

## APPLICATION INSTRUCTIONS FOR EMERGENCY CAPITAL INVESTMENT PROGRAM

SAMPLE ONLY – NOT FOR FILING

ALL APPLICATIONS MUST BE SUBMITTED THROUGH THE ONLINE PORTAL FOUND ON THE EMERGENCY CAPITAL INVESTMENT PROGRAM WEBSITE

### INTRODUCTION

The Department of the Treasury (Treasury) is providing these Application Instructions for Low- and Moderate-Income Community Financial Institutions that are considering applying for a capital investment under the Emergency Capital Investment Program (ECIP or Program). Capitalized terms used throughout are defined in the Definitions section below.

*General Authority.* The Consolidated Appropriations Act, 2021 added Section 104A of the Community Development Banking and Financial Institutions Act of 1994 (the “Act”). Section 104A authorizes the Secretary of the Treasury to establish the Program to support the efforts of Low- and Moderate-Income Community Financial Institutions to, among other things, provide loans, grants, and forbearance for small businesses, Minority-owned businesses, and consumers, especially in Low-Income and Underserved Communities, including Persistent Poverty Counties, that may be disproportionately impacted by the economic effects of the COVID-19 pandemic by providing direct and indirect capital investments in Low-and Moderate-Income Community Financial Institutions.

This Program overview, Application Instructions, and application are issued pursuant to Section 104A(d) and (o)(9) of the Community Development Banking and Financial Institutions Act of 1994, as amended by the Consolidated Appropriations Act, 2021. These documents may be updated, revised, or modified at any time, and the requirements contained herein may be waived by the Secretary of the Treasury in his or her sole discretion to the extent permitted by law.

### DEFINITIONS

The following definitions apply to these guidelines, the Emergency Investment Lending Plan, and to the application form.

“**Act**” means the Consolidated Appropriations Act, 2021.

“**Affiliate**” means any entity or person that Controls, is Controlled by, or is under common Control with another entity or person. For an Applicant that is a credit union, the term “affiliate” includes a credit union service organization, as defined under 12 CFR part 712.

“**Applicant**” means an institution that is seeking to apply to receive a capital investment under the Program.

“**Appropriate Federal Banking Agency**” has the same meaning as in 12 U.S.C. 1813.

“**Bank Holding Company**” or “**BHC**” has the same meaning as in section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(1)).

“**C Corporation**” has the same meaning as in 26 U.S.C. 1361.

“**CDFI Fund**” or “**Fund**” means the Community Development Financial Institutions Fund established under 12 U.S.C. 4703(a).

“**Control**” has the meaning (i) in section 2(a)(2) of the Bank Holding Company Act (12 U.S.C. 1841(a)(2)); and (ii) for a savings and loan holding company, in section 2(a)(2) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(2)).

“**Community Development Financial Institution**” or “**CDFI**” has the same meaning as in 12 U.S.C. 4702.

“**Emergency Capital Investment Fund**” or “**ECIF**” means the Emergency Capital Investment Fund established under Section 104A(b) of the Community Development Banking and Financial Institutions Act of 1994, as amended by Division N, Title V, Subtitle B, Section 522 of the Act.

“**Emergency Capital Investment Program**,” “**ECIP**,” or “**Program**” means the Emergency Capital Investment Program established under Section 104A(b) of the Community Development Banking and Financial Institutions Act of 1994, as amended by Division N, Title V, Subtitle B, Section 522 of the Act.

“**Emergency Investment Lending Plan**” means an investment and lending plan that meets the criteria set forth in Section 104A(b)(4) of the Community Development Banking and Financial Institutions Act of 1994, as amended by Division N, Title V, Subtitle B, Section 522 of the Act.

“**Eligible Institution**” means any Low- and Moderate-Income Community Financial Institution that meets the criteria to participate in the Program.

“**Equity Interest**” means: (i) a share in an entity, without regard to whether the share is transferable or classified as stock or anything similar, (ii) a capital or profit interest in a limited liability company or partnership, or (iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

“**Executive Department**” has the same meaning as in 5 U.S.C. 101.

“**Family Member**” means the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of a Government Official. The term “child” includes a step-child, but the term “spouse” does not include an ex-spouse.

“**FDIC**” means the Federal Deposit Insurance Corporation.

“**FRB**” means the Board of Governors of the Federal Reserve System.

“**Federally Insured Credit Union**” means any credit union the member accounts of which are

insured by the National Credit Union Share Insurance Fund.

**“Government Official”** means the President, the Vice President, the head of an Executive department as defined in 5 U.S.C. 101, or a member of Congress.

**“Historically Disadvantaged Individuals”** means an individual who lacks adequate access to financial products or financial services for reasons other than their economic status.

**“Insured Depository Institution”** has the same meaning as in 12 U.S.C. 1813.

**“Low-Income”** means having an income, adjusted for family size, of not more than—

- (1) for Metropolitan Areas, 80 percent of the area median income; and
- (2) for Non-Metropolitan Areas, the greater of 80 percent of the area median income; or 80 percent of the statewide Non-Metropolitan area median income.

**“Low-Income Credit Union”** or **“LICU”** means a credit union having a designation of low-income status from the National Credit Union Administration, pursuant to 12 CFR § 701.34.

**“Low- and/or Moderate-Income”** or **“LMI”** means an individual income that is less than 120 percent of the area median income, or a median family income that is less than 120 percent, in the case of a geography.

**“Low- and Moderate-Income Community Financial Institution”** means any financial institution that is (i) a CDFI or an MDI and, (ii):

- (1) an Insured Depository institution that is not Controlled by a BHC or SLHC that is also an Eligible Institution;
- (2) a Bank Holding Company;
- (3) a Savings and Loan Holding Company; or
- (4) a Federally Insured Credit Union.

**“Low-Income Community”** means a local community, neighborhood, or rural district in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located. With respect to a census tract or block numbering area located within a Metropolitan Area, the median family income shall be at or below 80 percent of the Metropolitan Area median family income or the national Metropolitan Area median family income, whichever is greater. In the case of a census tract or block numbering area located outside of a Metropolitan Area, the median family income shall be at or below 80 percent of the statewide Non-Metropolitan Area median family income or the national Non-Metropolitan Area median family income, whichever is greater.

**“Member of Congress”** means a member of the U.S. Senate or the U.S. House of Representatives, a Delegate of the U.S. House of Representatives, and the Resident Commissioner from Puerto Rico.

**“Metropolitan Area”** means area within a Metropolitan Statistical Area, as such term is defined in OMB Bulletin No. 15-01 and applied to the 2020 census tracts.

**“Minority”** means any Black American, Native American, Hispanic American, Asian American,

Native Alaskan, Native Hawaiian, or Pacific Islander.

“**Minority Community**” means a census tract where the majority of the population consists of minority individuals as defined by section 522 of the Act.

“**Minority Business**” or “**Minority-Owned Business**” means a business that is 51% or more owned by a “minority” individual as defined in section 522 of the Act.

“**Minority Depository Institution**” or “**MDI**” means an institution that is:

- (1) a minority depository institution as defined in section 308 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1463 note); or
- (2) considered to be a minority depository institution by the appropriate Federal banking agency or the National Credit Union Administration, in the case of a Federally insured credit union; or
- (3) listed in the Federal Deposit Insurance Corporation’s Minority Depository Institutions List published for the Third Quarter 2020.

“**Mutual Institution**” means a savings institution, other than a credit union, that is organized in a nonstock business form. All depositors in a mutual institution have a share in the ownership of the institution, according to the amounts of their deposits.

“**NCUA**” means the National Credit Union Administration.

“**Non-Metropolitan Area**” means an area not contained within a Metropolitan Statistical Area, as such term is defined in OMB Bulletin No. 15–01 and applied to the 2020 census tracts.

“**OCC**” means the Office of the Comptroller of the Currency.

“**Other Targeted Population**” means individuals, or an identifiable group of individuals, who lack adequate access to financial products or financial services. The members of Other Targeted Populations shall reside within the boundaries of the United States (which shall encompass any State of the United States, the District of Columbia or any territory of the United States, i.e., Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands). This shall include such population so designated pursuant to any regulation issued by the CDFI Fund, and includes Black Americans, Hispanics, Asian Americans, Native Americans, Native Alaskans residing in Alaska, Native Hawaiians residing in Hawaii, and Other Pacific Islanders residing in Other Pacific Islands.

“**Parent Company**,” for an Applicant whose primary Federal regulator is the FDIC, the FRB, or the OCC, has the same meaning as in 12 CFR § 223.2, and for an Applicant whose primary Federal regulator is the NCUA, has the same meaning as in 12 CFR § 716.3.

“**S Corporation**” has the same meaning as in 26 U.S.C. 1361.

“**Savings and Loan Holding Company**” or “**SLHC**” has the same meaning as in section 10(a)(1)(D) of the Home Owners’ Loan Act (12 U.S.C. 1467a(a)(1)(D)).

“**Secretary**” means the Secretary of the Treasury.

“**State Regulator**” means the applicable state agency authorized to engage in the regulation of financial institutions chartered and/or operating in the state.

“**Subsidiary**” has the same meaning as in 12 U.S.C. 1813, except that a CDFI that is a corporation shall not be considered to be a subsidiary of any Insured Depository Institution or Depository Institution Holding Company that controls less than 25 percent of any class of the voting shares of such corporation, and does not otherwise control in any manner the election of a majority of the directors of the corporation.

“**Total Assets**” means for an Insured Depository Institution, the amount of total assets reported in the most recent Call Report, or for a BHC or SLHC, the total consolidated assets as reported in the most recent FR Y-9C. A BHC or SLHC that does not report total assets on a consolidated basis should report its Total Assets and also report the Total Assets of any Subsidiary Insured Depository Institution.

“**Troubled Condition**” has the meaning given to such term under 12 CFR § 303.101(c) for an Applicant whose primary Federal regulator is the FDIC, under 12 CFR § 225.71 for an Applicant whose primary Federal regulator is the FRB, under 12 CFR § 5.51(c)(7) for an Applicant whose primary Federal regulator is the OCC, and for an Applicant whose primary Federal regulator is the NCUA, the meaning given to such term under 12 CFR § 700.2.

“**Underserved Community**” means a local community, neighborhood, or rural district that is an “investment area” as defined in 12 CFR § 1805.201(b)(3)(ii).

“**Urban**” describes persons or areas within a Metropolitan Statistical Area, as such term is defined in OMB Bulletin No. 15-01.

## **APPLICATION PROCESS**

To be eligible to receive a capital investment under the Program, an Applicant must complete the ECIP application form. The ECIP application form must be completed by the Applicant seeking to receive the investment. For each application received, the Secretary will consult with, and share certain application materials including the emergency investment lending plan with, the FDIC, the FRB, the OCC, the NCUA, and/or the Applicant’s State Regulator as applicable, to determine whether the Applicant may receive a capital investment under the Program. Responses to the Emergency Capital Investment Program Application, including the Emergency Investment Lending Plan, may be used to determine investment amounts or prioritization of determinations.

Applications submitted by eligible Applicants determined to be complete will be reviewed and evaluated by the Treasury Department by such other criteria that the Treasury Department may establish in its sole discretion. To timely apply to the ECIP means for an entity to submit a complete application by no later than 11:59 p.m., ET on [INSERT DATE 14 DAYS FROM DATE OF PUBLICATION]. Applicants will generally be unable to submit applications after [INSERT DATE 14 DAYS FROM DATE OF PUBLICATION], however, the application period may be extended at the discretion of the Secretary.

## ELIGIBILITY

Only Low- and Moderate-Income Community Financial Institutions are eligible to participate and receive a capital investment under the Program. As required by the Act, eligible Applicants must:

- (1) provide the Secretary, along with the Appropriate Federal Banking Agency or the NCUA<sup>1</sup>, as applicable, an Emergency Investment Lending Plan that:
  - (a) demonstrates that not less than 30 percent of the lending of the Applicant over the past 2 fiscal years was made directly to LMI borrowers, to borrowers or projects that create direct benefits for LMI populations, to Other Targeted Populations, or any combination thereof, as measured by the total number and dollar amount of loans;
  - (b) describes how the business strategy and operating goals of the Applicant will address community development needs in communities that may be disproportionately impacted by the economic effects of COVID-19, which includes the needs of small businesses, consumers, nonprofit organizations, community development, and other projects providing direct benefits to LMI communities, Low-Income individuals, and Minorities within the Minority, Rural, and Urban Low-Income and Underserved Areas served by the Applicant;
  - (c) includes a plan to provide community outreach and communication that, where appropriate, describes the availability and application process of receiving loans made possible by the Program through organizations, trade associations, and individuals that represent or work within or are members of Minority communities; and
  - (d) includes details on how the Applicant plans to expand or maintain significant lending or investment activity in LMI Minority communities, especially those that may be disproportionately impacted by COVID-19, to historically disadvantaged borrowers, and to Minorities that have significant unmet capital or financial services needs; and
- (2) agree to adhere to requirements on preferred stock and other financial instruments issued under the Program set forth in Section 104A(b) of the Community Development Banking and Financial Institutions Act of 1994, and implementing regulations adopted by Treasury.

An Applicant will certify the reasonableness of projections made in the Emergency Investment Lending Plan when it is submitted to Treasury, along with the Appropriate Federal Banking Agency or the NCUA. To determine what type of financial instrument the Applicant may be able to issue under the Program, as well as conditions related to the issuance and sale of such an instrument, please review the applicable eligibility criteria outlined in the following term sheets, which will be posted on the Treasury website:

- (1) Senior preferred stock term sheet
- (2) Subordinated debt term sheet for Mutual Institutions and S Corporations
- (3) Subordinated debt term sheet for credit unions

An institution is ineligible to participate in the Program if it is designated in Troubled Condition by

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<sup>1</sup> Treasury will provide the Applicant's Emergency Investment Lending Plan to the Applicant's Appropriate Federal Banking Agency or the NCUA, as applicable.

the Appropriate Federal Banking Agency or the NCUA, as applicable, or is subject to a formal enforcement action with its primary Federal regulator that addresses unsafe or unsound lending practices.

## CONFLICTS OF INTEREST

No Covered Entity is eligible for any investment made under the Program. For purposes of the conflicts of interest analysis and certification, “**Covered Entity**” means an entity for which a Covered Individual directly or indirectly holds a Controlling Interest. The principal executive officer and the principal financial officer, or individuals performing similar functions, of a Low- and Moderate-Income Community Financial Institution seeking to receive an investment made under the Program shall, before that investment is approved, certify to the Secretary and the Appropriate Federal Banking Agency or the NCUA, as applicable, that the Low- and Moderate-Income Community Financial Institution is eligible to receive the investment, including certifying that the institution is not a Covered Entity.

To determine whether an institution is a Covered Entity, a Covered Individual’s equity interest in an entity must be calculated. The Government Official’s and Family Members’ equity interests shall be aggregated for this purpose.

For purposes of the conflict of interest analysis and certification, a “Controlling Interest” means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity. For this purpose, “equity interest” means (1) a share in an entity, without regard to whether the share is (a) transferable; or (b) classified as stock or anything similar; (2) a capital or profit interest in a limited liability company or partnership; or (iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in (1) or (2), respectively.

The determination of whether a Covered Individual directly or indirectly holds a Controlling Interest in an entity must take into account a Covered Individual’s Direct Interest and Indirect Interest in the entity as well as a Covered Individual’s interest in any entity that directly or indirectly has an interest in such entity (*e.g.*, the entity’s Parent Companies).

*Direct Interests.* If a Covered Individual directly owns, Controls, or holds 20 percent or more, by vote or value, of the outstanding amount of any class of equity interest in an entity that is seeking to participate in the Program, that entity is a Covered Entity.

*Indirect Interests.* For the purpose of determining the amount of an equity interest indirectly owned or held by a Covered Individual in an entity:

A Covered Individual’s indirect equity interest by value (*i.e.*, economic interest that may or may not include voting rights) shall be calculated on a proportional basis, taking into account any partial ownership of the relevant entity’s Parent Company(ies). For example, if a Government Official owns 25 percent of the economic interest in Company A, and Company A owns 40 percent of the outstanding amount of a class of voting securities of Company B, the Government Official is



deemed to own 10 percent of the class of voting securities of Company B.

For the purpose of determining the amount of an equity interest indirectly controlled by a Covered Individual in an entity:

- (1) A Covered Individual shall be deemed to indirectly Control an equity interest in an entity if he or she Controls, directly or indirectly, the entity that owns or holds the equity interest.
- (2) An individual or entity shall be deemed to Control another entity only when the individual or entity owns or holds a majority of the voting interest in such entity, or is, or holds a majority of the voting interest in, the general partner of such entity. For example, if a Government Official owns a 51 percent voting interest in Company A, which owns a 51 percent voting interest in Company B, which owns 20 percent of the equity interests of Company C, the Government Official shall be deemed to control 20 percent of the equity interests of Company C.

*Shares.* A share is considered an ownership interest without regard to whether the share is transferrable or classified as stock or anything similar and without regard to whether the share is a voting security. For example, a nonvoting preferred share would be considered a share.

*Warrants or Rights.* If the Covered Individual has warrants or other rights (other than a right to convert), calculate the Covered Individual's interest in the underlying equity interest on a fully diluted basis assuming that both the individual and other holders of such warrants or rights have exercised such interests. Warrants, options, and similar rights must be counted even if they are unexercised or "out of the money." For example, when calculating an individual's percentage in an equity interest, use the following formula:

$$\frac{(\text{Individual's shares in a class}) + (\text{Individual's options and warrants in that class})}{(\text{Total outstanding shares in that class, assuming all warrants or rights are exercised})}$$

*Basis for Certification: Reasonable Diligence.* In light of limited public information on ownership interests of Government Officials, and that the identities of Government Officials' Family Members are not disclosed or reported in any routine or comprehensive manner, it is necessary to prescribe the minimum level of diligence required to make a conflict of interest certification in good faith. To determine whether any Covered Individual holds a Controlling Interest in an entity, it is necessary and sufficient for the entity to undertake the following minimum level of diligence:

- (1) Entities must take into account the ownership, control, and holding of any equity interest of any size if the entity has actual knowledge that a Covered Individual, directly or indirectly, owns, controls, or holds the interest; and
- (2) Entities must determine the beneficial owner of any 5 percent or greater equity interest of the entity and determine whether such beneficial owner is a Covered Individual (i) by checking the name of each such beneficial owner against a list of current Government Officials and (ii) if the entity has not otherwise been able to confirm whether such beneficial owner is a Family Member, by asking each such beneficial owner whether the owner is a Family Member. If the aggregate amount of equity interests owned by the



identified beneficial owners, together with the aggregate percentage ownership determined from actual knowledge in (i) above, is less than 20 percent, an entity need not determine if the identified beneficial owners are Family Members.

- (3) To determine the identity of beneficial owners of publicly traded securities, Borrowers may rely on information disclosed by such persons in reporting under sections 13(d) and 13(g) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(d), 78m(g)).

## **AGGREGATE AMOUNTS**

Under the Program, each Low- and Moderate-Income Community Financial Institution may only issue financial instruments to Treasury with an aggregate principal amount (or comparable amount) that is not more than \$250,000,000 and:

- (1) not more than 7.5 percent of Total Assets as of the most recently available Call Report for an institution with Total Assets of more than \$2,000,000,000;
- (2) not more than 15 percent of Total Assets as of most recently available Call Report for an institution with Total Assets of not less than \$500,000,000 and not more than \$2,000,000,000; and
- (3) not more than 22.5 percent of Total Assets as of most recently available Call Report for an institution with Total Assets of less than \$500,000,000.

Across Program investments, Treasury may make not less than \$4,000,000,000 available for Eligible Institutions with Total Assets of not more than \$2,000,000,000 that timely apply to receive a capital investment under the Program, of which not less than \$2,000,000,000 may be made available for Eligible Institutions with Total Assets of less than \$500,000,000 that timely apply to receive a capital investment under the Program.

## **TERMINATION OF INVESTMENT AUTHORITY**

The authority to make new capital investments in Low- and Moderate-Income Community Financial Institutions, including commitments to purchase preferred stock or other instruments, provided under the Program will terminate six months after the termination of the national emergency concerning the COVID-19 outbreak declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.).

## **COLLECTION OF DATA**

Notwithstanding the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.), any Low- and Moderate-Income Community Financial Institution may collect data described in 15 U.S.C. 1691(a) (1) from borrowers and applicants for credit for the sole purpose and exclusive use of monitoring compliance under the Emergency Investment Lending Plan. A Low- and Moderate-Income Community Financial Institution that collects such data will not be subject to adverse action related to that collection by the Bureau of Consumer Financial Protection or any other Federal agency. This includes data that will enable the Secretary to conduct a study of impact on the program. ECIP Applicants must agree to participate in additional data collections that will be outlined in the final agreement.



## EMERGENCY CAPITAL INVESTMENT PROGRAM APPLICATION FORM

SAMPLE ONLY – NOT FOR FILING

ALL APPLICATIONS MUST BE SUBMITTED THROUGH THE ONLINE PORTAL FOUND ON  
THE EMERGENCY CAPITAL INVESTMENT PROGRAM WEBSITE

This Application for the Emergency Capital Investment Program and any supporting materials must be submitted to Treasury via the Program’s online application portal, available at [link](#). As part of the process to determine whether an Applicant may receive a capital investment under the Program, the Secretary may consult and share Application materials with an Appropriate Federal Banking Agency (the FDIC, FRB, OCC, NCUA, as applicable), and the Applicant’s State Regulator.

This Application and the Emergency Investment Lending Plan reference definitions and capitalized terms defined in the Program’s Application Instructions and the Community Development Banking and Financial Institutions Act of 1994, as amended by the Consolidated Appropriations Act, 2021, or the.

### APPLICANT INFORMATION

**Reminder:** The term “Applicant” refers to the eligible institution that is seeking to apply to receive a capital investment under the Program.

#### Question 1

<b>Provide the following Applicant information.</b>	
Applicant’s Name	
Applicant’s Taxpayer ID (EIN) Number	
Applicant’s DUNS Number (if available)	
Applicant’s Address (street number, street name, county/city, state, zip code)	
Applicant’s State of Incorporation or Organization	
Fiscal Year End Date for the Applicant	
Chief Executive Officer (or individual performing a similar function) Name	
Chief Executive Officer (or individual performing a similar function) Phone	
Chief Executive Officer (or individual performing a similar function) Email	
Chief Financial Officer (or individual performing a similar function) Name	
Chief Financial Officer (or individual performing a similar function) Phone	
Chief Financial Officer (or individual performing a similar function) Email	
Primary Contact Person Name	
Primary Contact Person Title	
Primary Contact Person Phone	
Primary Contact Person Email	

**Question 2**

<b>Select the option below that describes the Applicant.</b> (choose one)	
(a) Federally Insured Credit Union	
(b) Bank Holding Company	
(c) Savings and Loan Holding Company	
(d) Insured Depository Institution that <b>is not</b> controlled by a BHC or SLHC	
(e) Insured Depository Institution that <b>is</b> controlled by a BHC or SLHC	
If the Applicant chose option (e) please explain below. (choose one)	
<input type="checkbox"/> The Applicant’s BHC or SLHC is not eligible due to not being a certified CDFI or MDI institution	
<input type="checkbox"/> Other reason (explain why) (5,000 character maximum) <b>[TEXT BOX]</b>	

**Question 3**

<b>Is the Applicant a Minority Depository Institution?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**Question 4**

<b>Is the Applicant a certified CDFI that originally applied for certification on or before March 31, 2021?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**Question 5**

<b>Is the Applicant a Low-Income Credit Union?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**Question 6**

If the Applicant is a BHC, a SLHC, or the Affiliate of a BHC/SLHC, then the Applicant may skip this question if it uploads its most recent FR Y-6 and checks here to certify that there have been no material changes since the last submission.  **[UPLOAD BOX]**

<b>Identify all Affiliates of the Applicant.</b>	
Affiliate	
Affiliate	
Affiliate	
Affiliate	
Affiliate	

Provide a chart that identifies the Applicant’s ownership structure and all Affiliate relationships.  
**[UPLOAD BOX]**

**Question 7**

<b>Has any Affiliate of the Applicant applied to participate in the Program?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
If “yes,” provide the following information for the Affiliate(s)	
Applicant’s Name	

Applicant's Taxpayer ID (EIN) Number	
Applicant's DUNS Number	
Applicant's Address (street number, street name, county/city, state, zip code)	

**Question 8**

<b>Is the Applicant able to issue preferred stock to Treasury in connection with its participation in the Program?</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No
If no, provide the reason why.	<input type="checkbox"/> Applicant is a Federally Insured Credit Union	
	<input type="checkbox"/> Applicant is an S Corporation	
	<input type="checkbox"/> Applicant is a Mutual Institution	
	<input type="checkbox"/> Other reason (explain why) (5,000 character maximum) <b>[TEXT BOX]</b>	
If no, is the Applicant able to issue subordinated debt to Treasury in connection with its participation in the Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**Question 9**

<b>Is the Applicant (or its Parent Company) a publicly traded company?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide ticker symbol of listed common shares.	

**Question 10**

Provide the following information concerning the Applicant and its financial position.

<b>Please provide the following information on the Applicant.</b>	
Applicant identifier (provide all that apply)	
RSSD ID	
FDIC Certificate ID	
OCC Charter No.	
NCUA Charter No.	
Identifier for state-chartered credit union	
Primary federal regulator (check one)	<input type="checkbox"/> Board of Governors of the Federal Reserve System (FRB)
	<input type="checkbox"/> Federal Deposit Insurance Corporation (FDIC)
	<input type="checkbox"/> Office of the Comptroller of the Currency (OCC)
	<input type="checkbox"/> National Credit Union Administration (NCUA)
State Regulator (if applicable)	
Corporate structure (check one)	<input type="checkbox"/> C Corporation
	<input type="checkbox"/> S Corporation
	<input type="checkbox"/> Mutual Institution
	<input type="checkbox"/> Mutual Holding Company <u>with</u> Mid-Tier Stock Holding Company
	<input type="checkbox"/> Mutual Holding Company <u>without</u> Mid-Tier Stock Holding Company
	<input type="checkbox"/> Not-for-profit financial cooperative (credit union)
Is Applicant a Holding Company? (check Yes or No)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If the Applicant is a Holding Company, does it operate under the Small Bank Holding Company and Savings and Loan Holding Company Policy Statement issued by the FRB at 12 CFR Part 225, Appendix C?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Assets (\$, most recent quarter for	

which data is available)*	
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*\* If the Applicant is a BHC or SLHC that does not report total consolidated assets, the Applicant BHC or SLHC should report its Total Assets and the Total Assets of any Subsidiary Insured Depository Institution.*

**Question 11**

Provide the following information concerning the Applicant’s Subsidiary Insured Depository Institutions and their financial position, or the Applicant’s BHC/SLHC and its financial position as applicable.

<b>If the Applicant is a Holding Company please provide the following information for each of its Subsidiary Insured Depository Institutions.</b>	
Name of Subsidiary Insured Depository Institution	
Subsidiary Insured Depository Institution identifier (provide all that apply)	
RSSD ID	
FDIC Certificate ID	
OCC Charter No.	
Primary federal regulator (check one)	<input type="checkbox"/> Board of Governors of the Federal Reserve System (FRB) <input type="checkbox"/> Federal Deposit Insurance Corporation (FDIC) <input type="checkbox"/> Office of the Comptroller of the Currency (OCC)
State Regulator (if applicable)	
Total Assets (\$, most recent quarter for which data is available)*	

*\* If the Applicant is a BHC or SLHC that does not report total consolidated assets, the Applicant BHC or SLHC should report its Total Assets and the Total Assets of any Subsidiary Insured Depository Institution.*

<b>If the Applicant is an Insured Depository Institution that is Controlled by a Holding Company please provide the following information for the Holding Company.</b>	
Name of the Holding Company	
Holding Company identifier (provide all that apply)	
RSSD ID	
FDIC Certificate ID	
OCC Charter No.	
Primary federal regulator (check one)	<input type="checkbox"/> Board of Governors of the Federal Reserve System (FRB) <input type="checkbox"/> Federal Deposit Insurance Corporation (FDIC) <input type="checkbox"/> Office of the Comptroller of the Currency (OCC)
State Regulator (if applicable)	
Does the Holding Company operate under the Small Bank Holding Company and Savings and Loan Holding Company Policy Statement issued by the FRB at 12 CFR Part 225, Appendix C?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total Assets (\$, most recent quarter for which data is available)*	

*\* If the Applicant is a BHC or SLHC that does not report total consolidated assets, the Applicant BHC or SLHC should report its Total Assets and the Total Assets of any Subsidiary Insured Depository Institution.*

**PROPOSED AGGREGATE PRINCIPAL AMOUNT (OR COMPARABLE AMOUNT)  
OF SENIOR PREFERRED STOCK OR OTHER FINANCIAL INSTRUMENT**

<b>Provide information on the financial instrument that the Applicant seeks to issue under the Program.</b>	
Select the term sheet applicable to the type of investment that the Applicant is requesting under the Program.	<input type="checkbox"/> Senior Preferred Stock
	<input type="checkbox"/> Sub Debt (Mutual Institutions and S Corporations)
	<input type="checkbox"/> Sub Debt (Credit Unions)
Provide the aggregate dollar amount of financial instruments or senior preferred stock that the Applicant seeks to issue to the Treasury Department under the Program (rounded down to the nearest thousand dollar increment; e.g., \$453,000 not \$453,211)	\$ _____

**EMERGENCY INVESTMENT LENDING PLAN**

Upload a completed Emergency Investment Lending Plan, using this form [link to form].  
[UPLOAD BOX for lending plan]

**CEO & CFO CERTIFICATIONS**

By signing below, I hereby certify that I have the authority to execute this application for the Applicant on whose behalf I am signing, that all current representations made are true and correct to the best of my knowledge, and that all projections made are accurate and reasonable to the best of my knowledge. I further acknowledge that on behalf of the Applicant I have also submitted an Incumbency Certificate attached hereto. I further acknowledge that on behalf of the Applicant I have also submitted the Applicant’s most recent fiscal year-end audited financial statements attached hereto. I further acknowledge that any false statements made to the Department of the Treasury can result in criminal prosecution under 18 U.S.C. 1001, 15 U.S.C. 645, and other provisions and imposition of civil money penalties under 31 U.S.C. 3729.

The authorized representative of the Applicant must certify in good faith to all of the below by checking each one and certifying this application below:

- The Applicant has attached below additional information not provided elsewhere in this application in support of its Emergency Investment Lending Plan. The Applicant hereby verifies the accuracy of this information. [UPLOAD BOX for documentation]
- I acknowledge that on behalf of the Applicant I have submitted an Incumbency Certificate attached hereto. [UPLOAD BOX for Incumbency Certificate]
- I understand that instruments issued under the Program may not be eligible as regulatory capital, which is at the sole discretion of the Appropriate Federal Banking Agency or NCUA, and that in order for the instrument to receive regulatory capital treatment, the Applicant may need to submit forms or applications to the Appropriate Federal Banking Agency or NCUA, as applicable.



- I certify that the Applicant is eligible to receive an investment under the Program, and that it is not a Covered Entity.
- I certify that I have the authority to execute this application for the Applicant on whose behalf I am signing, and that all representations made are true and correct to the best of my knowledge.
- I certify that I have reviewed and am aware of the Program’s restrictions on executive compensation, dividends, and share buybacks, set forth in the Interim Final Rule dated March 9, 2021 (86 FR 13449).
- I further certify under penalty of perjury that the information and certifications provided in the application, emergency investment lending plan and their supporting documents and forms are true and correct. **WARNING:** Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil penalties. (18 U.S.C. §§ 287, 1001; 31 U.S.C. §§ 3729, 3802).

Name of Chief Executive Officer (or individual performing similar function)	
Signature of Chief Executive Officer (or individual performing similar function)	
Name of Chief Financial Officer (or individual performing similar function)	
Signature of Chief Financial Officer (or individual performing similar function)	
Applicant Name	
Date	

Expiration Date: [TBC]

## **EMERGENCY INVESTMENT LENDING PLAN**

**SAMPLE ONLY – NOT FOR FILING**

**ALL APPLICATIONS MUST BE SUBMITTED THROUGH THE ONLINE PORTAL FOUND ON THE EMERGENCY CAPITAL INVESTMENT PROGRAM WEBSITE**

### **ATTENTION:**

- *The Applicant must provide documentation that supports its responses to questions 1 through 4 of the Emergency Investment Lending Plan.*
- *If the Applicant is a BHC or a SLHC, the information provided in response to questions 1 through 4 must be based on information aggregated across all of the Applicant's Subsidiary Insured Depository Institutions.*
- *The definitions of the capitalized terms contained in the Emergency Investment Lending Plan appear in the Community Development Banking and Financial Institutions Act of 1994, as amended by the Consolidated Appropriations Act, 2021, and the Application Instructions for the Emergency Capital Investment Program.*
- *The Consolidated Appropriations Act, 2021, indicates that the ECIP is intended to support low- and moderate-income communities, Minority communities, rural communities, underserved areas, consumers, small businesses, and nonprofit organizations, among others. Treasury will take factors such as these statutory considerations into account when it determines the investment amount that eligible institutions will receive under the ECIP, particularly if the aggregate amounts requested by eligible institutions exceed available program funds. Using information provided in ECIP applications, Treasury will determine a methodology for allocating available funds and determining investment amounts. Treasury will make its methodology public prior to making any investments under the ECIP. In addition, Treasury may determine, based on the volume and types of applications that are submitted, to withhold a portion of the available ECIP funds for a subsequent round of investments to be made at a future date.*

### **Question 1: Lending to LMI and Other Targeted Populations**

#### *Question 1(a)*

*Loans originated refers to all new extensions of credit funded by the Applicant during the referenced fiscal year. Please provide exact whole numbers to the extent possible. Please note which figures used for FY2019 and FY2020, if any, are estimated and submit supporting documentation for any estimates in the upload box below. If the Applicant is a BHC or a SLHC, the information provided must be information aggregated across all of the Applicant's Subsidiary Insured Depository Institutions.*

	Loans originated during FY 2019		Loans originated during FY 2020		Projected loans to be originated during FY 2021		Projected loans to be originated during FY 2022		Projected loans to be originated during FY 2023	
	Number of Loans	\$ Amount of Loans	Number of Loans	\$ Amount of Loans	Number of Loans	\$ Amount of Loans	Number of Loans	\$ Amount of Loans	Number of Loans	\$ Amount of Loans
1. Applicant’s Total Loans	[#]	\$	[#]	\$	[#]	\$	[#]	\$	[#]	\$
2. Applicant’s lending made directly to LMI borrowers	[#]	\$	[#]	\$	[#]	\$	[#]	\$	[#]	\$
3. Applicant’s lending made directly to Other Targeted Populations <sup>2</sup> not already included in 2	[#]	\$	[#]	\$	[#]	\$	[#]	\$	[#]	\$
4. Applicant’s lending made to borrowers or projects that create direct benefits for LMI populations <sup>3</sup> not already included in 2 and 3	[#]	\$	[#]	\$	[#]	\$	[#]	\$	[#]	\$
5. Applicant’s lending made to borrowers in census tracts that are majority Other Targeted Populations not already included 2, 3, and 4	[#]	\$	[#]	\$	[#]	\$	[#]	\$	[#]	\$

Please provide supporting documentation that indicates which figures used for FY 2019 and FY 2020 are estimated and provide the methodology and information used to make such estimates.

[UPLOAD BOX for response]

<sup>2</sup> Applicant loan files that do not include data about Other Targeted Populations for legal reasons, or borrower’s failure to disclose, shall include those loans in the section entitled “Applicant’s lending made to borrowers in census tracts that are majority Other Targeted Populations.”

<sup>3</sup> “Borrowers or projects that create direct benefits for LMI populations” represents a category that is distinct and separate from “LMI borrowers.” For purposes of this question, “borrowers that create direct benefits for LMI populations” refers to borrower financing that is underwritten on the basis of primarily serving low-income households.

### Question 1(b)

*For loans originated by the Applicant over the past 2 fiscal years to “borrowers and projects that create direct benefits for LMI populations” counted towards percentages reported in Question 1(a), provide the following information for up to the five largest of such borrowers served by the Applicant.*

Description of borrower or project	County	State	Estimated # of LMI individuals benefited	# of loans originated to borrower	Total \$ of loans outstanding to borrower	Description of benefits to LMI communities
(100 characters maximum)			[#]	[#]	[\$]	(100 characters maximum)

### Question 1(c)

If the Applicant is unable to show that it meets the 30% threshold as required by the Act in Question 1(a), please provide other data and information that can be used as a proxy to demonstrate that not less than 30 percent of the lending of the Applicant over the past 2 fiscal years was made directly to LMI borrowers, to borrowers or projects that create direct benefits for LMI populations, to Other Targeted Populations, or any combination thereof, as measured by the total number and dollar amount of loans. Lending made to borrowers in census tracts that are majority Other Targeted Populations (see row 5 in Question 1(a)) is an example of a geography-based proxy for lending “directly to Other Targeted Populations” (see row 3 in Question 1(a)). In responding to this Question 1(c), borrowers may provide additional proxies for lending to LMI or Other Targeted Populations, including data with respect to the past two fiscal years, and provide a 2- year track record based on that data and a three-year projection for lending.

[UPLOAD BOX for response]

## **Question 2: Business Strategy and Operating Goals**

Describe how the business strategy and operating goals of the Applicant will address the community development needs in communities that may be disproportionately impacted by the economic effects of COVID-19, which includes the needs of small businesses, consumers, nonprofit organizations, community development, and other projects providing direct benefits to LMI communities, Low-Income individuals, and Minorities within the Minority, Rural, and Urban Low-Income and Underserved Areas served by the Applicant. Provide measurable factors for how the community has been impacted by COVID-19, such as increases in unemployment, the number of businesses closed due to the pandemic, or mortgage delinquencies.

The response to this question should also include up to five examples of particular business activities that the Applicant will perform in FY 2021-23 to address community development needs in communities that may be disproportionately impacted by the economic effects of COVID-19. For each example, provide quantitative estimates and anticipated timing information that illustrate how the relevant community development needs will be met, what particular groups and communities (e.g. small businesses, Low-Income individuals) will benefit, and the overall planned economic impact to those groups/communities and in Minority, Rural, and Urban Low-Income and Underserved Areas served by the Applicant. Where appropriate, address how an investment received under the ECIP will support the described activities.

Each Applicant should provide data and information that support its belief that business strategy and operating goals are realistic and achievable and will address the Community Development needs in communities that may be disproportionately impacted by the economic effects of COVID-19.

[UPLOAD BOX for response]

### Question 3: Growth Strategy

#### *Question 3(a) – Aggregate Growth Strategy*

Provide the additional aggregate dollar amount of qualified and deep impact loans, grants, and forbearance projects that the Applicant, as a direct result of issuing the full amount of financial instruments or senior preferred stock to the Treasury Department that it is seeking to issue under the Program, would provide over the 10 year term of the financial instrument	\$ _____
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Treasury will consider county level data in evaluating Emergency Investment Lending Plans. Accordingly, applicants must provide projections of aggregate growth in each county in their target market(s).

#### *Question 3(b) – Minority and Disadvantaged Growth Strategy*

Explain how the Applicant plans to expand or maintain significant lending or investment activity in LMI Minority communities, especially those that may be disproportionately impacted by COVID-19 to historically disadvantaged borrowers, and to Minorities that have significant unmet capital or financial services needs.

The response should include quantifiable details on the Applicant’s planned approach to expanding or maintaining significant levels of lending or investment in these communities related to current/projected types of lending and investment (e.g., small business loans, loans to consumers), current/projected types of projects that will be funded (e.g., housing), and the community needs that projected lending or investment activities would serve.

[UPLOAD BOX for response]

### Question 4: Community Outreach and Communication

Provide a detailed plan describing how the Applicant will engage in community outreach and communication in communities and with borrowers as identified in the Act, specifically including small businesses, Minority-owned businesses, and consumers, especially in low-income and underserved communities, including persistent poverty counties and limited English proficient populations, that may be disproportionately impacted by the economic effects of the COVID–19 pandemic. The Applicant’s plan for community outreach and communication may be provided or described through a community benefits agreement between the Applicant and organizations, trade associations, and individuals that represent or work within Minority or LMI communities.

The response should include quantitative details on how particular aspects and features of the Applicant’s planned community outreach and communication approach (e.g., advertisements to be purchased, sales personnel hired) may help the Applicant achieve the projected FY 2021-2023 lending and/or investment activity amounts set forth in response to Question 1(a).

[UPLOAD BOX for response]

