



SBA Information Notice

TO: All SBA Employees and 7(a) Lenders, and Certified Development Companies, Applicants and Borrowers of the 7(a) and 504 Loan Programs

CONTROL NO.: 5000-847027

EFFECTIVE: May 10, 2023

SUBJECT: Issuance of SOP 50 10 7

The purpose of this Notice is to inform 7(a) Lenders, Certified Development Companies (CDCs), together known as “SBA Lenders,” SBA employees, and Applicants and Borrowers of the 7(a) and 504 Loan Programs of the issuance of Standard Operating Procedure (SOP) 50 10 7, Lender and Development Company Loan Programs.

SOP 50 10 7 will become effective August 1, 2023 and will apply to all applications¹ received by SBA on or after that date. SBA Lenders and SBA employees must continue to use SOP 50 10 6 for 7(a) and 504 applications submitted through July 31, 2023.

This update to the SOP provides additional guidance and incorporates revisions to conform to changes in SBA regulations and Loan Program Requirements, including but not limited to:

- Regulatory Reform Initiative: Streamlining and Modernizing the 7(a), Microloan, and 504 Loan Programs to Reduce Unnecessary Regulatory Burden, (Deregulatory Rule) [87 FR 38900](#), published June 30, 2022, effective Aug. 1, 2022
- Small Business Size Standards: Calculation of Number of Employees for All Programs and of Average Annual Receipts in the Business Loan, Disaster Loan and Small Business Investment Company Programs, published June 6, 2022, effective July 6, 2022 [87 FR 34094](#)
- Debt Refinancing in the 504 Loan Program published July 29, 2021, published and effective July 29, 2021 [86 FR 40775](#)
- Affiliation and Lending Criteria for the SBA Business Loan Programs published April 10, 2023 and effective May 11, 2023 [88 FR 21074](#)

¹ SBA is in the process of updating application forms to correspond with SOP changes.

- Small Business Lending Company (SBLC) Moratorium Rescission and Removal of the Requirement for a Loan Authorization published April 12, 2023 and effective May 12, 2023 [88 FR 21890](#)
- [SBA Information Notice 5000-20094](#) SAM Registration
- [SBA Information Notice 5000-20068](#) New IRS Form 4506 for IRS IVES
- [SBA Policy Notice 5000-808830](#) 504 Debt Refinance
- [SBA Procedural Notice 5000-829036](#) Revised Guidance on 7(a) Loan Increases
- [SBA Procedural Notice 5000-829416](#) Use of IRS Form 8821
- [SBA Procedural Notice 5000-835230](#) 504 Appraisal Review

Users are advised to fully read SOP 50 10 7 to ensure understanding of all changes.

The significant changes to the SOP include the following:

FORMAT UPDATE:

Part 1, Participating in the SBA 7(a) and 504 Loan Programs: Part 1 in SOP 50 10 6 has been removed from SOP 50 10 and the contents of that Part can be found in the new SOP 50 56.

Part 2, SBA Business Loan Requirements: Due to the removal of Part 1 from the SOP, the remaining text is no longer referred to as Part 2.

SBA 7(a) and 504 Business Loan Requirements (formerly known as Part 2): Divided into three sections.

Section A: Core Requirements for all 7(a) and 504 loans

Section B: 7(a) Loan program specific requirements

Section C: 504 Loan program specific requirements

The chapters and paragraphs listed below have either received new titles or have been relocated.

Section A: Core Requirements for all 7(a) and 504 loans

Chapter 1: Primary Applicant Eligibility Requirements Validated by SBA

- A. Applicant Certification (New)
- B. Operating Business (formerly A. of Part 2, Section A, Chapter 1)
- C. Organized for Profit (formerly B. of Part 2, Section A, Chapter 1)
- D. Located in the United States (formerly C. of Part 2, Section A, Chapter 1)
- E. Small Under SBA Size Requirements (formerly D. of Part 2, Section A, Chapter 1)
- F. Types of Ineligible Businesses (formerly A. of Part 2, Section A, Chapter 3)
- G. Businesses Owned by Non-U.S. Citizens (formerly C. of Part 2, Section A, Chapter 3)

Chapter 2: Credit Not Available Elsewhere and Special Transaction Structures

- A. Credit Not Available Elsewhere (formerly E. of Part 2, Section A, Chapter 1)
- B. Special Transaction Structures (formerly Part 2, Section A, Chapter 2)

Chapter 3: Use of Proceeds (formerly Part 2, Section A, Chapter 4)

Chapter 4: Ethics, Fees, and Agents (formerly Part 2, Section A, Chapter 5)

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- Chapter 5:** Other Core Requirements (formerly Part 2, Section A, Chapter 6)
- Section B:** 7(a) Loan program specific requirements (formerly in Part 2)
 - Chapter 1:** Standard 7(a) Loans (Loans greater than \$500,000) (retitled)
 - Chapter 2:** 7(a) Small Loans & SBA Express (retitled and 7(a) Small Loans was formerly included in Section B, Ch. 1)
 - Chapter 5:** E-Tran Terms and Conditions Through Disbursement (retitled)
- Section C:** 504 Loan program specific requirements (formerly in Part 2)
 - Chapter 2:** SBA E-Tran Terms and Conditions Through Disbursement (retitled)
 - A. SBA E-Tran Terms and Conditions (retitled)
 - B. Modifying the SBA E-Tran Terms and Conditions (retitled)

SIGNIFICANT PROCEDURAL UPDATES:

Section A. Core Requirements for all 7(a) and 504 Loans

Chapter 1: Primary Applicant Eligibility Requirements Certified by Applicant and Validated by SBA

Chapter 1 contains all of the eligibility requirements validated by SBA. SBA Lenders and SBA may now accept as true the information provided by the Applicant, and if the Applicant eligibility information and certification of same is determined to be invalid at any time over the loan life cycle, for 7(a), SBA will not use this as a basis to deny or repair the guaranty purchase request and for 504, it will not impact the debenture guaranty. SBA will take on this responsibility using a real-time information check through SBA technology platforms. SBA Lenders will digitally submit E-Tran loan authorization application requests to SBA, which will screen for eligibility. SBA will determine whether the Applicant is eligible by requiring the Applicant to certify to certain program eligibility requirements and validating those certifications through a digital real-time regulatory framework.

If the eligibility compliance checks return a compliance check error code for the Applicant, the SBA Lender must work with SBA’s loan processing centers to clear the code (regardless of whether the SBA Lender is processing the loan via delegated or non-delegated authority). Once the code is cleared, an SBA Lender processing a loan under delegated authority may continue processing the loan via delegated authority.

Chapter 1 now contains all of the contents formerly located in Part 2, Section A, Chapter 1, “Primary Eligibility Requirements” (except for “Demonstrate the Need for Desired Credit”), and “Types of Ineligible Businesses” formerly located in Part 2, Section A, Chapter 3.

- Character Determinations and Loans to Businesses with Associates who have Criminal Background: Revised the guidance on loans to businesses with Associates who have criminal backgrounds to conform to regulatory updates to 13 CFR § 120.110(n). Removed the requirement to complete Character Determinations for these individuals.
- SBA removed the prohibition using loan proceeds for religious activities and removed the requirement for SBA Lenders to complete SBA Form 1971, “Religious Eligibility Worksheet”.

Chapter 2: Credit Not Available Elsewhere and Special Transaction Structures

- Credit not available elsewhere: SBA and delegated SBA Lenders are not required to consider the personal resources of owners of the Applicant, and SBA will not evaluate the personal liquidity of owners at the time of SBA lender purchase request, non-delegated loan origination review, or for purposes of portfolio regulatory compliance during PARRiS and SMART lender reviews. In addition, SBA acknowledges that the certification of credit not available elsewhere for the reasons enumerated in the regulation constitutes on its face that the Lender or CDC has examined the availability of credit to the applicant, has based its certification upon that examination, and has substantiation in its file to support the certification. The SBA Lender must certify that the Applicant does not have the ability to obtain some or all of the requested loan funds on reasonable terms from non-Federal, non-State, or non-local government sources, including from the SBA Lender or Third Party Lender, without SBA assistance. The SBA Lender can document the justification for credit not available elsewhere with an automated process where the SBA Lender selects one of the designated categories outlined in the regulation. There is no requirement for written justification in the Lender's credit memorandum.

Chapter 3: Uses of Proceeds

- **(504 Projects Only)** Eligible Use of Proceeds: For a 504 loan, when a Borrower uses loan proceeds to acquire (by purchase or lease) and installs fixed assets, the assets must have a useful life of at least 10 years and be at a fixed location, although short-term financing for equipment, furniture, and furnishings may be permitted where essential to and a minor portion of the 504 Project.
- Occupancy and Leasing Requirements: Removed the requirements for an assignment of lease and Landlord's waiver.

Chapter 4: Ethics, Fees, and Agents

- Debarment, Suspension, and Exclusion (SAM.gov): Revised guidance on SBA Lender responsibility to consult the System for Award Management's Exclusions (SAM Exclusions) for Agents. SBA Lenders will only be required to conduct a SAM Exclusions search once, prior to the Agent's first day of work on SBA-related business.
- **(7(a) Loans Only)** Fees and Expenses the Lender May Collect from the Applicant or Borrower: All users should read this section carefully, as SBA has rewritten this section to permit Lenders to charge additional fees and in higher amounts to Applicants and Borrowers. SBA will permit Lenders to charge the Applicant a flat fee up to \$2,500.

Chapter 5: Other Core Requirements

- Guaranties – Personal and Corporate/Other: Clarified that SBA Lenders must obtain financial statements from all individuals and entities guaranteeing the loan except for Supplemental Guarantors or when the SBA Lender credit scores owners/guarantors for

7(a) loans \$500,000 or less or for 504 projects \$500,000 or less. See below for the definition of Supplemental Guarantor.

- IRS Tax Transcript/Verification of Financial Information: Revised guidance for use of IRS Form 8821 to allow an SBA Lender that uses a Lender Service Provider (LSP) to list both the SBA Lender and the LSP as designees on line 2.
- **(7(a) Loans Only)** IRS Tax Transcript/Verification of Financial Information: Revised guidance to state that for 7(a) loans \$500,000 or less, the Lender must follow the same processes and procedures that it uses to verify financial information for its similarly-sized, non-SBA guaranteed commercial loans, but at a minimum, the Lender must collect business tax returns or tax transcripts to confirm the Applicant filed taxes. For 7(a) loans greater than \$500,000, Lenders must obtain tax return transcripts for the last 3 years, unless the Applicant or Operating Company is a Start-Up Business).
- Hazard Insurance: Revised guidance for 504 loans of all sizes, SBA requires hazard insurance on what is being financed by the 504 loan. For 7(a) loans greater than \$500,000 and for 504 projects greater than \$500,000, SBA requires hazard insurance on all assets pledged as collateral. For 7(a) loans \$500,000 or less and for 504 projects \$500,000 or less, hazard insurance is required for all real estate acquired, refinanced, or improved with the proceeds of an SBA loan. For 7(a) loans \$500,000 or less, for non-real estate collateral, SBA requires hazard insurance in accordance with the Lender's hazard insurance policies for their similarly-sized non-SBA guaranteed commercial loans.
- Flood Insurance: Revised guidance to state if any portion of a building purchased with proceeds of an SBA loan that is collateral for the loan is located in a special flood hazard area, the SBA Lender must require the Applicant to obtain flood insurance for the building and equipment, fixtures, or inventory that is collateral for the loan under the NFIP or comparable private flood insurance. Policies for condominium and cooperative units will consist of a policy obtained by the individual unit owner for the particular unit.
- **(7(a) Loans Only)** Life Insurance: Revised guidance to state for all 7(a) loans, Lenders must follow their internal policy for similarly-sized, non-SBA guaranteed commercial loans. When required, the Lender must obtain a collateral assignment identifying the 7(a) Lender as assignee that is acknowledged by the Home Office of the Insurer.
- Environmental Policies and Procedures: Revised guidance to state that environmental policies apply only to real estate acquired, refinanced, or improved by the loan proceeds. This section is not applicable to real estate collateral that is available from, for example, a lien filed for a loan where proceeds are not used to acquire, refinance, or improve the real estate.
- Environmental: For Child-Occupied Facilities, there is a new lead risk assessment and new testing for lead in drinking water at all indoor and outdoor taps and fountains accessible to children and therefore potentially used as a drinking water source for children are required for each new loan. The assessment and any tests must have been conducted within one year of submission of the reports to SBA or reliance upon the report by a Lender utilizing its delegated authority.

Section B. 7(a) Loan Program Specific Requirements

SBA has made the following changes that affect only 7(a) Lenders:

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- SBA has redefined Standard 7(a) loans as 7(a) loans that are greater than \$500,000.
- 7(a) Small and SBA Express are combined in one 7(a) delivery method chapter. 7(a) Small loans are loans that are \$500,000 or less and may be processed under Preferred Lender Program (PLP) authority or non-delegated through the Loan Guaranty Processing Center (LGPC). 7(a) Small loans exclude: Standard 7(a) loans, SBA Express, Export Express, CAPLines, Export Working Capital Program (EWCP), and Community Advantage Pilot Program loans. SBA Express loans are 7(a) loans that are \$500,000 or less and may only be made by a Lender with SBA Express authority. SBA Express Lenders may ***not*** request that an SBA Express loan be processed under non-delegated authority by SBA's LGPC.
- For 7(a) Small Loans: SBA revised guidance to state that all 7(a) Small Loan applications will begin with a screening for an SBSS Score. If the Applicant receives an acceptable SBSS Score, the Lender will close and disburse the loan in accordance with the same processes and procedures it uses for its similarly-sized, non-SBA guaranteed loans. If the Applicant does not receive an acceptable SBSS Score: i) Lenders may submit via E-Tran a 7(a) loan application for processing under non-delegated procedures to the LGPC; or ii) PLP Lenders may approve an application that does not receive an acceptable SBSS credit score using their PLP authority. PLP Lenders may override an unacceptable SBSS score by completing a cashflow analysis that demonstrates the reasonable reassurance of repayment. SBA will not deny the Lender request for loan guaranty based solely upon the Lender's decision to use its PLP authority to underwrite the cashflow of the business.
- Debt refinance for Standard 7(a), 7(a) Small, and SBA Express, SBA has rewritten the debt refinance procedures. Users should carefully read the debt refinance requirements to ensure understanding of all changes.
- Equity requirements for Standard 7(a) loans and International Trade Loans (ITL): Except for transactions for changes in ownership, Lender's requirement for equity and equity injection must be consistent with its requirements for similarly-sized, non-SBA guaranteed commercial loans. However, the Lender may use its discretion to reduce the amount of equity and/or equity injection required if it determines that the Applicant needs leverage that exceeds the Lender's conventional requirements. If the Lender or SBA requires an equity injection, the Lender must use the same processes to verify the equity injection as it uses for its similarly-sized, non-SBA guaranteed commercial loans.
- Equity requirements for 7(a) Small and SBA Express: The credit decision, including how much to factor in a past bankruptcy or whether to require an equity injection, is left to the business judgment of the Lender. Also, if the Lender requires an equity injection and, as part of its standard processes for similarly-sized, non-SBA guaranteed commercial loans verifies the equity injection, it must do so for its 7(a) Small and SBA Express loans.
- 7(a) Partial Changes of Ownership: For Standard 7(a), 7(a) Small, and SBA Express, partial changes of ownership are permitted. Loan proceeds may be used to fund the purchase of a portion of one or more owner's interest in the business or of the business itself. Both the business and the individual owner(s) who is acquiring the ownership interest must be co-borrowers on the new loan. All remaining owners are subject to the requirements for guaranties in Section A, Ch. 5, Para. A, Guaranties; however, the percentages of ownership for this requirement will be based on the post-sale percentage of ownership in the business. Note that for ESOP transactions, there is a statutory

requirement that if the seller of the employer small business remains as a partial owner, the seller must provide a full, unlimited guarantee regardless of ownership – this statutory requirement cannot be waived. The seller may stay on as an owner, officer, director, stockholder, Key Employee, or employee of the business.

- Complete Changes of Ownership: For Standard 7(a) complete changes of ownership: SBA revised guidance to state that seller debt may not be considered as part of the equity injection unless either it is on full standby for 24 months of the 7(a) loan, or a debt that is on partial standby (interest payments only being made) may be considered equity when there is historical business cash flow available to make the payments, and at least a quarter of the SBA-required equity injection is from a source other than the seller.
- For variable interest rate loans, the date the “complete loan application is received by SBA” is the date the loan is approved and assigned an SBA loan number (for both delegated and non-delegated processing).
- Collateral for all 7(a) delivery methods: SBA revised guidance to state that, except for ITL, for loans of \$50,000 or less, the Lender is not required to take collateral.
- Collateral for 7(a) Small loans and SBA Express loans: Lenders must use commercially reasonable and prudent practices to identify collateral, which conforms to procedures at least as thorough as those used for their similarly-sized non-SBA guaranteed commercial loans. For loans over \$50,000, the Lender must follow the written collateral policies and procedures that it has established and implemented for its similarly-sized, non-SBA guaranteed commercial loans.
- Submission of Application for Guaranty: SBA revised requirements for the identification of owners to require the Lender to identify the Beneficial Owners of 20% or more of the Applicant’s ownership in E-Tran. Additionally, SBA revised the required contents of the application. SBA added a definition of Beneficial Owner.
- CAPLines, Export Express and EWCP: Added new definitions for Exports, Export Transaction, Domestic-to-Foreign Export, Foreign-to-Foreign Export.
- CAPLines: SBA added guidance to make it clear that CAPLines may be used for Domestic-to-Foreign Exports, Foreign-to-Foreign Exports, and Indirect Exports. Additionally, SBA clarified that in CAPLines, the cash flow of the Applicant may include the conversion of assets to cash.
- E-Tran Terms and Conditions (formerly “Authorization”) Through Disbursement for All 7(a) Loans: SBA has rewritten this SOP section for all 7(a) loans. Users should carefully read this section to ensure understanding of all changes.

Section C. 504 Loan Program Specific Requirements

SBA has made the following changes that affect only CDCs:

- Primary Program Eligibility Factors: At least 1 Job Opportunity must be created or retained per every \$90,000 of project debenture (\$140,000 for Small Manufacturers (defined as a small business with its primary NAICS Code in Sectors 31, 32, and 33 with all its production facilities located in the United States) and projects that meet an energy public policy goal. A Project that achieves one of the Community Development or Public Policy Goals listed in 13 CFR § 120.862 is eligible if the CDC’s portfolio of 504 loans,

including the subject loan, meets or exceeds the CDC's required job opportunity average. Loan applications must indicate how the Project will meet the specified economic development objective.

- Permissible Debt Refinance without Expansion: SBA revised guidance for refinancing a project of a qualified debt per [SBA Policy Notice 5000-808830](#). Users should carefully review the revisions as they are extensive.
- 504 Loan and Debenture Terms and Conditions: For loan maturities, if there is a balloon payment, it must be justified in the loan report and clearly identified in the SBA issued E-Tran Terms and Conditions. ([13 CFR § 120.921\(a\)](#))
- Borrower Contribution: SBA added guidance to clarify that SBA allows Borrower's equity in equipment to be counted toward Borrower Contribution in 504 debt refinancing with and without expansion if the debt was originally used to acquire the specific equipment. The Borrower's equity in land and/or buildings and/or equipment previously acquired may be counted toward the Borrower's contribution if the land and/or buildings and/or equipment are part of the Project.
- Collateral Analysis: SBA added the requirement that CDCs must disclose any deed restrictions on the project property in the collateral analysis section of the CDC's credit memorandum.
- Collateral and Appraisals: If the appraisal comes in at less than 90% of the estimated value, the debenture must be reduced or, if available, the CDC must secure additional collateral or additional investment from the Borrower and/or guarantors that will be added to the required Borrower's Contribution and will be sufficient to address the gap in value.
- Contents of a 504 Loan Application: SBA added the requirement for CDCs to collect personal financial statements from any proposed guarantors, except Supplemental Guarantors. CDCs must select the same type of form the CDC used when verifying borrower financial information; IRS Form 4506-C, IVES Request for Transcript of Tax Return or IRS Form 8821, Tax Information Authorization. IRS Transcripts and complete verification of borrower financial information are not required until loan closing.
- SBA E-Tran Terms and Conditions: SBA added the requirement that the SBA E-Tran Terms and Conditions contain special provisions for personal property, equipment and fixtures as collateral. If the collateral for the loan includes equipment and/or fixtures, the CDC must obtain a list of all equipment and fixtures that are collateral for the loan. For items with a unit value of \$5,000 or more, the list must include a description of the equipment/fixture and serial number, if applicable. The list should be included in the collateral description (Item 4. COLLATERAL) on the UCC-1 Financing Statement.
- Responsibility for Closing the 504 Loan and Debenture: SBA added guidance stating that a Priority CDC may not use in-house counsel as its designated attorney. Because the opinion of counsel is only one component of the loan closing, a CDC may not use its in-house counsel to close a 504 loan and obtain an opinion of counsel from an outside designated attorney. The very limited circumstances under which one attorney performs the closing and another attorney provides the opinion of counsel are outlined in the boilerplate opinion of counsel and involve a project in one state and the CDC counsel in another.

- CDC’s Responsibilities: Electronically submit closing packages by the deadline established by SBA counsel. No late closing packages will be accepted. SBA counsel will hold late packages over for the next month’s debenture sale.
- Guidehouse LLP referenced as the current Central Servicing Agent (CSA) for 504 loans.

APPENDICES

Appendix 3 – Definitions

SBA has:

- Redefined 7(a) Small loans as 7(a) loans of \$500,000 or less. Added Standard 7(a) loans and removed International Trade Loans from the 7(a) Small Loans exclusion list.
- Removed the definition of Authorization.
- Added a definition of Beneficial Owner:(7(a) and 504) A Person who owns a concern directly or indirectly through another entity. For example, if Jane Doe owns 100% of Jane Doe, Inc., and Jane Doe, Inc., owns 50% of the Applicant, Jane Doe is the beneficial owner of 50% of the Applicant.
- Removed the definition of Character Determination Package.
- Added a definition of Domestic-to-Foreign Export: (7(a)) A transaction in which the Borrower sells to a foreign buyer. This definition also includes digital, service, and other intangible transactions in which no physical goods are being shipped.
- Added a definition of Export Transaction: (7(a)) The production and payment associated with a sale of goods or services to a foreign buyer. Eligible transactions include Domestic-to-Foreign Exports, Foreign-to-Foreign Exports, and Indirect Exports.
- Added a definition of Exporter: (7(a)) A small business concern engaged in or proposing to engage in an eligible Export Transaction.
- Added a definition of Foreign-to-Foreign Export: 7(a)) A transaction in which the Borrower sells to a foreign buyer, but the goods do not leave a United States port of export.
- Added a definition of Indirect Export: (7(a) and 504) The term “indirect export” applies to situations where, although the Borrower’s direct customer is located in the United States, that customer will be exporting the items/services it purchased from the Borrower to a foreign buyer. In such cases, the Borrower must provide documentation to the Lender from the Borrower’s domestic customer (typically in the form of a letter, invoice, order, or contract) that the goods or services are in fact being exported.
- Added language to the definition of Qualified Source: “and is independent of the loan production function, not involved in the approval of the transaction, and must not have the appearance of a conflict of interest” to make it clear that a Qualified Source may be an employee of the lender as long as there is no conflict of interest.
- Redefined Standard 7(a) loans as 7(a) loans that are greater than \$500,000. Added 7(a) Small to the list of excluded loans for Standard 7(a) loans.
- Added a definition of Supplemental Guarantor: (7(a)) A person or entity that a Lender requires to provide a guaranty out of an abundance of caution and that is not otherwise required by SBA Loan Program Requirements to provide a guaranty.

- Added a definition of Veteran: (7(a) and 504) (Title 38, [Section 101](#)(2), (10), & (18) 7(a) and 504): A person who served in the active military, naval, or air service (i.e., the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof), and who was discharged or released therefrom under conditions other than dishonorable. The term “discharge or release” includes (A) retirement from the active military, naval, or air service, and (B) the satisfactory completion of the period of active military, naval, or air service for which a person was obligated at the time of entry into such service, or, in the case of a person who, due to enlistment or reenlistment, was not awarded a discharge or release from such period of service at the time of such completion thereof and who, at such time, would otherwise have been eligible for the award of a discharge or release under conditions other than dishonorable.

Questions

Questions concerning this Notice may be directed to the Lender Relations Specialist in the [local SBA Field Office](#).

Questions may be submitted to SOP50106@sba.gov, 7aQuestions@sba.gov or 504Questions@sba.gov. Please do not submit your question to more than one of these email accounts.

Dianna L. Seaborn
Director
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