NEXT GENERATION FARMER LOAN PROGRAM

Program Guidelines

August 2023

pennsylvania
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT

Commonwealth of Pennsylvania | Josh Shapiro, Governor
PA Department of Community & Economic Development | dced.pa.gov
PA Department of Agriculture | agriculture.pa.gov

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE

Dear Next Generation Producer:

Farm profitability is at the core of any farm succession plan or new producer's business plan. Access to affordable capital, a capable workforce and a well-developed market are all important components of a profitable business. The **Next Generation Farmer Loan Program (NGFLP or "Program")** is a key piece of the commonwealth's commitment to the profitability of the next generation of producers, providing the opportunity to access more affordable capital through tax-exempt loans.

This Program provides an effective means for federal-state-industry partnerships to provide next generation producers a more affordable way to purchase land and other capital intensive assets to begin their agricultural enterprise. This collaborative Program is a partnership between the Pennsylvania Department of Agriculture and the Pennsylvania Department of Community and Economic Development.

The NGFLP uses federal tax-exempt financing to reduce a producer's interest rate for capital purchases. The Program may be used between a borrower and lender for a loan to make a direct purchase, or between a buyer and seller for a contract purchase. For more information, including loan limits and net worth restrictions, please contact RA-AgBusiness@pa.gov or 717-787-6041.

The unique partnership between producers, lenders and county economic development agencies will assist next generation producers and their families to begin and preserve our agricultural heritage. A strong commitment to agriculture also provides economic and societal benefits to communities, which enhance the quality of life for everyone.

If you have questions about this Program, I encourage you to contact your local industrial development authority and agricultural lender, since all financial decisions are made at the community level.

Thank you for your willingness to be a part of the newest generation of agriculture. Your commitment to helping feed a growing world is commendable, and it is my hope that this Program can help you achieve your vision for your operation.

Sincerely,

Russell C. Redding

Russell C. Redding
Secretary
Pennsylvania Department of Agriculture

Office of the Secretary
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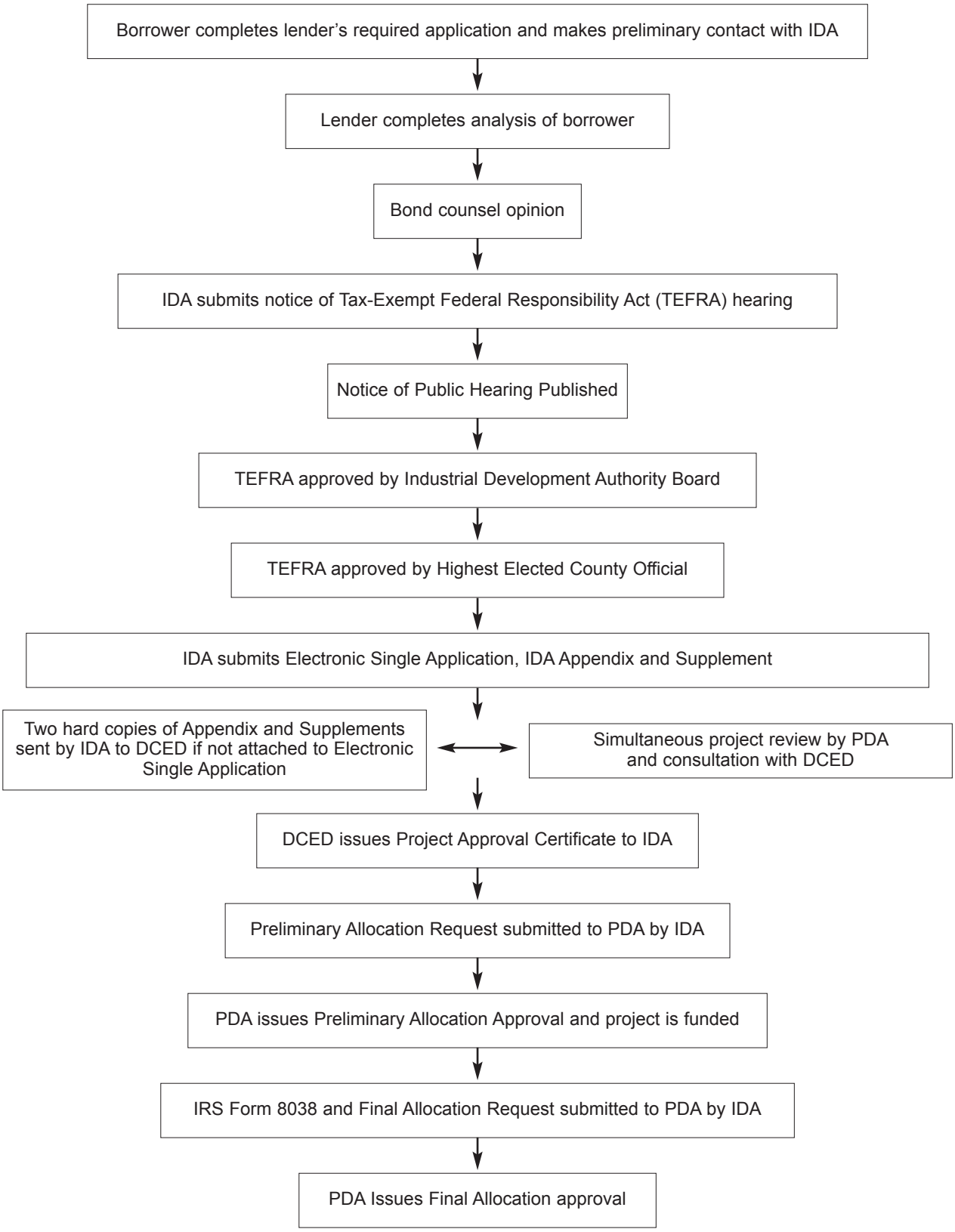
Section I – Statement of Purpose

The **Next Generation Farmer Loan Program (NGFLP or "Program")** was established pursuant to the Economic Development Financing Law, Act 102 of 1967, as amended. The purpose of the Next Generation Farmer Loan Program is to provide an effective means for federal-state- industry linkages, whereby the public sector can assist beginning and first-time farmers (borrower) to purchase land, farm equipment, farm buildings and breeding livestock.

The Program uses federal tax-exempt financing to reduce a farmer's interest rate for capital purchases. The Program may be used between a borrower and lender for a loan, to make a direct purchase of farm and agricultural machinery and equipment, or between a buyer and seller for a contract purchase. The tax-exempt interest income to the lender or contract seller enables them to charge the borrower a lower interest rate, which is exempt from federal, state, and county taxes that would be applicable.

Section II – Flow Chart



THIS PROCESS NORMALLY REQUIRES 60-90 DAYS FOR COMPLETION

Section III – Eligibility

Beginning and first-time farmers and lenders are encouraged to visit with Industrial Development Authority (IDA) staff early in the application process to ensure a smooth transaction.

A. Eligible Applicants

Eligible applicants must meet the following criteria:

1. **Credit Quality.** The borrower must work with a lending institution to obtain credit support for the financing and must meet the lender's credit standards.
2. **Residency.** The borrower must be a permanent resident of the commonwealth when the loan is issued.
3. **Age.** The borrower must be at least eighteen (18) years of age when the loan application is submitted.
4. **Capital Requirements.** The borrower will be required to document to the satisfaction of the lender it has access to adequate cash flow, working capital, farm equipment and livestock, if appropriate.
5. **Ownership and Active Participation.** The borrower must be the sole owner and principal user of the project.
6. **Prior Ownership of Agricultural Land.** The borrower must not have had any prior direct or indirect ownership interest in a substantial amount of land. A substantial amount of land is a parcel, which exceeds 30% of the median farm size in the county in which the land is located. An individual with prior ownership of land may still be eligible if the individual did not participate in the operation of a farm. Refer to Appendix C, which identifies the 30% of median farm size by county.

   Ownership or material participation by an individual's spouse or minor child is to be treated as ownership or material participation by an individual.

B. Eligible Purchases

Loan proceeds may be used for the following capital purchases only:

1. **Agricultural Land.** Land located in the commonwealth that is suitable for use in farming and which is or will be operated as a farm (excluding a home or residence on the property, which must be assessed and financed separately from the farm).
2. **Agricultural Improvements.** Any improvements, buildings, structures or fixtures suitable for use in farming which are located on agricultural land. The Program can be used to finance the purchase of new improvements on agricultural land for the maximum of $250,000. Agricultural improvements can only be financed if:
   a. the borrower either owns or purchases the agricultural land or enters into a lease agreement for at least the minimum of the term of the bond issued for the improvements;
   b. the borrower has legal documentation assuring access to the land for at least the term of the bonds; and
   c. a sufficient amount of qualified rehabilitation expenditures is incurred by the borrower with respect to the agricultural improvements within two years from the date of issue of the bonds.

3. **Depreciable Agricultural Property.** Personal property suitable for use in farming for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1986, as amended. Examples include but are not limited to, farm machinery and trucks.

   a. Feeder livestock, seed, feed, fertilizer and other types of inventory or supplies do not qualify as depreciable agricultural property. The Program can be used to finance the purchase of any new depreciable agricultural property and used depreciable agricultural property if it is purchased in conjunction with agricultural land and used in the operation of a farm to be operated on the agricultural land being purchased.

   b. **No portion of the loan proceeds may be used for the purchase of a residence. The borrower must make a down payment or obtain conventional financing for the value of a residence.**

4. **Purchase from Related Persons.** The Program can be used to purchase property from a related person. The IRS states that the following, among others, are deemed to be "related persons" of an individual: grandfather, grandmother, father, mother, brother, sister, child, grandchild, or spouse. In addition, a partnership and each of its partners (and their spouses and minor children) are related persons, as are an S corporation and each of its shareholders (and their spouses and minor children). A related person also includes certain related corporations and partnerships. The foregoing list is not exclusive. There are certain other entities and individuals that could also be considered related persons. Note that certain individuals are not related persons. For example, an aunt, uncle, nephew, niece, brother-in-law or sister-in-law would not be treated as a related person. If Program loan proceeds are used to purchase property from a related person, the borrower must certify and provide supporting documentation that <u>the purchase price of the property is at least equal to the fair market value of the project</u>. The borrower must also certify that the seller will have no continuing financial interest in the project, will not be a principal user of the project and will have no other direct or indirect ownership of the project.

C. Maximum Loan Amount

The maximum loan amount is $616,000 per borrower. If the borrower has obtained prior financing under this Program, the loan amounts when totaled cannot exceed $616,000. The maximum loan amount will be adjusted annually for inflation. The total loan proceeds allocated to the purchase price of used equipment may not exceed $62,500.

Section IV – Application Process

A. Farmers who are interested in NGFLP should contact a local Industrial Development Authority (IDA). If the IDA has an established relationship with a private lender, the IDA will refer the individual to that private lender. If the IDA does not have an established relationship with a private lender, the individual will need to contact private lenders on their own and/or request assistance from the IDA.

B. The private lender first makes its own loan analysis, determines what collateral and guarantees are necessary and sets the interest rate and payment schedule for the loan. The lender should consult with its tax advisors to calculate the appropriate interest rate. A lender who is subject to alternative minimum tax may not benefit from the tax-exempt status of the loan.

C. Upon completion of the credit review, the lender will consult with the IDA. The lender will then process the loan application and assist the individual in completing the appropriate documents.

D. The borrower will then complete the IDA's application. The IDA will review the information accompanying the application. Once the IDA's application is satisfactory the project will be presented to the IDA Board.

E. After the application has been approved by the IDA Board, a public hearing must be held on the proposed project. A notice of public hearing must be published in one or more newspapers of general circulation available to residents where IDA is located and where project is located, a radio or television broadcast where IDA is located and where project is located or an electronic post on primary website of the IDA and governmental unit where the project is located at least 7 days prior to the actual day of the meeting. The public hearing is normally held concurrently with the public meeting of the IDA Board. Once the public hearing has been held, a Highest Elected Official Letter must be obtained from the highest elected official of the county in which the project is located. Once the following items have been obtained/completed, an Electronic Single Application for Assistance must be completed and submitted to the Department of Community and Economic Development (DCED), with copies of the items to be attached to the Electronic Single Application:

1. IDA Resolution
2. Proof of Publication (a copy from the newspaper of the public hearing notice)
3. Highest Elected Official Letter
4. Bond Counsel Opinion Letter
5. Letter of Intent (from the lender)
6. IDA Appendix
7. Application Supplement

If any of these items are missing from the application submitted to DCED, the application is not considered complete. The Electronic Single Application for Assistance can be found at dced.pa.gov/singleapp.

F. When the Electronic Single Application is received, DCED will forward a copy to the Pennsylvania Department of Agriculture (PDA) for its independent review for allocation. DCED has a total of twenty (20) days to review a complete application. DCED will run Contractor Responsibility Clearance(s) and Pennsylvania Department of Revenue Clearance(s) on the principal(s). If the principal(s) are compliant with both searches, then an approval is issued. The approval certificate is transmitted to the IDA. If the principal(s) are not compliant with the commonwealth in either or both instances, the principal(s) must take corrective action for an approval to be issued.

G. After the IDA receives project approval from DCED, the IDA must submit a Preliminary Allocation Request (PAR) to PDA for the project to receive an allocation of the commonwealth's private activity bond volume cap committed to first-time farmer projects.

1. The amount of the PAR cannot be more than the approved project amount. It may, however, be less than or equal to the project approval amount.

2. The PAR must be submitted to PDA **PRIOR** to closing. If allocation is available, the PAR will be approved by PDA and the project can close. The PAR approval is valid for ninety (90) days beginning the day it is approved. The project must close within the ninety (90) day period. If the project does not close within this period, the IDA must immediately contact PDA for a PAR renewal.

H. Once the project closes, the IDA must submit a copy of the completed IRS Form 8038 and a Final Allocation Request (FAR) form to PDA for approval within fifteen (15) days of the project closing. Otherwise, the project may lose the allocation.

1. The amount of the FAR cannot be more than the PAR. It may, however, be less than or equal to the PAR approval amount.

I. After the loan documents have been signed by the borrower and lender and approved by the IDA, the IDA will authorize the lender to fund the project.

J. Fees – Fees associated with the Program will vary among lenders and are negotiated independent of the commonwealth agencies.

Section V – Nondiscrimination

No assistance shall be awarded to an applicant or project user under this Program unless the borrower certifies to DCED that the borrower shall not discriminate against any employee or against any person seeking employment by reason of race, gender, creed, color, sexual orientation, gender identity or expression, or in violation of the Pennsylvania Human Relations Act, which prohibits discrimination on the basis of race, color, religious creed, ancestry, age, sex, national origin, handicap or disability, or in violation of any applicable federal laws. All contracts for work to be paid with Next Generation Farmer Loan Program assistance must contain the commonwealth's official nondiscrimination clause.

Section VI – Definitions

The definitions used in the Next Generation Farmer Loan Program are important to lenders, local industrial development authorities, and individual(s) contemplating use of the Program.

A. **Agricultural Improvements –** Any improvements, buildings, structures or fixtures suitable for use in farming which are located on agricultural land. No portion of the loan proceeds may be used for the purchase of a residence. The applicant must make a down payment or obtain conventional financing for the value of the residence.

B. **Agricultural Land –** Land suitable for use in farming and which is or will be operated as a farm.

C. **Application –** Each application must include the following: first-time or beginning farmer's name, address, financial data, description of anticipated use of loan proceeds, amount of loan or contract sale to be financed, down payment amount (if any), statement of beginning farmer's net worth, a summary of proposed loan or contract terms and certification of the beginning farmer. If a mortgage is sought with respect to a partnership, separate applications and financial statements must be submitted by each partner and an aggregate financial statement covering the partnership and all partners must also be submitted.

D. **Beginning Farmer –** An individual or partnership with a low or moderate net worth who engages in farming or wishes to engage in farming, and that has not at any time had any direct or indirect ownership interest in "substantial farmland."

E. **Depreciable Agricultural Property –** Personal property suitable for use in farming for which income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code of 1986.

F. **Farm –** A farming enterprise which is recognized in the community as a farm rather than a rural residence.

G. **Farming –** The cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit and other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, and the production of forest products.

H. **Final Allocation Request (FAR) –** Commonwealth form that indicates the actual dollar amount of the loan to finance the project. This amount must be equal to or less than the approved PAR amount.

I. **First-Time Farmer –** A person who has never had a direct or indirect ownership interest in "substantial farmland" in the operation of which he or she has materially participated. An ownership interest or material participation by a person's spouse or minor child will be attributed to that person as well.

However, federal tax law also provides that a person's prior ownership interest in farmland will be disregarded if:

1. Such farmland was disposed of while the person was insolvent; and
2. The person was not required to recognize as income for federal tax purposes the cancellation of the indebtedness of the farmland loans (Section 108 of IRS Code).

J. **Indirect Land Ownership –** If a person holds a minimal interest in a family farm-corporation, a limited partnership, a trust, or any other type of entity which in turn owns farmland in an amount which is greater than 30 percent of the median size farm in the county, and the person materially participates in the operation of such farmland, then the person will not qualify as a first-time farmer.

K. **IRS Form 8038 –** IRS form that must be completed and filed with the IRS indicating the amount of tax-exempt allocation received. The approved FAR must be attached to this form when it is submitted to the IRS.

L. **Low or Moderate Net Worth –** For an individual, an aggregate net worth of the individual and the individual's spouse and minor children of less than $727,723 as of 2022 adjusted annually based upon the percentage change in average farm real estate values in Pennsylvania, as reported by the USDA National Agricultural Statistics Service.

1. For partnership, an aggregate net worth of all partners, including each partner's net capital in the partnership, together with each partner's spouse and minor children of less than $1,455,446 as of 2022, adjusted annually based upon the percentage change in average farm real estate values as reported by the USDA National Agricultural Statistics Service. However, the aggregate net worth of each partner shall not exceed $727,723 as of 2022 adjusted annually based upon the percentage change in average farm real estate values in Pennsylvania, as reported by the USDA National Agricultural Statistics Service.

2. The current aggregate net worth figures applicable to a determination of "low or moderate net worth" are available at your participating financial institution and/or can be accessed by contacting the Agricultural Business Development Center at RA-AGBUSINESS.pa.gov

M. **Net Worth –** Total assets minus total liabilities, as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of the beginning farmer's or partnership's net worth. Assets shall be valued at fair market value.

N. **Note Purchaser –** Any individual, lender, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity that obtains an authority note under the Program in connection with a contract sale or loan to a beginning farmer.

O. **Preliminary Allocation Request (PAR) –** Commonwealth form that requests allocation of a portion of the volume cap to be earmarked for a specific project in an amount that is equal to or less than the project approval amount.

P. **Related Persons –** According to the IRS, includes grandfather, grandmother, father, mother, brother, sister, child, grandchild or spouse. It also includes certain corporations and partnerships.

Q. **Substantial Farmland –** Any parcel of land is substantial farmland unless such parcel is smaller than 30 percent of the median size of a farm in the county where the parcel is located.

R. **Total Asset –** Total assets shall include, but not be limited to, the following: cash crops or feed on hand; livestock held for sale; breeding stock; marketable loans and securities (not readily marketable); accounts receivable; notes receivable; cash invested in growing crops; net cash value of life insurance; machinery and equipment; cars and trucks; farm and other real estates including life estates and personal residence; value of a beneficial interest in a trust, government payments or grants, and other assets. Total assets shall not include items used for personal, family or household purposes by the applicant, but in no event shall such property be excluded to the extent a deduction for depreciation is allowable for federal income tax purposes. All assets shall be valued at fair market value by the participating lender. Such value shall be what a willing buyer would pay a willing seller in the locality.

S. **Total Liabilities –** Total liabilities shall include, but not be limited to, the following: accounts payable, notes or other indebtedness owed to any source, taxes, rent, amount owed on a real estate contract or real estate mortgages, judgments, accrued interest payable, any other liabilities. Liabilities shall be determined on the basis of generally accounting principles.

T. **Volume Cap –** The dollar amount of tax-exempt obligations that each state can issue in given calendar year.

Section VII – Industrial Development Authority Contacts

For updated contact information, please go to our website at **dced.pa.gov/ngf** for additional information.

IDA APPLICATION

TYPE OF BOND FINANCING

Issuer:
- ☐ PEDFA
- ☐ IDA

Bond Type:
- ☐ Tax-Exempt
- ☐ Taxable

Tax-Exempt Category:
- ☐ Manufacturing
- ☐ Exempt Facility
- ☐ Non-Profit
- ☐ Housing
- ☐ Refunding
- ☐ Other

SIC CODES

Beneficiary SIC Code _____

Company Occupant SIC Code _____

SITE DESCRIPTION

If the project involves more than one site, or more than one facility on the site, please provide the following details for each site and for each facility.

If the project involves a NEW site:

Land (acquisition) acres _____
Facility (acquisition) sq. ft. _____
Facility (expansion) sq. ft. _____
Facility (renovation) sq. ft. _____
Facility (construction) sq. ft. _____

If the project involves an EXISTING site:

Land (existing) acres _____
Facility (acquisition) sq. ft. _____
Facility (expansion) sq. ft. _____
Facility (renovation) sq. ft. _____
Facility (construction) sq. ft. _____

RELOCATION

Is the Beneficiary or Company moving from another site? ☐ Yes ☐ No

If yes, please complete the following. *(refer to program guidelines)*

Former site: _____

Reason for move: _____

_____

Miles from project site (if move is within PA): _____

OTHER TENANTS

Please complete the following summary for each tenant (other than the Occupant) located on the project premises.
If there are no other tenants, please indicate this below.

Tenant Name	Business Activity	SIC Code	Sq. Ft. Leased

BENEFICIARY AND COMPANY / OCCUPANT ORGANIZATION DESCRIPTION

OWNERSHIP STRUCTURE

List the type of organization (sole proprietorship, corporation, general or limited partnership, limited liability company, non-profit) for both the Beneficiary Company/Occupant, as well as the year that each was formed. If applicable, list the Corporation Tax Box Number and the Sales & Use Tax License Number for each organization.

	Type of Organization	Year Formed	Corporation Tax Box #	Sales/Use Tax License #
Beneficiary:				
Co/Occupant:				

OWNERSHIP

List all principal owners, controlling stockholder or partners of both the Beneficiary and the Company/Occupant. Include the percentage of ownership of each, as well as their Social Security Number (if individual) or FEIN (if company). If the Beneficiary and/or the Company/Occupant is owned by one or more companies, list the owners of each company their percentage of ownership & social security number. If the Beneficiary and/or Company/Occupant is publicly held with no controlling stockholders, please indicate this below.

Company Name	Principal Owners	FEIN or Social Security #	Percentage of Ownership

AFFILIATED ORGANIZATIONS

List all companies with which the Beneficiary and/or the Company/Occupant are affiliated. For each affiliate, list the nature of the affiliation and the affiliate's location.

Company Name	Affiliation	Location

TAX EXEMPT ELIGIBILITY

(For Tax-Exempt Projects Only)

Please complete this section if you wish to be considered for tax-exempt financing.

RESTRICTED USES OF TAX-EXEMPT LOAN

1. No portion of the loan may be used to finance the following:

Airplane	Massage parlor
Beer or liquor store	Racetrack
Country club	Racquet sports facility
Gambling facility	Skating facility
Golf course	Sky box or other private luxury box
Health club facility	Suntan facility
Hot tub facility	Tennis club

2. For manufacturing projects, no more than **25%** of the loan can be used to construct or acquire facilities whose primary purpose is:

   Retail service of food and beverage

   Automobile sales or service

   Recreation or entertainment

3. For manufacturing projects, use of the loan for the following facilities is partially restricted:

   Residential facilities

   Farm land, buildings or equipment

   Condominium facilities such as a single building, enclosed shopping mall, strip offices, stores or warehouses using substantial common facilities.

Is the loan to be applied to any of the above uses? ☐ Yes ☐ No

If yes, please explain on a separate attachment.

REFUNDING

Is this financing a refunding of outstanding tax-exempt debt? ☐ Yes ☐ No

If yes, please attach a copy of IRS form 8038 filed in respect of debt to be refunded.

TAX EXEMPT ELIGIBILITY

(For Tax-Exempt Projects Only)

CAPITAL EXPENDITURE RESTRICTIONS *(Applicable to manufacturing projects only)*

If an individual, corporation, or partnership (or any related entity) receives over $1,000,000 in tax-exempt financing (including the current financing and any outstanding tax-exempt financing for a facility within the same jurisdiction as the proposed financing), federal tax law places the following restrictions on the Beneficiary Owner/Developer and Company/ Occupant:

The total of the following with respect to the Beneficiary and Company/Occupant (and any related entity) cannot exceed $20,000,000:

a) Tax-exempt financing for projects (including this project) or other facilities located in the same city, township, or incorporated municipality; and

b) Capital expenditures on projects (including this project) or other facilities located in the same city, township, or incorporated municipality, during the six-year period beginning three years prior to funding of this project.

Capital expenditures or bond financing of related persons count toward the $20,000,000 limit. "Related persons" include any entity related by more than 50% overlapping ownership, including ownership through family relatives.

Please list below all capital expenditures paid, incurred, or expected to be paid by the Beneficiary and Company/Occupant, in the six year period beginning three years before the anticipated commencement of this project, for projects or facilities located in the same city, township, or incorporated municipality.

Capital expenditures may include:

Land/Building	Architects, Engineers	Purchase of corporate stock
Construction	Intangibles	Capitalized credit support costs
Equipment	Tenant improvements	Capitalized property taxes
Capitalized interest	Covenants not to compete	Research and development
Legal fees	Capitalized overhead	Equipment to be moved to facility

Calendar Year	Expenditures incurred or to be incurred for this project facility	Expenditures to be incurred at other facilities in the same jurisdiction
-3		
-2		
-1		
Current Project		
+1		
+2		
+3		
TOTALS:		

TAX EXEMPT ELIGIBILITY

(For Tax-Exempt Projects Only)

OUTSTANDING TAX-EXEMPT FINANCING

Manufacturing: The Beneficiary/Developer and Company/Occupant (and any entity related to either) cannot have outstanding tax-exempt financing anywhere in the United States or its territories or possessions in excess of $40 million, including the current financing.

Non-Profit: The non-profit entity and all related persons cannot have outstanding non-hospital tax-exempt financing in excess of $150 million, including the current financing.

Does the Beneficial Owner/Developer and Company/Occupant have any outstanding tax-exempt financed facilities in the United States which fall into the following categories:

Current project. . . . . ☐ Yes ☐ No

Other facilities owned by the Beneficiary/Developer or Company/Occupant and which were financed with tax-exempt bonds. . . . . ☐ Yes ☐ No

Facilities owned by an entity in which the Beneficiary/Developer, Company/Occupant, or, a related entity of either owns more than 50% of the entity. . . . . ☐ Yes ☐ No

Facilities leased or occupied by the Beneficiary/Developer or Company/Occupant or which were financed with tax-exempt bonds. . . . . ☐ Yes ☐ No

If you answered yes to any of the above questions, please list below the outstanding amount of tax-exempt debt and the location of the facility.

Outstanding Amount of Tax-Exempt Financing	Municipality, County & State where Financed Facility is Located	Percent of Facility Owned/Occupied

TAX EXEMPT ELIGIBILITY

(For Tax-Exempt Projects Only)

FACILITY USE BREAKDOWN *(Applicable to manufacturing projects only)*

For manufacturing projects, up to, but no more than 25% of the tax-exempt proceeds may be used to finance office, research and development, and warehousing space or equipment, provided they are directly related to the manufacturing facility and are located on the same premises. **Please complete the following table which breaks down the usage of the facility to be financed.**

Activity	Floor Space to be Financed by Bonds	Percentage
Office Space		
Research & Development		
Storage of Raw Materials		
Storage of Finished Products		
Manufacturing		
Retail		
Other Industrial		
Other Commercial		
Vacant		
TOTAL		

ACQUISITION OF EXISTING FACILITY *(For manufacturing and exempt facility projects)*

Will any part of the proposed loan be used to acquire an existing building? ☐ Yes ☐ No

If yes, the Beneficiary/Developer or Company/Occupant must make qualifying rehabilitation expenditures (on the building and any existing equipment contained within it) **at least equal to 15%** of the amount of the loan spent on the acquisition. Enlargements to the building do not count toward this 15% of rehabilitation expenditures. The 15% of rehabilitation expenditures can be financed through the loan or through other sources, but must be made within two years of the date of the acquisition or the date of issuance of the tax-exempt bonds, whichever is later.

Describe the proposed rehabilitation expenditures.

Expenditure Source	Amount	Financing

IDA EXHIBITS

1. **Applicant Resolution**
   All applicants must include a resolution duly adopted by the Applicant's (IDA's) governing board. This resolution should identify the Beneficiary (borrower) and the loan amount, and briefly describe the project scope.

2. **Financial Letter of Intent**
   All applicants must include a "Letter of Intent" from a financial institution. This letter may be provided by: the letter of credit bank; the underwriter; the board purchaser or other guarantor.

3. **Contact List**
   Please attach a list with the mailing address, contact name, and contact telephone number for each of the following entities, where applicable: Company's counsel; letter of credit bank; underwriter and bond counsel.

4. **Preliminary Bond Counsel Opinion**
   ALL Next Generation Farmer Loan Applications <u>must</u> include a preliminary opinion from a qualified bond counsel that states the project appears to qualify for tax-exempt financing under federal law. The opinion should specify the federal tax-exempt category for which the project qualifies. The bond counsel firm which provides this letter should be listed in The Bond Buyer's Municipal Marketplace (known also as the "Red Book").

5. **TEFRA Information**
   Tax-exempt applications must include a proof of publication of the TEFRA public hearing notice and the necessary elected official approval for each project site. The minutes from the TEFRA hearing must be attached in any of the following circumstances:

   a. 1) if the TEFRA hearing was attended by any members of the general public, other than persons representing the Beneficiary, Company/Occupant or IDA;

   b. 2) if the project is located primarily outside of the IDA's county;

   c. 3) if the project falls under the exempt facility category or

   d. 4) if the project involves a multi-family housing facility.

6. **Applicant Fees**
   To be completed by the IDA. List all Applicant (IDA) fees to be charged to the Beneficiary for the IDA project.

	Amount	**Formula** *(if applicable)*
One-Time Fee	_____	_____
Annual Fee	_____	_____

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
CENTER FOR PRIVATE FINANCING

APPENDIX B

NEXT GENERATION FARMER LOAN PROGRAM

Supplement to the DCED Single Application

To be completed by Applicant(s) - Please complete all questions

PART I – GENERAL INFORMATION

Name	Social Security Number	Age
_____	_____	_____
_____	_____	_____

Address: _____

_____

1. **Seller of Project:** _____

   Seller's Address: _____

   _____

   Seller's Relationship to Applicant(s): _____

2. **Have you ever owned, directly or indirectly, any land?** ☐ Yes ☐ No
   If yes, please indicate the number of acres owned, the county and state in which the land was located, and the highest value of the property during the time you owned it.

   Number of Acres: _____ Highest Value: _____

   County, State: _____

3. **If you are now married, has your spouse ever owned, directly or indirectly, any land?** ☐ Yes ☐ No ☐ N/A
   If yes, please indicate the number of acres owned, the county and state in which the land was located, and the highest value of the property during the time your spouse owned it.

   Number of Acres: _____ Highest Value: _____

   County, State: _____

4. **If you have children, has any of them while under the age of 18, owned, directly or indirectly, any land?**
   ☐ Yes ☐ No ☐ N/A
   If yes, please indicate the number of acres owned, the county and state in which they were located, and the highest value of the property during the time your minor child owned it.

   Number of Acres: _____ Highest Value: _____

   County, State: _____

5. **Does the project consist in part of a residence?** ☐ Yes ☐ No

6. **Amount of loan request: $**_____

7. **Expected date of closing:** _____

To be completed by Applicant(s) - Please complete all questions

PART II – CERTIFICATION OF APPLICANT(S)

In submitting this application, I, the undersigned applicant, have read the following statements and hereby certify that:

1. I am a permanent resident of the Commonwealth of Pennsylvania at the time of bond issuance.
   ☐ True ☐ False

2. The project will be located within the Commonwealth of Pennsylvania.
   ☐ True ☐ False

3. The project shall be used only for farming by myself or my family.
   ☐ True ☐ False

4. I have previously received tax-exempt financing from a governmental entity or authority (describe the project, name of the borrower, and amount of prior loan, or indicate none). *This item must be completed; If not applicable, please indicate.*

5. Persons who are related persons to me, as described below, have previously received tax-exempt financing from a governmental entity or authority (describe the project, name of borrower, and amount of prior loan, or indicate none). "Related persons," as defined in Section 144(a)(3) of the Internal Revenue Code includes, among others, a father, mother, brother, sister, grandparent, grandchild or spouse, a partnership or corporation in which the Applicant(s) or any of the foregoing relatives has more than 50% interest, a partnership and each of its partners, and an S corporation and each of its shareholders (and their spouses and minor children).

6. None of the proceeds of the loan shall be used, in whole or in part, for working capital (including but not limited to, proceeds used to finance inventory or supplies such as feed, fertilizer, fuel, feeder cattle, pigs and lambs).
   ☐ True ☐ False

7. I have or will have access to adequate working capital, farm equipment, machinery or livestock.
   ☐ True ☐ False

8. I agree that the loan may not be assumed by another person without the prior approval of the IDA, and then only if the purchaser of the property is an eligible applicant for an NGF loan. I plan to retain the property financed by the loan for their term of the loan. I also understand the benefits of the loan resulting from the exemption from Federal income taxation of interest on the NGF mortgage must be retained by myself, and no person to whom property is traded or otherwise transferred may obtain the benefits of the NGF loan.
   ☐ True ☐ False

9. Neither I, nor any related persons, as described above, have commenced acquisition or construction of any part of the project to be financed with the proceeds of the loan and neither I, nor any related persons have entered into any contract or purchase agreement, installment or otherwise, in connection with (i) the construction or acquisition of the project or any part thereof of the project, or (ii) the off-site fabrication or acquisition of any part of the project.
   ☐ True ☐ False

10. If the project is being acquired directly or indirectly from a related party, the purchase price equals or exceeds the fair market value of the project (DCED and/or Department of Agriculture at their discretion can request copies of this documentation) and I have provided documentation to the IDA of this
    ☐ True ☐ False

11. If the project is being acquired directly or indirectly from a related party, the seller will have no continuing financial interest in the project and will not be a principal user of the project, and will have no other direct or indirect ownership or use of the project.
☐ True ☐ False

12. No member of the Board or employees of the IDA is employed by, holds any official relation to, or has any financial interest in the Applicant(s).
☐ True ☐ False

13. I will not use any of the NGF loan proceeds to purchase any interest in real estate, including any interest in a land trust, from a member of the IDA or employee of the IDA.
☐ True ☐ False

14. All representations and certifications of the Applicant(s) contained in this Application are true, correct and accurate.
☐ True ☐ False

_____ _____
Applicant's Signature Date

Address: _____

_____

Telephone: _____

_____ _____
Applicant's Signature Date

Address: _____

_____

Telephone: _____

To be completed by Lender

PART III – REPRESENTATIONS OF THE LENDER

1. **Purchase price of project:** $ _____

2. **Value of residence and any buildings, such as garage, related to residence (if N/A please indicate):**
_____

3. **Personal financial statements for applicant(s) received:** ☐ Yes ☐ No

   Net worth of applicant(s) is: $ _____

To be completed by Lender

PART IV – CERTIFICATION OF LENDER

The undersigned Lender has read the following statements and hereby certifies that:

1. The applicant is a "Beginning Farmer" as defined in III. Admin. Code Part 1400 Article XIV, as amended.
2. The applications have documented to the satisfaction of the Lender that they have sufficient education, training and experience for the anticipated farming operation.
3. To the best of the Lender's knowledge, each of the certifications of the applicants set forth in this application is true and correct.
4. The proceeds of the loan will not be used to provide working capital, including but not limited to, proceeds used to finance inventory or supplies such as feed, seed, fertilizer, fuel, feeder cattle, pigs and lambs.
5. The Lender shall not fund this project until so authorized by the IDA.

Lender: _____

Contact Name: _____

Address: _____

_____

Telephone: _____

County: _____

_____ _____

Signature Date

To be completed by Lender

PART V – SUMMARY OF LOAN TERMS

Interest Rate

1. **Interest rate calculation is:** ☐ Simple ☐ Compound
2. **If calculation is compound, how often will interest be compounded?** . . . . . _____

   If rate is fixed, the rate will be . . . . . _____

   If rate is variable, the rate at the date of closing will be . . . . . _____

   If rate is variable, how long will the initial rate remain in effect? . . . . . _____

   If rate is variable, how often will the rate be adjusted? . . . . . _____
3. **Number of points charged by Lender** . . . . . _____

Payment Provisions

1. **Term of loan in years:** _____
2. **Frequency of payments:**

	Principal	Interest
Annual	_____	_____
Semi-Annual	_____	_____
Quarterly	_____	_____
Monthly	_____	_____
. . . . .		

3. **First payment date if payment dates will not be tied to closing date:** _____
4. **Loan to contain call feature at Bank's option at any time after five years?** ☐ Yes ☐ No
   If yes, explain when call option may initially be exercised and at what intervals thereafter:

Public Hearing Notice Information - Location of Farm

County: _____

Township: _____

For projects including farmland or improvements, driving directions from the nearest edge of the nearest town, including names or numbers of all roads. For projects with equipment only, no driving directions are necessary.

FAIR MARKET VALUE CERTIFICATE

To be completed if seller is grandparent, parent, or sibling.

The undersigned on behalf of _____ (the "Lender") in connection with the sale from _____ (the "Seller") of Agricultural Land, Agricultural Improvements and /or Depreciable Agriculture Property as identified: _____

_____

_____

_____

_____

to _____ (the "Beginning Farmer"), to be financed through the Next Generation Farmer Loan Program, hereby certifies that the purchase price being paid by the Beginning Farmer to the Seller for the Project is the fair market value of the Project.

IN WITNESS WHEREOF, I have hereunto set my official signatures as of:

_____ day of _____, 20_____

_____
(Lender/Bank Name)

_____
(Signature of Loan Officer)

_____
(Print or Type Name of Loan Officer)

_____
(Title)

RELATED PERSON CERTIFICATE

To be completed only if seller is grandparent, parent, or sibling.

The undersigned Seller(s) owns the following Agricultural Land, Agricultural Improvements, and/or Depreciable Agricultural Property (the “Project”)

_____

_____

_____

_____

which is being sold to _____ (the "Beginning Farmer") and is being financed through the Next Generation Farmer Loan Program.

IN WITNESS WHEREOF, I have hereunto set our official signatures as of:

_____ day of _____, 20_____

SELLER:

By _____
(Signature of Seller)

_____
(Print or Type Seller’s Name)

By_____
(Signature of Spouse)

_____
(Print or Type Spouse’s Name)

Pennsylvania Median Farm Size

by County (Pennsylvania Average Farm Size, 2020)

County	Median Acres	30% of Median
Pennsylvania	***65***	***19.5***
Adams	49	14.7
Allegheny	32	9.6
Armstrong	100	30
Beaver	52	15.6
Bedford	105	31.5
Berks	52	15.6
Blair	82	24.6
Bradford	131	39.3
Bucks	17	5.1
Butler	66	19.8
Cambria	70	21
Cameron	85	25.5
Carbon	44	13.2
Centre	73	21.9
Chester	32	9.6
Clarion	98	29.4
Clearfield	75	22.5
Clinton	80	24
Columbia	60	18
Crawford	75	22.5
Cumberland	60	18
Dauphin	46	13.8
Delaware	6	1.8
Elk	53	15.9
Erie	64	19.2
Fayette	74	22.2
Forest	110	33
Franklin	91	27.3
Fulton	105	31.5
Greene	109	32.7
Huntingdon	100	30
Indiana	78	23.4

County	Median Acres	30% of Median
Jefferson	105	31.5
Juniata	68	20.4
Lackawanna	84	25.2
Lancaster	49	14.7
Lawrence	73	21.9
Lebanon	33	9.9
Lehigh	33	9.9
Luzerne	60	18
Lycoming	89	26.7
McKean	91	27.3
Mercer	70	21
Mifflin	74	22.2
Monroe	38	11.4
Montgomery	20	66
Montour	60	18
Northampton	30	9
Northumberland	62	18.6
Perry	76	22.8
Philadelphia	3	0.9
Pike	27	8.1
Potter	122	36.6
Schuylkill	59	17.7
Snyder	51	15.3
Somerset	110	33
Sullivan	109	32.7
Susquehanna	109	37
Tioga	125	37.5
Union	76	22.8
Venango	70	21
Warren	86	25.8
Washington	77	23.1
Wayne	100	30
Westmoreland	60	18
Wyoming	100	30
York	30	9

Source: 2017 USDA NASS Census of Agriculture, released 4/11/2020