for review & approval
8. \_\_\_ Finding of No Significant Impact (FONSI) (original in main application file & copy in Environmental file.)  
\*\*Include all required maps!

**Class II Assessment:** Utilize the State Environmental Coordinator's Checklist.

**\*Item 14. Loan Agreement (Guaranteed Loans):** The loan agreement is a document executed by the lender and borrower that as a minimum should include the following:

1. Loan Purposes.
2. Proposed term of loan and proposed fixed or variable interest rate (if variable, set adjustment period with applicable basis rate and interest rate caps.)
3. Financial reporting requirements.
4. Proposed list of all security for the loan and limitations on the sale/disposition of same.
4. Limitations on future indebtedness and restrictions on corporate mergers, consolidations, etc.