



LOS ALAMOS
COMMERCE AND DEVELOPMENT
CORPORATION

Los Alamos Commerce and Development Corporation
Facade Improvement Loan Program
Guidelines & Application

December 19, 2014 Version

INTRODUCTION

The Los Alamos Commerce and Development Corporation (LACDC) is pleased to provide an interest free loan program to help County businesses improve the facade of their business.

The purpose of this program is to assist local businesses in enhancing their exterior facades in the interest of maintaining a common and inviting atmosphere for businesses within the commercial areas of Los Alamos County.

This program is being meant to provide an incentive to business owners to enhance the attractiveness of their business and the overall business community by providing no interest loans.

FACADE DEFINITION

A facade is defined as the face of the building facing the street or parking area and used as the primary entrance & exit for the general public.

Facade improvements include the entire facade or any part of the facade that needs repair, updating or replacement. Some examples of parts of a facade are: signage, lighting, storefronts (doors & windows), awnings, painting, stucco/plastering, sidewalks. Cost of Architectural and other professional services associated with the design and permitting of eligible improvements could also be included.

Explicitly excluded from eligibility for this program is construction of new facilities or building interiors, additions or improvements to the side or back of buildings. However, any side of a building that directly faces a street and is in the view of the general public can be considered for this program.

REFERENCES USED

- “LACDC” means Los Alamos Commerce and Development Corporation
- “LAC, BSD” means Los Alamos County, Building Safety Division
- “DP” means Design Professional (Architect, engineer, supplier, contractor, etc.)
- “Loan Processor” means any participating Lending Institution.

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ELIGIBILITY

Eligible applicants as defined below shall qualify to participate in the LACDC Facade Improvement Loan Program. Applications will be considered on a first-come, first-served basis.

Property Interest

Applicants must be the legal owner or tenant (with written permission of the owner) of the property to be rehabilitated. Any other Applicants with a vested interest in the property that can secure written permission of the legal property owner will also be considered eligible to participate.

Property Location

Only those commercially zoned properties located within Los Alamos County will be eligible to participate.

Existing Obligations

No financial assistance shall be given to any applicant for rehabilitation of a property who is in default on a mortgage, land contract or is past due on lease payments, taxes of any kind (local, state, federal) or special assessments.

Design Review

Improvements to be financed through this program must be deemed compatible with the surrounding property, be consistent with the character of the central business district, and /or be in accordance with any formally adopted rehabilitation standards and techniques.

Applicants are strongly encouraged to work with a Design Professional (DP) early on, which will save time, money and assure compliance with building codes and laws.

Eligible Improvements

Exterior improvements approved on or after February 1, 2015, which repair, renovate, restore or maintain a building facade determined to be consistent with the definition, adjoining properties, Los Alamos County requirements and codes, and any adopted architectural covenants and standards are all eligible improvements.

Applicant Credit

Applicants must be able to demonstrate a reasonable history of creditworthiness.

TERMS AND CONDITIONS

Loan Amount

The maximum loan amounts shall not exceed \$25,000 or 100 percent of the renovation costs, whichever is less. Other non-subsidized funds are encouraged to be used in conjunction with the loan proceeds.

Loan Term

The loan repayment schedule will depend on the amount of the loan. The Applicant has the option to propose a loan term in the Application. The LACDC Loan Committee will try to accommodate Applicant proposed loan terms, when possible and reasonable. However, in no instance will a loan term exceed five (5) years.

Rates of Interest

The LACDC will provide loans at a zero (0) rate of interest, which will be a fixed-rate over the term of the loan to eligible applicants for approved property improvements to their facades.

Loan Processing

LACDC will contract with local lending institutions (Loan Processor) to service such loans, including loan application intake, credit check, document all loans by promissory note, distribution of funds and collections. As customary, all loan processing costs shall be borne by the Applicant, including any additional cost for collection for delinquent payments.

Applicant Review

All Applicant packages should contain; the application and any required attachments, sufficient project plans and specifications and the schedule of work. The LACDC shall review each package for completeness, project eligibility, necessary property consents, compliance with terms and conditions, Applicants past financial history, project documents and the schedule of work. Providing all criteria and requirements are met, LACDC Loan Committee may issue an approval, a conditional approval, or request more information or changes prior to an approval. LACDC reserves the right to reject an Applicant for any reason it deems in its best interest.

Commencement and Completion of Work

Together with the Application, Applicants shall provide a "Schedule of Work" which provides time frames for each category of work and a completion date for the project. Applicants agree to start work within thirty (30) days after receiving all approvals from LACDC and LAC, BSD and to complete all such work in accordance with the Schedule of Work. Applicants agree to obtain a "Certificate of Completion" from LAC, BSD within ten (10) days after the completion of work.

Disbursement of Funds

Funds shall be disbursed for completed work by the Loan Processor only after proper documentation has been submitted by Applicant and approved by Loan Processor. Any necessary pre-payment to a supplier or contractor must have been submitted by the Applicant during the application process and approved by LACDC Loan Committee.

Obligation to Provide Funds

Notwithstanding anything to the contrary in these documents, the obligation of the LACDC to provide funding to any Applicant is established the date the LACDC provides an official "Authorization for Funding". Project documents and all terms and conditions for funding will be stated in the offer.

Acts of Default and Remedies

Defaults: Acts of default by the Applicant include, but are in no manner limited to:

- Applicant fails to complete all work and
- Applicant fails to provide LACDC a copy of the Certificate of Completion from LAC, BSD in accordance with the Schedule of Work.
- Applicant fails to make timely payments in accordance within terms of the Promissory Note.

Remedies: In the event of any Applicant default, remedies include but are in no manner limited to:

- LACDC would notify the Applicant of the default by providing written notice, sent by way of certified mail at the address provided on the application. After sixty (60) days have past (cure period) and should the Applicant fail to correct the default, repayment of the remaining Loan balance would then become due and payable, with a simple interest rate of twelve (12) percent until such time the entire loan balance is paid in full.

Laws, Codes, Permits and Responsibility

Applicants agree to obtain all approvals and building permits from Los Alamos County prior to starting any work on the project and agree they are solely responsible and liable for insuring all project construction is safe and complies with all local, state and federal requirements, laws and codes.

Applicants agree to waive all claims, indemnify and hold Los Alamos Commerce and Development Corporation (LACDC) board of directors, officers, staff, and all its agents harmless from all losses, liabilities, damages, costs or expenses, including but not limited to reasonable attorneys' fees and litigation costs and expenses, incurred by Applicant as a result of any claims or suits that Applicant (or anyone claiming by, under or through Applicant) may bring against (LACDC) board of directors, officers, staff, and all its agents to recover any losses, liabilities, costs, damages, or expenses which arise during or result participation in this "Facade Loan Improvement Program", regardless of whether or not caused in whole or part by the negligence or other fault of LACDC board of directors, officers, employees, staff, and all its agents.

Disputes

Both parties agree, LACDC is the sole interpreter of any perceived ambiguity in these "Facade Improvement Loan Program Guidelines and Application" documents.

In the unlikely event of a dispute that cannot be resolved by the parties, both parties agree to resolve any such dispute with "binding arbitration". Furthermore, the parties agree that the prevailing party shall receive payment for all its costs for the arbitration proceedings, including reasonable attorney fees from the non-prevailing party. At the conclusion of the arbitration, the Arbitrator shall provide a binding ruling, which includes a judgment of the prevailing party.

Program Conclusion:

The LACDC program, "Facade Improvement Loan Program" is subject to funds being made available and budgeted by LADCD for the present fiscal year. In the event the program funds are exhausted or not available, LACDC will make every effort to contact all Applicants that have not been funded, however Applicants agree to assume any such risk.

LOAN PROGRAM PROCESS

Step 1

Applicants should start with a clear understanding of their project and the Loan Program. Any questions or assistance should be directed to the applicable contacts below.

Step 2

Applicants should contact a design professional (DP) with their project idea and any information. Ask your DP to provide a basic cost estimate for the project before moving forward. At this point, applicants need to decide whether to proceed with project or not. If so, go to step 3.

Note: On some projects your supplier or contractor can help with design services (DP). An example would be an exterior sign. Some sign suppliers do all the DP services, including a sign permit, so be sure to ask your supplier or contractor first.

Step 3

Applicants should instruct their DP to prepare all necessary documents to secure a building permit from LAC, BSD. Should Applicants desire a conditional pre-approval for the Loan prior to securing a building permit see “Note 2: Conditional Pre-Approval Process” at the end of this section (page 7).

Step 4

When DP documents are complete and have been reviewed by Applicant.

- a) Ask your DP to file a building permit application with LAC, BSD. The DP has experience working with the building department and knows what additional plans will be necessary.
- b) Applicant should submit the LACDC loan application, Schedule of Work and the same documents submitted to LAC, BSD, including the building permit application to Suzette Fox at the LACDC office. Please provide one hard copy and one electronic copy to insure a faster approval from LACDC.

Step 5

LAC, BSD usually processes most applications within thirty (30) days, providing the DP has presented a complete package and no improvement plan is required. Under no circumstances should the Applicant start construction prior to a Building Permit being issued.

Step 6

LACDC can process most applications within thirty (30) days, from the day all required information is made available. Assuming the project is in compliance with the program eligibility standards, the Terms and Conditions and Applicant has presented a reasonable credit history, LACDC shall issue an “Authorization for Funding” letter to Applicant. The Applicant has five working days to sign the agreement and return to LACDC. After which, LACDC transmits authorization approval to a participating Loan Processor on behalf of the applicant.

Step 7

Under normal circumstances, the building permit approval and the LACDC Loan Committee approval will be complete approximately at the same time (30 days). Once the Building Permit is issued, Applicants are required to bring one copy of the Building Permit approval to Suzette Fox at the LACDC office and begin construction within thirty (30) days.

Step 8

After, LACDC transmits authorization approval to a participating Loan Processor; the Applicant will need to have a meeting with the Loan Processor to set up necessary information so as work progresses, Applicant may receive funds from the Loan Processor by submitting invoices for any satisfactorily completed work.

Project Closeout

Applicant must receive and provide LACDC with a copy of the Certificate of Completion from LAC, BSD within ten (10) days of completing work in accordance with the Schedule of Work.

Questions and Assistance

Applicants are encouraged to ask questions and seek assistance early on. Below is a list of contacts which can provide related information.

1. Program eligibility, terms and conditions, procedures and forms:
Clarice Rodriguez at LACDC 505-662-001 reception@losalamos.org
2. Site/Building Standards and Permission: Your Building Owner
3. Construction and Code compliance: Your Design Professional
4. Building Permit requirements: Los Alamos County, Building Safety Division.
(Insert: address, e-mail & phone number)

Note 1: Los Alamos County, Building Safety Division

Primary building code requirements are established by the “International Building Code”. Los Alamos County, Building Safety Division has nothing to do with making these codes. Under state law the Building Safety Division is required to enforce this set of codes for the safety of all citizens. These codes are updated every three years and can be extremely confusing and complicated for someone not in the construction industry. For this reason, Applicants need to work with a design professional (DP) early on. Los Alamos County, Building Safety Division can provide you with a list of the necessary requirements for a building permit and approximate waiting periods.

It is the responsibility of your design professional (DP) to provide all required information the Building Safety Division requires; Application, project plans, specifications, engineering, site information and application. Your DP is also task with the job to insure all materials meet or exceed the building codes and certifies that all proposed construction is compliant and all zoning regulations.

Note 2: Conditional Pre-Approval Process

Applicants can be conditional, pre-approved for this Loan Program prior to securing a building permit, providing sufficient information regarding the project is presented to LACDC and there are no substantive differences with the final set of construction documents. This would include, but not necessarily limited to; conceptual project plans (site and elevation plans detailing existing and planned work), material specifications, cost estimates, descriptive narration of planned work and the Schedule of Work (construction time schedule). Design professionals (DP) can provide conceptual construction information, estimated costs and schedule of work at a minimal cost. Applicants must provide LACDC all final DP documents and a copy of the building permit application when complete to review for consistency between the prior submitted conceptual information. Providing the conceptual and final documents are reasonably consistent, the approval will be finalized. Applicants must also provide LACDC with a copy of the building permit approval from Los Alamos County, Building Safety Division prior to starting work.

**APPLICATION FOR
FACADE IMPROVEMENT LOAN PROGRAM
LOS ALAMOS COMMERCE AND DEVELOPMENT CORPORATION**

The Los Alamos Commerce and Development Corporation (LACDC) may provide financial support in the form of zero-interest loans to business owners and/or property owners to improve and/or modernize the exterior facade of buildings located in designated commercial zones in Los Alamos County. The Guidelines as provided above are made and incorporated as a part of this Application.

Instructions: Complete the form below by providing all requested information, using separate sheets of paper as necessary. Applicant needs to initial all ten pages and sign on page ten. When complete return Application, Schedule of Work and all required drawings and specifications to Suzette Fox at LACDC. Electronic copies may be provided but an original signed copy is required.

Requested Loan Amount: _____

Proposed Loan Term: _____

1. Applicant Information

Legal Business Name	
Trade name (dba)	
Street Address	
Mailing Address	
City, State, Zip	
E-mail Address	
Phone #	
Fax #	
Primary contact person	
Federal Tax ID #	
NM State Tax. and Rev. #	
County Business Reg. #	

2. This business is organized as a: (circle one)

C-Corporation S-Corporation Limited Partnership Sole Proprietorship State of: _____.

All Principals	Title	Complete Address

7. Project Plan & Schedule of Work

Please attach all prepared construction plans and specifications, project drawings, *Schedule of Work and cost estimates prepared by you and your design professional for the proposed project. This package should be an exact duplicate of what is submitted to Los Alamos County, Building Safety Division, including a copy of the Building Permit Application.

*Sample copy of the required Schedule of Work is on page 11.

Please provide one hard copy and one electronic copy of all information and documents.

8. Authorization to Proceed and Confidentiality

I (we) hereby authorize Los Alamos Commerce & Development Corporation (LACDC) and its agents and assignees to review this application and the business and financial history of the Applicant, including credit reports, references and any other means to establish creditworthiness of Applicants.

I (we) understand that the business information contained herein be subject to LACDC review but will not be used for any commercial purposes and should be marked by the applicant as confidential where applicable. LACDC will make every effort to review the application in a timely manner but makes no guarantees to the applicant of specific awards or timing of awards.

I (we) have reviewed and understand the “Façade Improvement Loan Program” Guidelines and agree to comply with all provisions and terms stated within those Guidelines until the loan is repaid in full. Furthermore, I (we) hereby certify that the information given by me (us) in this application is true and correct to the best of my (our) knowledge. I (we) certify I (we) have the authority to sign this document on behalf of

_____, which is a
(Name of Applicant)
_____, organized in the State of: _____.
(Enter Business Type: C-Corporation, S-Corporation, Limited Partnership, Sole Proprietorship)

(Print Name of Applicant) (Title) (Date)

(Signature of Applicant) (Title) (Date)

(Print Name of Applicant) (Title) (Date)

(Signature of Applicant) (Title) (Date)