

## Statements and Executive Orders

To comply with legislation passed by the Congress and Executive Orders issued by the President, Federal executive agencies, including the Small Business Administration (SBA), must notify you of certain information. You can find the regulations and policies implementing these laws and Executive Orders in Title 13, Code of Federal Regulations (CFR), Chapter 1, or our Standard Operating Procedures (SOPs). In order to provide the required notices, the following is a brief summary of the various laws and Executive Orders that affect SBA's Disaster Loan Programs.

### FREEDOM OF INFORMATION ACT (5 U.S.C. § 552)

This law provides, with some exceptions, that we must make records or portions of records contained in our files available to persons requesting them. This generally includes aggregate statistical information on our disaster loan programs and other information such as names of borrowers (and their officers, directors, stockholders or partners), loan amounts at maturity, the collateral pledged, and the general purpose of loans. We do not routinely make available to third parties your proprietary data without first doing pre-notification, as required by Executive Order #12600, or information that would cause competitive harm or constitute a clearly unwarranted invasion of personal privacy.

Send a request under this Act to the SBA office maintaining the records requested and identify it as a Freedom of Information Act (FOIA) request. The request must describe the specific records you want. For information about the FOIA, contact the Chief, FOI/PA Office, 409 3rd Street, SW, Suite 5900, Washington, DC 20416, or by e-mail at [foia@sba.gov](mailto:foia@sba.gov).

### PRIVACY ACT (5 U.S.C. § 552a)

You can request to see or get copies of any personal information that we have in your file, when that file is retrieved by individual identifiers, such as name or Social Security Numbers. Requests for information about another party may be denied unless we have the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act. This form contains written permission for us to disclose the information resulting from this collection with state, local or private disaster relief services.

Under the provisions of the Privacy Act, you are not required to provide Social Security Numbers. However, we use Social Security Numbers to distinguish between people with a similar or the same name. Failure to provide this number may not affect any right, benefit or privilege to which you are entitled by law, but having the number makes it easier for us to more accurately identify to whom adverse credit information applies and to keep accurate loan records.

The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use for SBA's loan system of records is that when this information indicates a violation or potential violation of law, whether civil, criminal, or

administrative in nature, SBA may refer it to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use of personal information is to assist in obtaining credit bureau reports, on the Disaster Loan Applicants and guarantors for purposes of originating, servicing, and liquidating Disaster loans. See, 69 F.R. 58598, 58617 (and as amended from time to time) for additional background and other routine uses.

Note: Any person concerned with the collection, use and disclosure of information under the Privacy Act may contact the Chief, FOI/PA Office, 409 3rd Street, SW, Suite 5900, Washington, DC 20416 or by e-mail at foia@sba.gov for information about the Agency's procedures relating to the Privacy Act and the Freedom of Information Act.

#### RIGHT TO FINANCIAL PRIVACY ACT OF 1978 (12 U.S.C. § 3401 et seq.)

This notifies you, as required by the Right to Financial Privacy Act of 1978 (Act), of our right to access financial records held by financial institutions that were or are doing business with you or your business. This includes financial institutions participating in loans or loan guarantees.

The law provides that we may access your financial records when considering or administering Government loan or loan guaranty assistance to you. We must give a financial institution a certificate of our compliance with the Act when we first request access to your financial records. No other certification is required for later access. Our access rights continue for the term of any approved loan or loan guaranty. We do not have to give you any additional notice of our access rights during the term of the loan or loan guaranty.

We may transfer to another Government authority any financial records included in a loan application or about an approved loan or loan guaranty as necessary to process, service, liquidate, or foreclose a loan or loan guaranty. We will not permit any transfer of your financial records to another Government authority except as required or permitted by law.

#### CONSUMER CREDIT PROTECTION ACT (15 U.S.C. 1601 et seq.)

This legislation gives an applicant who is refused credit because of adverse information about the applicant's credit, reputation, character or mode of living an opportunity to refute or challenge the accuracy of such reports. Therefore, if we decline your loan in whole or in part because of adverse information in a credit report, you will be given the name and address of the reporting agency so you can seek to have that agency correct its report, if inaccurate. If we decline your loan in whole or in part because of adverse information received from a source other than a credit reporting agency, you will be given information but not the source of the report.

Within 3 days after the consummation of the transaction, any recipient of an SBA loan which is secured in whole or in part by a lien on the recipient's residence or household

contents may rescind such a loan in accordance with “Regulation Z” of the Federal Reserve Board.

#### DEBT COLLECTION ACT OF 1982 AND DEFICIT REDUCTION ACT OF 1984 (31 U.S.C. § 3701 et seq. and other titles)

These laws require us to aggressively collect any delinquent loan payments. You must give your taxpayer identification number to us when you apply for a loan. If you receive a loan and do not make payments when they become due, we may take one or more of the following actions (this list may not be exhaustive):

- \*Report the delinquency to credit reporting bureaus.
- \*Offset your income tax refunds or other amounts due you from the Federal Government.
- \*Refer the account to a private collection agency or other agency operating a debt collection center.
- \*Suspend or debar you from doing business with the Federal Government.
- \*Refer your loan to the Department of Justice.
- \*Foreclose on collateral or take other actions permitted in the loan instruments.
- \*Garnish wages.
- \*Sell the debt.
- \*Litigate or foreclose.

#### PAPERWORK REDUCTION STATEMENT

You are not required to provide the information requested on this application unless it displays a currently valid OMB number. The estimated time to complete the application is 2 hours, which includes the time required to review the instructions, gather the necessary data, complete and review the application, and submit it, along with any additional information required. If you have questions or comments concerning this estimate, please contact: Chief, Administrative Branch, Small Business Administration, 409 3rd St, SW, Washington, DC, 20416.

#### TEXAS RESIDENCE NOTIFICATION TO OWNERS OF REAL ESTATE IN TEXAS

SBA can not disburse or reimburse funds used to repair, construct improvements or purchase materials without obtaining an assignment of a mechanic’s lien contract if your residence or business is located on homestead property.

Failure to assign a valid mechanic’s and materialman’s lien contract to SBA before using funds for which you plan to be reimbursed or SBA loan funds will prohibit SBA from securing your loan with homestead property. If SBA is not able to secure your loan with homestead property because of your actions, SBA may not be able to make a loan for your maximum eligibility under the disaster loan program unless additional security is available.

SBA will provide you with a mechanic’s and materialman’s lien contract and assignment to be executed by your contractor. To create this document, you must provide an

ownership document, such as a deed, deed of trust, release of lien, title policy, etc., with a complete legal description for your property to SBA.

SBA does not refinance home equity liens or home equity lines of credit. If you are approved for refinancing, SBA will not be able to refinance your lien if it is a home equity extension of credit.

SBA may request a copy of your lien instrument to determine if your prior loan is a home equity loan.

If you have any questions, please contact the Customer Service Center: (800) 659 - 2955, the SBA Processing and Disbursement Center: (800) 366-6303, or an SBA representative in one of our field offices.

#### COASTAL BARRIER RESOURCE ACT, Public Law 97-348

Applicants whose property has been determined by the Federal Emergency Management Agency's Flood Insurance Rate Maps (FIRM's), to be in a Coastal Barrier Resource Area (COBRA), are ineligible for SBA loan assistance due to Public Law.

The Coastal Barrier Resources Act (Public Law 97-348) prohibits Federal financial assistance to applicants located in the Coastal Barrier System. Consequently, under the provisions of the law, for those applicants in the Coastal Barrier Resource Area, SBA Disaster Assistance is prevented from making any loan for:

- (1.) replacement or repair of physical damages or,
- (2.) funds for economic injury losses or,
- (3.) funds for relocations out of the Coastal Barrier Resources Area.

If you are a vacationer, or transient staying in the area on vacation, you may have eligibility for your personal property losses. To establish this eligibility you will be asked to provide documentation of your presence in the area at the time of the disaster and to support that your stay was temporary in nature.